

THE BANGLADESH UNANI AND AYURVEDIC PRACTITIONERS ORDINANCE, 1983

(ORDINANCE NO. XXXII OF 1983).

[17th July, 1983]

An Ordinance to provide for the regulation of the qualifications and registration of practitioners of Unani and Ayurvedic systems of medicine.

WHEREAS it is expedient to provide for the regulation of the qualifications and registration of practitioners of Unani and Ayurvedic systems of medicine and for matters connected therewith;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:-

Short title

1. This Ordinance may be called the [Bangladesh Unani and Ayurvedic Practitioners Ordinance](#), 1983.

Definitions

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

(a) "Board" means the Bangladesh Board of Unani and Ayurvedic systems of medicine established under section 3;

(b) "Chairman" means the Chairman of the Board; (c) "prescribed" means prescribed by rules or regulations made under this Ordinance;

(d) "recognised" means recognised by the Government for the purposes of this Ordinance;

(e) "register" means a register of practitioners of Unani and Ayurvedic systems of medicine maintained under this Ordinance;

(f) "registered practitioner" means a practitioner whose name is for the time being entered in a register;

(g) "Registrar" means the Registrar of the Board;

(h) "regulations" means regulations made under this Ordinance;

(i) "rules" means rules made under this Ordinance;

(j) "Tabib" or "Hakim" means a practitioner of Unani system of medicine;

(k) "Unani and Ayurvedic systems of medicine" means the Unani Tib and Ayurvedic (including the Siddha) systems of medicine whether supplemented or not by such modern advances as the Board may, from time to time, determine;

(l) "Vaid" or "Kabiraj" means a practitioner of Ayurvedic system of medicine.

**Establishment
and
incorporation of
the Board**

3. (1) As soon as may be after the commencement of this Ordinance, the Government shall, by notification in the official Gazette, establish a Board to be called the Bangladesh Board of Unani and Ayurvedic systems of medicine for carrying out the purposes of this Ordinance.

(2) The Board shall be a body corporate, having perpetual succession and a common seal with power, subject to the provisions of this Ordinance, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

CHAPTER II

CONSTITUTION AND FUNCTIONS OF THE BOARD

**Composition of
the Board**

4. (1) The Board shall consist of the following members, namely: -

(a) a Chairman to be appointed by the Government;

(b) two members to be nominated by the Government, of whom one each shall be from amongst the practising Hakims and Vaid;

(c) one member from each administrative division to be elected by the registered practitioners of Unani system of medicine from amongst themselves;

(d) one member from each administrative division to be elected by the registered practitioners of the Ayurvedic system of medicine from amongst themselves;

(e) two members to be nominated by the Government from amongst the teachers of recognised teaching institutions of Unani and Ayurvedic systems of medicine.

(2) Notwithstanding anything contained in sub section (1), for the purpose of constitution the Board for the first time, the members required to be elected under clauses (c) and (d) of that sub section, shall be nominated by the Government.

Elections

5. Elections under this Ordinance shall be held at such time and place and in such manner as may be prescribed by rules.

Publication of names, etc

6. The Government shall publish in the official Gazette, the names of the Chairman and other members of the Board together with the dates on which such members are nominated or elected.

Term of office of members

7. (1) The members of the Board 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 Board shall, subject to the other provisions of this Ordinance and the rules to be made thereunder, hold office until the election or nomination, as the case may be, of his successor at the end of the prescribed term.

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

(4) If a vacancy in the office of a member occurs during the prescribed term, through death, resignation, disability, or otherwise, the vacancy shall be filled in accordance with the provision of this Chapter and the member nominated or elected to fill the vacancy shall hold office until his successor is nominated or elected at the end of the prescribed term.

Vacancies not to invalidate proceedings of the Board

8. No act or proceeding of the Board shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the composition of, the Board.

Resignation from membership

9. The Chairman may resign his office by letter addressed to the Government and any member may, at any time, resign his office by

letter addressed to the Chairman and such resignation shall take effect from the date it is accepted by the Government or the Chairman, as the case may be.

Declaration of vacancies

10. If any member-

(a) absents himself, without such reason as may in the opinion of the Board be sufficient, from three consecutive ordinary meetings of the Board; or

(b) becomes subject to any of the disqualifications mentioned in section 11;

the Board shall declare his office vacant.

Disqualification of members

11. No person shall be a member of the Board if-

(a) he is an undischarged 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 offence, which in the opinion of the Government, involves moral turpitude.

Control over the Board

12. If, in the opinion of the Government, anything done or intended to be done by or on behalf of the Board is not in conformity with the provisions of this Ordinance, or is in any way against the public interest, the Government may, by order,-

(a) quash the proceedings;

(b) suspend the execution of any resolution passed or order made by the Board;

(c) prohibit the doing of anything proposed to be done; and

(d) require the Board to take such action as may be specified.

Functions of the Board

13. The following shall be the functions of the Board, namely: -

(a) to consider applications for recognition under this Ordinance

made by institutions imparting or desiring to impart instruction in the Unani or Ayurvedic systems of medicine;

(b) to secure the maintenance of an adequate standard of efficiency in recognised institutions;

(c) to make arrangement for the registrations of duly qualified persons in accordance with the provisions of this Ordinance;

(d) to appoint committees and sub committees for carrying out the purposes of this Ordinance;

(e) to hold examinations and confer certificates, diplomas or degrees in Unani and Ayurvedic systems of medicine;

(f) to provide for research in the Unani and Ayurvedic systems of medicine and to establish research centre or academy for this purpose;

(g) to make arrangements for standardisation of the Unani and Ayurvedic medicines;

(h) to prepare and publish text books to meet the needs of teachers of Unani and Ayurvedic systems of medicine;

(i) to publish journals, periodicals and bulletins on Unani and Ayurvedic systems of medicine;

(j) to prepare and publish Unani and Ayurvedic Pharmacopoeia and Code of Ethics for practitioners registered under this Ordinance;

(k) to award scholarships and stipends to the students of recognised institutions;

(l) to collect fees or charges prescribed for admission to the examination held by the Board and for certificate, diploma or degree to be granted or conferred by the Board under this Ordinance;

(m) to recommend to the Government any grant for a recognised Unani or Ayurvedic institution;

(n) to make arrangements for establishment of standard Unani and Ayurvedic colleges, hospitals and charitable dispensaries;

(o) to make arrangements for establishment and operation of a Unani and Ayurvedic medical store for supplying medicines and accessories to the Unani and Ayurvedic hospitals and dispensaries; and

(p) to do such other acts and things as it may be empowered or required to do by this Ordinance or the rules.

Meetings of the

14. (1) The Board shall meet at such time and place, and every

Board

meeting of the Board shall be summoned in such manner, as may be prescribed by regulations:

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

(2) The Chairman shall preside at every meeting of the Board, and in his absence, the members present shall elect a member from amongst themselves to preside.

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

(4) Four members of the Board shall form a quorum.

(5) At every meeting of the Board the Chairman for the time being shall, in addition to his vote as a member of the Board, have a second or casting vote in case of an equality of votes.

Officers of the Board and their terms and conditions of service

15. (1) The Board shall, with the previous approval in writing of the Government, appoint a Registrar on such terms and conditions as may be prescribed by rules. (2) If the office of the Registrar is vacant or if the Registrar is unable to perform functions of his office on account of absence, illness or any other cause, the Board may, with the previous approval of the Government, appoint any officer of the Board to act as Registrar until a new Registrar is appointed or until the Registrar resumes the functions of his office, as the case may be. (3) The Registrar shall be the secretary to the Board and shall exercise such powers and perform such duties as may be prescribed by regulations.

(4) The Board may appoint such officers and employees as it considers necessary for the efficient performance of its functions on such terms and conditions as it may deem fit.

(5) The Registrar may, in the event of an urgency, appoint, for the efficient performance of the functions of the Board, such employees as he considers necessary on the terms and conditions prescribed by regulations:

Provided that every appointment under this sub section shall be reported to the Board forthwith and no such appointment shall continue beyond six months unless approved by the Board.

CHAPTER III**TEACHING INSTITUTIONS AND EXAMINATIONS****Recognition of**

16. (1) Any institution imparting or desiring to impart instruction in

institutions

Unani or Ayurvedic system of medicine may apply for recognition under this Ordinance.

(2) An application for recognition shall be addressed to the Registrar 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 instruction;

(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 Board, and the Board may direct the Registrar to call for any further information which it may consider necessary and may also direct a local enquiry to be made by competent person or persons authorised by it in this behalf.

(4) After considering the report of such local enquiry, if any, and making such further enquiry as may appear to it to be necessary, the Board shall, subject to the approval of the Government, grant or refuse to grant recognition.

(5) When recognition is granted to an institution under this section, the name of the institution shall be published by the Board in the official Gazette.

Maintenance of standard of efficiency

17. (1) It shall be the duty of the Board to secure the maintenance of an adequate standard of efficiency in recognised institutions.

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

(a) from time to time call upon the recognised institutions to furnish such information and particulars as may be required by the Board to judge the standard of administration, education and the financial position of the institutions; and

(b) arrange for annual inspection of the recognised institutions through an inspector or inspection team appointed by the Board.

Withdrawal of recognition

18. (1) The Board when it thinks fit may, and when required to do so by the Government shall, make an enquiry whether any recognised institution should cease to be a recognised 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 enquiry as may appear to it to be necessary, the Board is satisfied that the teaching facilities provided or other arrangements made in this connection by a recognised institution are not such as to secure an adequate standard of efficiency for the practice of the system of medicine taught in the institution, it shall make an order withdrawing the recognition:

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 teaching and examination to the satisfaction of the Board and the institution has, in the opinion of the Board, failed to do so.

Duration of courses

19. (1) The duration of diploma course in recognised institutions of Unani or Ayurvedic system of medicine shall be four years and the course shall include the subjects prescribed by regulations.

(2) The Board may arrange for degree and other higher courses in Unani and Ayurvedic systems and the duration and subjects of such courses shall be as prescribed by regulations.

Qualifications for admission to institutions

20. The minimum qualifications for admission to different courses in a recognised institution shall be as prescribed by regulations.

Qualifying examination

21. (1) A qualifying examination shall be held at least once in every year or for the purpose of granting a diploma conferring the right of registration under this Ordinance or for the purpose of granting a degree after completion of higher study leading to a degree.

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

(3) The examination shall be held under the control of an examining body to be appointed by the Board duly approved by the

Government on annual basis.

(4) There shall be appointed a Controller of Examinations who shall act as Secretary to the examining body and, so long as the Controller of Examinations is not appointed, the Registrar shall discharge the duties of the Controller of Examinations as prescribed by regulations.

**Registration
how made**

22. (1) Applications under sub section (1) of section 23 shall be received annually after the results of the examinations held under section 21 are declared.

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

(3) The Board shall examine the applications received under this section and after making such enquiries as it thinks fit regarding the qualifications and length and nature of practice 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 Ordinance.

**Registration of
Unani and
Ayurvedic
practitioners in
Category A**

23. (1) Every person who passes the qualifying examination in the Unani or Ayurvedic system of medicine from a recognised institution may apply under section 22 for registration in Category A of the respective register.

(2) The Unani and Ayurvedic institutions specified in the Schedule shall be recognised institutions.

(3) The Board may, with the approval of the Government, by notification in the official Gazette, include any foreign Unani or Ayurvedic institution in Part B of the Schedule.

**Registration of
Unani and
Ayurvedic
practitioners in
Category B**

24. Any person who passes a written and practical examination to be held annually by the examining body to be appointed under sub section (3) of section 21 in the subjects containing basic principles of medicine, materia medica, medicine and practical diagnosis of the Unani or, as the case may be, Ayurvedic system of medicine may apply under section 22 for registration in category B of the Unani or, as the case may be, Ayurvedic register.

Removal from register, etc

25. The Board may direct that the name of a 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, if the offence or misconduct in the opinion of the Board discloses moral turpitude such as to render him unfit to practise his profession:

Provided that no action shall be taken by the Board 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.

Cancellation or alteration of entries in register, etc

26. The Board 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, if in the opinion of the Board the entry was made fraudulently or improperly.

CHAPTER IV

POWERS AND DUTIES OF THE REGISTRAR

Maintenance of register

27. (1) Subject to any general or special orders of the Board it shall be the duty of the Registrar to keep the register and to attend the meetings of the Board.

(2) The register shall contain the name, residence, age and qualification of every practitioner registered under this Ordinance and the dates on which the qualifications were acquired.

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

(4) If the Registrar has reason to believe that any registered practitioner has ceased to practise or 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 practise 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 Board 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.

Publication of list

28. (1) The Registrar shall, in every third year on or before a date to be fixed by the Board, cause to be published a correct list of the names and qualifications of all practitioners for the time being entered in the register 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.

CHAPTER V

RIGHTS, DUTIES AND LIABILITIES OF REGISTERED PRACTITIONERS

Intimation of change of address

29. Every registered practitioner shall inform the Registrar of any change of his permanent address.

Privileges of registered practitioners

30. (1) Notwithstanding anything contained in any law for the time being in force, every practitioner registered under section 23 shall be entitled-

(a) to hold any appointment as physician or medical officer in any Unani or, as the case may be, Ayurvedic dispensary, hospital, infirmary or lying-in-hospital, if such dispensary, hospital, infirmary or lying-in-hospital is supported by or receives a grant from the Government or any local authority and treats patients according to the system of medicine or in any public establishment, body or institution practising such system;

(b) to vote for the election of members to the Board; and

(c) to recover fees through Courts.

(2) A practitioner registered under section 24 shall be entitled to the privileges specified in clauses (b) and (c) of sub-section (1).

(3) A registered practitioner shall abide by the Code of Ethics for Unani and Ayurvedic practitioners framed by the Board and approved by the Government.

CHAPTER VI

OFFENCES, PENALTY AND PROCEDURE

Offences and Penalties

31. Whoever contravenes the provisions of sub-section (3) of section 30 shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to Taka one thousand, or with both.

Persons not registered under Ordinance not to practise, etc

32. (1) No person other than a practitioner registered under this Ordinance shall practise or hold himself out, whether directly or by implication, as practising the Unani or, as the case may be, Ayurvedic system of medicine.

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

Colourable imitation of degrees

33. (1) No person other than a body or institution authorised under this Ordinance shall confer, grant or issue or holdout as entitled to confer, grant or issue a degree, diploma or certificate which purports to entitle the holder to practise the Unani or Ayurvedic system of medicine or which is identical with or is a colourable imitation of any degree, diploma or certificate 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 Taka one thousand and if the person so contravening is an association, every member of such association who knowingly or wilfully authorise or permits the contravention shall be punishable with fine which may extend to Taka one thousand.

Prohibition against use of title, description, etc

34. (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 or certificate as his qualification to practise the Unani or Ayurvedic system of medicine, unless he holds such degree, diploma or certificate and such degree, diploma or certificate-

(i) is recognised by any law for the time being in force in Bangladesh; or

(ii) has been conferred, granted or issued by a body or institution authorised under this Ordinance in this behalf; or

(iii) has been conferred, granted or issued by an authority empowered or recognised as competent by the Government to confer, grant or issue such degree, diploma or certificate.

(2) Notwithstanding anything contained in any other law for the time being in force, no Hakim or Vaid shall describe himself as a Doctor.

(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 Taka one thousand, or with both.

Savings

35. 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.

Cognizance of offences, etc

36. (1) No Court shall take cognizance of any offence under this Ordinance except on a complaint in writing by an officer empowered in this behalf by the Government.

(2) No Court other than of a Magistrate of the first class shall try an offence under this Ordinance.

CHAPTER VII

SUPERSESION OF THE BOARD

Supersession of the Board

37. (1) If at any time it appears to the Government that the Board has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Ordinance, the Government may, if it considers such failure, excess or abuse to be of serious character, notify the particulars thereof to the Board and if the Board fails to remedy such default, excess or abuse, within such time as may be fixed in this behalf, the Government may, by notification in the official Gazette, supersede the Board for such period, not exceeding ninety days, as may be specified in the notification.

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

(a) the persons holding office as Chairman and members of the Board shall cease to hold office; and

(b) all powers and functions of the Board shall, during period of supersession, be exercised and performed by such person or authority as the Government may appoint in this behalf, as if such person or authority were the Board.

(3) The Board shall be reconstituted in accordance with the provisions of this Ordinance 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 VIII

MISCELLANEOUS

Grants, aids and fees received by the Board

38. All moneys received by the Board as fees shall be applied for the purposes of the Board in accordance with the rules made under this Ordinance.

Death of registered practitioners

39. Every person-in-charge of registration of deaths shall, on receiving notice of the death of a registered practitioner, forthwith transmit by post to the Registrar a certificate under his own hand of such death with the particulars of time and place of death and may charge from the Registrar the cost of such certificate and transmission as an expense of his office.

Indemnity

40. 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 Ordinance or the rules or regulations made thereunder.

Power to make rules

41. (1) The Government may, after consulting the Board, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing 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 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) the purposes for which the fees received by the Board shall be applied.

Power to make regulations

42. The Board may, with the approval in writing of the Government, make regulations not inconsistent with this Ordinance 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 recognised 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 conduct of examinations;

(f) the conditions for the appointment of teachers in recognised institutions;

(g) the requirements for the recognition of teaching institutions;

(h) the time and place at which the Board shall hold its meetings;

(i) such other matters as may be necessary for the exercise of powers and performance of functions to be exercised or performed by the Board under this Ordinance and the rules made thereunder.

Repeal and Savings

43. (1) The Unani, Ayurvedic and Homoeopathic Practitioners Act, 1965 (II of 1965), hereinafter referred to as the said Act, in so far as it relates to the Board of Unani and Ayurvedic Systems of Medicine established thereunder, hereinafter referred to as the defunct Board, is hereby repealed.

(2) Upon the repeal of the said Act,-

(a) all assets, rights, powers, authorities and privileges, and all

properties, movable and immovable, cash and bank balances and fund of the defunct Board in Bangladesh and all other interests and rights in, or arising out of, such property shall stand transferred to, and vested in, the Board;

(b) all debts, liabilities and obligations of the defunct Board in Bangladesh shall be the debts, liabilities and obligation of the Board;

(c) all suits and other legal proceedings instituted by or against the defunct Board in Bangladesh shall be deemed to have been instituted by or against the Board;

(d) all officers and employees of the defunct Board in Bangladesh shall, notwithstanding anything contained in any contract or agreement or in the terms and conditions of service, stand transferred to the Board and shall be deemed to be officers and other employees of the Board appointed by it on the same terms and conditions of service as were applicable to them in the defunct Board unless such terms and conditions are altered, not being to their disadvantage, by the Board;

(e) every Unani and Ayurvedic practitioner registered under the said Act shall be deemed to be registered under this Ordinance.