



Extra

AYURVEDA (AMENDMENT) LAW,

No. 7 OF 1977

OF

THE NATIONAL STATE ASSEMBLY

[Certified on 18th February, 1977]

Printed on the Orders of Government

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA (CEYLON)

TO BE PURCHASED AT THE GOVT. PUBLICATIONS BUREAU, COLOMBO

Ayurveda (Amendment) Law, No. 7 of 1977

L. D.—O. 27/76.

A LAW TO AMEND THE AYURVEDA ACT

BE it enacted by the National State Assembly of the Republic of Sri Lanka as follows:—

1. This Law may be cited as the Ayurveda (Amendment) Law, No. 7 of 1977, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

Short title
and date of
operation.

2. The long title to the Ayurveda Act, No. 31 of 1961 (hereinafter referred to as the "principal enactment") is hereby repealed and the following long title substituted therefor:—

Replacement
of long title
to Act, No. 31
of 1961

" An Act to provide for the establishment of a Department of Ayurveda; for the Registration of Ayurvedic Hospitals, Ayurvedic Pharmacies, Ayurvedic Dispensaries and Ayurvedic Stores ; for the establishment of an Ayurvedic Medical Council to register Ayurvedic Practitioners, Ayurvedic Pharmacists and Ayurvedic Nurses; and deal with matters relating to their professional conduct; for the establishment of an Ayurveda Education and Hospital Board to discharge certain functions in relation to the award of diplomas and certificates, and certain functions in relation to the education and training in Ayurveda and in relation to the Central Hospital of Ayurveda and the Pharmacy, Herbarium and Dispensary attached thereto; for the establishment of an Ayurvedic Research Committee to discharge certain functions in relation to research in Ayurveda; to repeal the Indigenous Medicine Ordinance and the Ayurvedic Medical Council Ordinance; to make consequential amendments in the Medical Ordinance, the Poisons, Opium and Dangerous Drugs Ordinance, and the Food and Drugs Act; and to make provision for matters connected with or incidental to the aforesaid matters."

3. Section 11 of the principal enactment is hereby amended, in subsection (1) of that section, by the substitution, for paragraphs (b) and (c) of that subsection, of the following paragraphs:—

Amendment of
section 11
of the
principal
enactment

" (b) the Head of the Institute of Ayurveda of the University of Ceylon;

(c) two members elected by the teachers of the Institute of Ayurveda of the University of Ceylon from themselves; "

Replacement of section 12 of the principal enactment.

4. Section 12 of the principal enactment is hereby repealed and the following section substituted therefor :—

“ Term of office of members of the Council.

12. Each member of the Council other than the Commissioner and the Head of the Institute of Ayurveda of the University of Ceylon shall, unless he vacates office earlier, hold office for a term of three years and shall be eligible for re-election or reappointment:

Provided that a person elected or appointed as a member of the Council in succession to any person who has ceased to be a member of the Council before the expiry of the term of office shall, unless he vacates office earlier, hold office for the unexpired part of the term of office of the member whom he succeeds.”

Amendment of section 13 of the principal enactment.

5. Section 13 of the principal enactment is hereby amended by the substitution—

(a) for subsection (1) of that section, of the following subsection:—

“ (1) A member of the Council, other than the Commissioner and the Head of the Institute of Ayurveda of the University of Ceylon, shall be deemed to have vacated office—

(a) where he is not a state officer, on sending his resignation in writing to the President of the Council;

(b) where he is not a state officer, on the absence without excuse sufficient in the opinion of the Council from three consecutive meetings of the Council;

(c) where he is a member elected under paragraph (c) or paragraph (d) of subsection (1) of section 11, on his ceasing to hold the post or office by virtue of which he was qualified for election as a member of the Council;

- (d) where he is an appointed member, on his removal from office by the Minister;
 - (e) on his ceasing to be a registered ayurvedic practitioner, or on the taking effect of an order made by the Council under this Act suspending his registration as an ayurvedic practitioner;
 - (f) on his being convicted of any offence under the Penal Code; or
 - (g) on the expiry of his term of office.”; and
- (b) for subsection (3) of that section, of the following subsection:—

“(3) The Head of the Institute of Ayurveda of the University of Ceylon shall be deemed to have vacated office as a member of the Council on his ceasing to hold office as the Head of the Institute of Ayurveda of the University of Ceylon.”.

6. The heading in Part IV of the principal enactment is hereby repealed and the following heading substituted therefor:—

“The Ayurveda Education and Hospital Board”.

Replacement of the heading in Part IV of the principal enactment.

7. Section 22 of the principal enactment is hereby amended as follows:—

- (a) by the repeal of the subsection (1) of that section and the substitution therefor of the following subsection:—

(1) There shall be a Board which shall be called the Ayurveda Education and Hospital Board, hereafter in this Part referred to as the “Board”, and which shall consist of—

- (a) the Commissioner;
- (b) the Head of the Institute of Ayurveda of the University of Ceylon;
- (c) the Medical Superintendent of the Central Hospital of Ayurveda;
- (d) an officer of the Ministry of Education appointed by the Minister on the recommendation of the Minister in charge of the subject of Education;
- (e) one member appointed by the Minister from the teachers of the Institute of

Amendment of section 22 of the principal enactment.

Ayurveda of the University of Ceylon on the recommendation of the Minister in charge of the subject of Education;

- (f) two members, other than the member appointed under paragraph (e), elected by the teachers of the Institute of Ayurveda of the University of Ceylon from themselves;
- (g) one member appointed by the Minister from the teachers of approved Ayurvedic teaching institutions;
- (h) two members elected by the holders of the diplomas or certificates granted or recognized by the Board of Indigenous Medicine, or by the Ayurvedic College and Hospital Board or by the Ayurveda Education and Hospital Board established under this Act and by the holders of degrees or diplomas granted by the Institute of Ayurveda of the University of Ceylon, from themselves;
- (i) not more than four members appointed by the Minister from the registered Ayurvedic practitioners of whom not more than two shall be so appointed from a panel of six nominated by the All Ceylon Ayurvedic Practitioners' Congress; and
- (j) two members appointed by the Minister from persons who are not registered Ayurvedic practitioners; and

(b) by the substitution, for the marginal note to that section, of the following marginal note:—

“ The Ayurveda Education and Hospital Board ”.

Replacement of section 23 of the principal enactment.

8. Section 23 of the principal enactment is hereby repealed and the following section substituted therefor:—

Term of office of the members of the Board,

23. Each member of the Board, other than the Commissioner, the Head of the Institute of Ayurveda of the University

of Ceylon and the Medical Superintendent of the Central Hospital of Ayurveda, shall, unless he vacates his office earlier, hold office for a term of three years and shall be eligible for re-election or reappointment:

Provided that a person elected or appointed as a member of the Board in succession to any person who has ceased to be a member of the Board before the expiry of his term of office shall, unless he vacates office earlier, hold office for the unexpired part of the term of office of the member whom he succeeds.”

9. Section 24 of the principal enactment is hereby amended by the substitution:—

Amendment of
section 24
of the
principal
enactment.

(a) for subsection (1) of that section, of the following subsection:—

“(1) A member of the Board, other than the Commissioner, the Head of the Institute of Ayurveda of the University of Ceylon and the Medical Superintendent of the Central Hospital of Ayurveda, shall be deemed to have vacated office—

- (a) where he is not a state officer, on sending his resignation in writing to the Chairman of the Board; or
- (b) where he is not a state officer, on his absence without excuse sufficient in the opinion of the Board from three consecutive meetings of the Board;
- (c) where he is an elected member, on his ceasing to hold the post or office by virtue of which he was qualified for election as a member of the Board;
- (d) where he is an appointed member, on his removal from office by the Minister;
- (e) where he is a member appointed under paragraph (d) of subsection (1) of section 22, on his ceasing to be an officer of the Ministry of Education;

(g) where he is a member appointed under paragraph (e) or paragraph (f) or paragraph (g) of subsection (1) of section 22, on his ceasing to hold the post or office by virtue of which he was qualified for appointment under that paragraph as a member of the Board; or

(g) on the expiry of his term of office.”; and

(b) for subsection (3) of that section, of the following subsection:—

“ (3) The Head of the Institute of Ayurveda of the University of Ceylon shall be deemed to have vacated office as a member of the Board on his ceasing to hold the office of the Head of the Institute of Ayurveda of the University of Ceylon.”

Replacement of section 30 of the principal enactment.

10. Section 30 of the principal enactment is hereby repealed and the following section substituted therefor:—

“ Powers of the Board.

30. The Board shall have the following powers:—

(a) to arrange with the University of Ceylon the terms and conditions to be fulfilled for qualifying for the award of the diplomas and certificates of the University;

(b) to determine and hold examinations to enable persons to obtain diplomas or certificates of the Board and to make such rules as are necessary for that purpose;

(c) to conduct or to arrange to conduct courses, lectures and classes to enable persons to obtain diplomas or certificates of the Board;

(d) to appoint examiners for the examinations held by the Board;

(e) to make recommendations to the Minister as to the fees to be paid to such examiners;

(f) to grant diplomas or other academic distinctions *honoris causa*;

(g) to make recommendations to the Minister as to the administration of the Central Hospital of Ayurveda and other hospitals of the Department, and in particular, as to the charges to be made in respect of patients admitted to those hospitals;

(h) to make rules for the exercise, discharge and performance of the powers, functions and duties of the Board; and

(i) to do all such acts as may be necessary for the exercise, discharge and performance of the aforesaid powers, functions and duties.”.

11. Section 31 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 31 of the principal enactment.

31. There shall be appointed a Registrar of the Board who shall also act as the Secretary of the Board.”.

12. Section 33 of the principal enactment is hereby amended by the substitution, for subsection (1) of that section, of the following subsection:—

Amendment of section 33 of the principal enactment.

(1) There shall be a Committee which shall be called the Ayurvedic Research Committee, hereafter in this Part referred to as “the Committee”, and which shall consist of the Commissioner, and nine other members appointed by the Minister of whom one shall be from the teaching staff of the Institute of Ayurveda of the University of Ceylon and another shall be from the regular medical staff of the Central Hospital of Ayurveda.’.

Amendment of section 55 of the principal enactment.

13. Section 55 of the principal enactment is hereby amended in subsection (1) of that section, by the substitution, for paragraph (c) of that subsection, of the following paragraph:—

“(c) is the holder of a diploma granted by the Ayurvedic College and Hospital Board, or the holder of a diploma or certificate granted by the Ayurveda Education and Hospital Board established under this Act, or the holder of a degree or diploma granted by the Institute of Ayurveda of the University of Ceylon; or”.

Amendment of section 89 of the principal enactment.

14. Section 89 of the principal enactment is hereby amended by insertion, immediately after the definition of “ayurveda”, of the following new definition:—

“ “Ayurvedic College and Hospital Board” means the Ayurvedic College and Hospital Board established under the repealed subsection (1) of section 22 of this Act;”.