



THE
CEYLON GOVERNMENT
GAZETTE

EXTRAORDINARY.

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PART II.—LEGAL.

(Separate paging is given to each Part in order that it may be filed separately.)

DRAFT ORDINANCES.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

An Ordinance to establish a Board of Indigenous Medicine, to vest in that Board the Administration and management of the College of Indigenous Medicine, the Hospital of Indigenous Medicine and the Pharmacy, Herbarium and Dispensary attached thereto, and to provide for the Registration of Practitioners of Indigenous Medicine.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1 This Ordinance may be cited as the Indigenous Medicine Ordinance, No. of 1939. Short title.

The Board of Indigenous Medicine.

2 The College of Indigenous Medicine, the Hospital of Indigenous Medicine and the Pharmacy, Herbarium and Dispensary attached thereto, which are in existence on the date on which this Ordinance comes into operation, shall, with effect from that date, be maintained out of funds provided for the purpose by the State Council and any other funds at the disposal of the Board of Management.

Continuance of
College, Hospital,
Pharmacy,
Herbarium and
Dispensary of
Indigenous
Medicine as
Government
institutions.

Constitution of the Board of managements.

3 (1) The administration and management of the College of Indigenous Medicine, the Hospital of Indigenous Medicine and the Pharmacy, Herbarium and Dispensary attached thereto shall be vested in a Board consisting of the following members :—

- (a) a President and seven other members appointed by the Governor on the recommendation of the Executive Committee, and
- (b) the person acting for the time being as Principal of the College :

Provided always that three of the members appointed by the Governor under paragraph (a) shall be practitioners of indigenous medicine who have been registered under this Ordinance in accordance with the provisions hereinafter set out.

(2) Any member of the Board who is appointed by the Governor may be removed from office by the Governor on the recommendation of the Executive Committee.

(3) Any member of the Board who is appointed by the Governor shall, if he leaves Ceylon with the intention of remaining abroad for a period exceeding six months or is absent from more than six consecutive meetings of the Board, be deemed to have vacated his office.

(4) Every member of the Board who is appointed by the Governor shall, unless he earlier resigns or vacates his office or is removed therefrom, hold office for three years from the date of his appointment, but shall be eligible for re-appointment.

Incorporation of the Board.

4 (1) The Board shall be a corporation with perpetual succession and a common seal and with capacity to acquire, hold and dispose of property and to sue and be sued by the name and style of the Board of Indigenous Medicine.

(2) All property which on the date on which this Ordinance comes into operation is vested in or held by any person or persons, for the use or benefit of the College or of the Hospital of Indigenous Medicine in existence at that date, shall with effect from that date be deemed to be vested in the Board incorporated by this Ordinance, and shall be administered by the Board for the purposes, and in accordance with the provisions, of this Ordinance and the regulations made thereunder.

Meetings of the Board.

5 (1) Every question which comes up for consideration before the Board shall be dealt with at a meeting of the Board and shall be determined by the majority of the members present and voting.

(2) The President shall preside over every meeting of the Board at which he is present. In the absence of the President from any meeting, the members present may choose one of themselves to be Chairman of the meeting.

(3) The quorum for any meeting of the Board shall be three.

(4) In the event of an equality of votes on any question considered at a meeting of the Board, the President or the member acting as Chairman shall have a casting vote in addition to his original vote.

(5) Save as herein expressly provided, meetings of the Board shall be held at such intervals and conducted according to such procedure, and the business of the Board shall be transacted in such manner and subject to such conditions, as may be prescribed.

Arrangements as to staff, and to the grant of rewards or assistance to students.

6 (1) Subject to such terms and conditions as may be prescribed, the Board may from time to time take such measures or make such financial and other arrangements as may be necessary—

- (a) for providing the prescribed staff for the College and for the Hospital and the Pharmacy, Herbarium and Dispensary attached thereto ;
- (b) for awarding scholarships, exhibitions or prizes, by way of reward or assistance to deserving students of the College.

Duties of the Board.

7 It shall be the duty of the Board, in accordance with such regulations as may be made in that behalf—

- (a) to provide courses of instruction in indigenous medicine to the students admitted to the College ;
- (b) to hold the prescribed examinations at the prescribed intervals in the subjects in which instruction is provided ;

- (c) to grant diplomas in indigenous medicine to students of the College who have been successful in the prescribed examinations and have fulfilled the prescribed conditions;
- (d) to maintain the Herbarium and the Pharmacy in efficient condition and to ensure an adequate supply of such medicines, medicinal appliances and goods, and medicated articles of food or drink, as may be necessary for the purposes of the Hospital and the Dispensary; and
- (e) to provide at the Hospital and the Dispensary all such facilities as may be necessary for the treatment of diseases and for the supply of medicines, medicinal appliances or goods, and medicated articles of food or drink.

8 The Board may, with the prior approval of the Governor, use any part of the funds at its disposal for the purposes of the establishment and maintenance, in any part of Ceylon, of any new institution (whether a college, hospital, pharmacy, herbarium or dispensary of indigenous medicine) as may appear to the Board to be necessary; and the provisions of this Ordinance and the regulations made thereunder shall apply in the case of every such institution in like manner as they apply to the corresponding institution in existence at the date on which this Ordinance comes into operation.

Power to establish and maintain other colleges, hospitals, pharmacies and dispensaries.

Registration of Practitioners of Indigenous Medicine.

9 The Board shall maintain a register of the practitioners of indigenous medicine in Ceylon and enter therein the prescribed particulars in respect of each practitioner so registered.

Register of practitioners.

10 (1) No person shall be entitled to be registered as a practitioner of indigenous medicine unless he—

Qualifications for registration.

- (a) is the holder of a diploma granted by the Board or of a diploma or certificate granted by any college, hospital or other institution in Ceylon or in India which has been declared to be an approved institution for the purposes of this Ordinance by regulation made thereunder; or
- (b) has been registered before the date on which this Ordinance comes into operation as a practitioner under the provisions of the Ayurvedic Medical Council Ordinance; or
- (c) satisfies the Board that he possesses sufficient knowledge, experience and skill for the efficient practice of indigenous medicine.

Cap. 219.

(2) The Board may refuse to register any person or remove from the register the name of any person who has been registered under this Ordinance as a practitioner of indigenous medicine, on the ground—

- (a) that he has been convicted by a competent court of any offence which shows him to be unfit to be a practitioner of medicine;
- (b) that he has been guilty of any misconduct in his professional capacity;
- (c) that he has been deprived of any diploma or certificate, issued by any institution or authority other than the Board, which constituted his qualification to be registered under this Ordinance.

11 (1) Every person who is registered under this Ordinance as a practitioner of indigenous medicine shall be entitled to sue for and recover in due course of law by action in a Court or Village Tribunal of competent jurisdiction in Ceylon, with costs of such action any reasonable sum claimed by him as—

Privileges of registered practitioners.

- (a) fees for any services rendered or advice given or work done in his professional capacity;
- (b) charges for any medicines, medicinal preparations or appliances or medicated articles of food or drink, supplied by him; or
- (c) expenses incurred by him in connexion with or for the purposes of the medical treatment of any patient.

(2) No person who is not registered under this Ordinance as a practitioner of indigenous medicine shall be entitled to institute or maintain any action-at-law in any Court or Village Tribunal in Ceylon for the recovery of any fees, charges or expenses of any description referred to in sub-section (1).

(3) Any medical certificate or other document, or any opinion or statement issued, given or made as to the state of health of any person by a practitioner of indigenous medicine

who is not registered under this Ordinance, shall not be accepted or admitted as evidence for any of the purposes of any proceedings held before or taken by any Court or Village Tribunal in Ceylon.

Penalty for false representations as to qualifications.

12 Any person who, by the adoption or use of any title or professional designation or in any other manner whatsoever, holds himself out to be the holder of a diploma granted by the Board or to be a practitioner of indigenous medicine registered under this Ordinance, when in truth and in fact he is not the holder of such diploma or has not been so registered, shall be guilty of an offence punishable after summary trial before a Magistrate with a fine not exceeding one hundred rupees.

Practice of Indigenous Medicine by unregistered practitioners.

13 Nothing in this Ordinance shall be deemed to declare the practice of any system of indigenous medicine or surgery by any person to be unlawful by reason only of the fact that such person is not the holder of a diploma issued by the Board or has not been registered by the Board as a practitioner of indigenous medicine.

Miscellaneous.

Power to levy fees and charges.

14 (1) The Board may charge and levy fees and other charges at the prescribed rates for—

- (a) the enrolment of any person as a student of the College ;
- (b) the admission of a student to any course of lectures or other instruction ;
- (c) the admission of a student to the examinations of the College ;
- (d) the grant of a diploma to a student ;
- (e) the inquiry into an application made by any person, other than the holder of a diploma, for registration as a practitioner of indigenous medicine ;
- (f) the registration of any person as a practitioner of indigenous medicine ;
- (g) the treatment of patients at the Hospital ;
- (h) the medicines, medicinal appliances or medicated articles of food or drink supplied at the Dispensary.

Regulations.

15 (1) The Executive Committee may make regulations for or in respect of all purposes or matters for which regulations are authorised or required by this Ordinance and all such other regulations as may be necessary for giving effect to the principles and carrying out the provisions of this Ordinance.

(2) No regulation made under this Ordinance shall have effect until it is approved by the State Council and ratified by the Governor and notification of such approval and ratification is published in the Gazette. Every regulation shall, upon the publication of such notification in respect thereof, be as valid and effectual as if it were herein enacted.

Interpretation.

16 In this Ordinance, unless the context otherwise requires—

- “ Board ” means the Board of Indigenous Medicine constituted by this Ordinance ;
- “ College ”, “ Hospital ”, “ Pharmacy ”, “ Herbarium ” and “ Dispensary ” mean the respective institutions in existence on the date on which this Ordinance comes into operation ;
- “ Executive Committee ” means the Executive Committee of Health ;
- “ Indigenous medicine ” includes the Ayurvedic, Siddha, and Unani systems of medicines and surgery ;
- “ prescribed ” means prescribed by regulations made under this Ordinance.

Objects and Reasons.

The object of this Bill is to make provision—

- (a) for the administration and management of the existing College of Indigenous Medicine and the Hospital of Indigenous Medicine with the Pharmacy, Herbarium and Dispensary attached to it, and
- (b) for the registration of practitioners of indigenous medicine.

2. The existing College, Hospital and connected institutions are to be maintained and administered by an incorporated Board of management to be known as the Board of Indigenous Medicine. Power is also to be taken to establish other similar institutions in other parts of Ceylon if the need arises.

3. The duty of maintaining a register of the practitioners of indigenous medicine in Ceylon is also to be assigned to the Board.

W. A. DE SILVA,
Minister for Health.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

L. D.—O 73/39

An Ordinance to amend the Courts Ordinance.

Chapter 6.
(Volume I.,
page 25).

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1 This Ordinance may be cited as the Courts (Amendment) Ordinance, No. of 1939. Short title.

2 Section 83 of the Courts Ordinance is hereby amended as follows :— Amendment of section 83 of Chapter 6.

- (1) by the substitution, for the words " shall thereupon have all the powers and authority by the Criminal Procedure Code, vested in Magistrates' Courts ", of the words " shall thereupon have (a) all the powers and authority vested by the Criminal Procedure Code in a Magistrate's Court " ; and Cap. 16.
- (2) by the substitution, for the words " triable before a Magistrate's Court ", of the words " triable before a Magistrate's Court, and (b) all the powers and authority vested by Chapter VIII. of that Code in a Magistrate ".

Objects and Reasons.

Section 83 of the Courts Ordinance (Chapter 6), gives an Unofficial Magistrate all the powers that a Magistrate's Court has under the Criminal Procedure Code, except its right of trying cases summarily ; but this authority does not enable an Unofficial Magistrate to exercise the administrative powers with which the Code invests a Magistrate.

2. The object of this Bill is to give Unofficial Magistrates the same administrative powers for dispersing unlawful assemblies as is now enjoyed by a Magistrate by virtue of Chapter VIII. of the Code.

Colombo, September 26, 1939.

J. C. HOWARD,
Legal Secretary.