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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 630-L.—10th May, 2010.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act VI of 2010

THE WEST BENGAL YOGA AND NATUROPATHIC SYSTEM  
OF MEDICINE ACT, 2010.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette*,  
*Extraordinary*, of the 10th May, 2010.]

*An Act to provide for the development of the Yoga and Naturopathic system of medicine and to regulate the teaching and practice thereof and to deal with certain other connected matters.*

WHEREAS it is expedient, in the public interest, to provide for the development of the Yoga and Naturopathic system of medicine and to regulate the teaching and practice thereof and to deal with certain other matters connected therewith or incidental thereto;

It is hereby enacted in the Sixty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title, extent  
and  
commencement.

1. (1) This Act may be called the West Bengal Yoga and Naturopathic System of Medicine Act, 2010.

*The West Bengal Yoga and Naturopathic System  
of Medicine Act, 2010.*

(Section 2.)

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (1) “accreditation” means the recognition granted to educational institutions and hospitals to signify the attainment of an acceptable level of professional expertise, academic quality and integrity;
- (2) “competent authority” means the West Bengal Council of Yoga and Naturopathy, which shall grant registration and accreditation under this Act and the rules made thereunder and shall have the authority to conduct inspections and evaluation visits for the purpose;
- (3) “Council” means the West Bengal Council of Yoga and Naturopathy constituted under section 3;
- (4) “hospital” means a Yoga and Naturopathy Hospital with minimum of ten in-patient beds and an out-patient department;
- (5) “institution” means—
  - (i) medical college conducting the Bachelor of Naturopathy and Yogic Sciences (BNYS) Course and Post-graduate Courses;
  - (ii) Yoga and Naturopathy hospital; and
  - (iii) research institute on yoga and naturopathy;
- (6) “member” means a member of the Council;
- (7) “practitioner” means a person who practices Yoga and Naturopathic System of Medicine as his principal occupation;
- (8) “prescribed” means prescribed by rules made under this Act;
- (9) “President” means the President of the Council;
- (10) “register” means the register of Yoga and Naturopathic practitioners maintained under this Act;
- (11) “registered Yoga and Naturopathic Practitioner” means a Yoga and Naturopathic Practitioner registered under the provisions of this Act and the rules made thereunder;
- (12) “Registrar” means the Registrar of the Council and shall be deemed to be the Registrar for all purposes of this Act;
- (13) “registration” means the registration of Yoga and Naturopathic Practitioners under this Act;
- (14) “regulations” means the regulations made by the Council under this Act;
- (15) “rules” means the rules made by the State Government under this Act;
- (16) “teacher” means any person appointed to hold a teaching post by a Yoga and Naturopathic institution affiliated to, or recognized by, the Council;
- (17) “Vice-President” means the Vice-President of the Council;
- (18) “Yoga and Naturopathy” means a drugless, non-invasive system of medicine involving the use of natural materials in its treatment based on the theory of vitality, the theory of toxemia, the theory of the self healing capacity of the body and the principal of healthy living.

*The West Bengal Yoga and Naturopathic System  
of Medicine Act, 2010.*

(Sections 3-6.)

Constitution of  
Council.

3. As soon as may be after the commencement of this Act, the State Government shall, by notification in the *Official Gazette*, establish a body corporate with perpetual succession and a common seal named the West Bengal Council of Yoga and Naturopathy. The Council shall be entitled, to acquire and hold movable and immovable property, to transfer such property, to enter into contract and to do all things necessary for the purposes of this Act and shall by its name sue and be sued.

Composition of  
the Council.

4. (1) The Council shall consist of the following members:—
- (a) a President nominated by the State Government;
  - (b) a Vice-President nominated by the State Government;
  - (c) five members nominated by the State Government of whom three shall be registered Yoga and Naturopathic practitioners;
  - (d) one member nominated by the Vice-Chancellor of the West Bengal University of Health Sciences;
  - (e) the Principal of the State Yoga and Naturopathic College, *ex-officio*, when such college is established;
  - (f) the head of the Yoga and Naturopathic Research Institute *ex-officio*, when such Institute is established:

Provided that until the institutions referred to in clauses (e) and (f) are established, the Principals or head of existing similar institutions or other suitable persons may be nominated by the State Government;

- (g) five members who are citizens of India, elected from such constituencies and in such manner as may be prescribed, by the registered Yoga and Naturopathic practitioners from among themselves.

(2) Notwithstanding anything contained in this Act, on the first constitution of the Council after its establishment, all the members of the Council shall be nominated by the State Government, and the State Government shall also nominate the President and the Vice-President.

Power of State  
Government to  
nominate  
members in  
certain  
circumstances.

5. If the nominating authority referred to in clause (d) of sub-section (1) of section 4, or the electoral body referred to in clause (g) of the said sub-section, fails by the prescribed date to nominate or elect the requisite number of member or members which such authority or body is entitled to nominate or elect, the State Government shall fill up the office of such member or members by nomination of a person or persons qualified to be nominated or elected by such authority or body. Any person so nominated by the State Government shall be deemed to have been duly nominated or elected as a member by such authority or body.

Disqualification  
for nomination or  
election.

6. A person shall be disqualified for being nominated or elected as a member of the Council, if—

- (a) he has been convicted of any offence involving moral turpitude;
- (b) he is an undischarged insolvent;
- (c) he has been adjudged by a competent court to be of unsound mind;
- (d) he is an employee of the Council;
- (e) he has directly or indirectly any share or interest in any contract with, by or on behalf of the Council;
- (f) he has been dismissed from the service of the Central Government or a State Government or a local authority on a charge of gross misconduct or an offence involving moral turpitude;
- (g) he is a person under the age of 25 years.

*The West Bengal Yoga and Naturopathic System  
of Medicine Act, 2010.*

(Sections 7-13.)

Publication of  
names of  
members.

7. The name of every member nominated or elected under section 4 or section 5 shall be published by the State Government in the *Official Gazette*.

Cessation of  
membership.

8. A person shall cease to be a member of the Council—

- (a) if, without obtaining the permission of the Council, he is absent from three consecutive meetings of the Council; or
- (b) if, having been nominated or elected as a registered Yoga and Naturopathic practitioner, he ceases to be such a registered practitioner; or
- (c) if he becomes subject to any of the disqualifications referred to in section 6.

Filling of casual  
vacancies.

9. (1) If any member dies or resigns his office or ceases to be a member for any other reason, the vacancy shall be filled up within six months by a fresh nomination or election under section 4 or section 5, as the case may be, and the member so nominated or elected shall hold office for the unexpired period of the term of office of the member whose place he fills.

(2) If any member referred to in clauses (b) to (f) of sub-section (1) of section 4 is nominated as President or Vice-President, as the case may be, there shall be a vacancy in that membership which shall be filled up under sub-section (1) of this section.

Term of office of  
members.

10. (1) Subject to the provisions of section 9, the term of office of the members nominated or elected under section 4 or section 5 shall be for five years commencing from the date of the first meeting of the Council after its first constitution or any subsequent periodical reconstitution, as the case may be.

(2) The term of five years referred to in sub-section (1) shall be held to include any period which may elapse between the expiry of the said period of five years and the date of the first meeting of the Council following its reconstitution at which a quorum is present.

Resignation.

11. The President, the Vice-President or a member may resign his office by writing under his hand addressed to the State Government, of which he shall send a copy to the Council.

The President.

12. (1) The President shall hold office for the period mentioned in section 10 or until his successor is nominated, whichever is later.

(2) If the President dies or resigns his office or ceases to hold office, the State Government shall nominate another person as President and such President shall hold office for the unexpired period of the term of office of the former President in whose place he is so nominated.

(3) In the event of occurrence of any vacancy in the office of the President under sub-section (2), the Vice-President shall discharge the functions of the President until a new President is nominated.

(4) When the President is unable to discharge the duties of his office owing to absence, illness or any other cause, the Vice-President shall discharge the functions of the President until the date on which the President resumes his duties.

The Vice-  
President.

13. (1) The Vice-President shall hold office for the period mentioned in section 10.

(2) If the Vice-President dies or resigns his office or ceases to hold office, the State Government shall nominate another Vice-President in such manner as may be prescribed, and such Vice-President shall hold office for the unexpired period of the term of office of the former Vice-President whose office he fills.

*The West Bengal Yoga and Naturopathic System  
of Medicine Act, 2010.*

*(Sections 14-17.)*

Executive  
Committee.

14. (1) The members of the Council shall constitute from amongst themselves an Executive Committee to perform such functions, discharge such duties and exercise such powers as may be delegated to it by the Council.

(2) The Executive Committee shall consist of the President, the Vice-President, and five other members elected by the members of the Council in the prescribed manner from among themselves.

(3) The President and the Vice-President of the Council shall be the President and the Vice-President, respectively, of the Executive Committee.

(4) The term of office of an elected member of the Executive Committee shall be two years from the date of his election, but, subject to his being a member of the Council, and he shall also be eligible for re-election to the Executive Committee.

(5) No business shall be transacted at any meeting of the Executive Committee unless a quorum of three members is present.

(6) The Council may, subject to the approval of the State Government, appoint one or more committees consisting of members of the Council or outsiders or both, on such terms as may be approved by the State Government, for the purpose of advising it on such matters as it deems necessary, and may appoint, for any such committee, a convener who shall convene the meeting of the said committee and one of the members of the committee shall preside over the meetings of such committee.

(7) The Council may make regulations for conduct of the business of the Executive Committee and also of the other committee appointed by it.

Meetings.

15. (1) The Council shall hold its meetings at such intervals and at such places as may be provided by regulations.

(2) No business shall be transacted at any meeting of the Council unless a quorum of five members be present.

(3) Save as provided in sub-section (2) of section 23, all questions arising at any meeting shall be decided by votes of the majority of the members present and voting, and, in the case of an equality of votes, by the casting vote of the President or, in his absence of the Vice-President and in case both are absent, of the member presiding at the meeting.

Expenses to be  
paid to members  
and other persons.

16. The Council shall pay to its President, Vice-President and members and other persons appointed by it to any committee referred to in section 14, such expenses for attending meetings of the Council, Executive Committee of the Council and of such committee, including such travelling expenses for journeys undertaken in performance of the duties as may be prescribed.

Powers of  
Council.

17. The Council shall have the following powers:—

- (1) to grant affiliation and accreditation to institutions teaching the Yoga and Naturopathic system of medicine or to withdraw such affiliation and accreditation after giving the authorities of institution an opportunity to show cause against the action proposed to be taken, and to call on the authority of any such institution or of an institution applying for affiliation and accreditation to furnish within such period as may be specified, such reports, returns or other information as the Council may require to judge the efficiency of the institution:

Provided that such affiliation and accreditation will be granted or withdrawn by the Council with the consent of the State Government;

- (2) to establish standard and accredited Yoga and Naturopathic Institution for development and expansion of this system of medicine throughout the State;

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of Medicine Act, 2010.*

(Section 18.)

- (3) to confer registration on the institutionally qualified professional practitioners under this Act;
- (4) to confer registration to other Yoga and Naturopathic practitioners fulfilling the terms and conditions as laid down in this Act;
- (5) to provide by regulations, courses of study for different classes of registrations of Yoga and Naturopathic practitioners;
- (6) to exercise general supervision over the residential and disciplinary arrangements made by the institutions affiliated and accredited with the Council and arrangements for promoting the health and general welfare of the students of such institutions;
- (7) to acknowledge the University about the grant of affiliation to an institution and hospital, teaching students and treating patients under the Yoga and Naturopathic system of medicine or the withdrawal or suspension of affiliation and accreditation of such an institution;
- (8) to appoint, on such terms as the Council may, with the previous sanction of the State Government, determine, such number of inspectors for the inspection of institutions teaching the Yoga and Naturopathic System of Medicine as the Council may deem fit;
- (9) to advise the State Government and the University in the matter of research in Yoga and Naturopathic System of Medicine;
- (10) to confer honorary degree on Yoga and Naturopathic practitioners of extraordinary merit;
- (11) to receive grants, donations, gifts and endowments;
- (12) to frame and implement a co-ordinated scheme of public health of the State, based on the Yoga and Naturopathic System of Medicine, with or without the addition of modern technique;
- (13) to incur such expenditure, to adopt such measures and to do such acts as may be necessary for the furtherance of the objectives mentioned in this section;
- (14) to perform such other functions as the State Government may direct or, the Council may decide for carrying out the provisions of this Act.

Registrar and  
staff.

18. (1) The Council shall, with the previous approval of the State Government, normally appoint a Registrar. The Registrar shall receive such salary and allowances as may be prescribed. The Council may grant him leave and may appoint a person to act in his place. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all purposes of this Act.

(2) The Council shall have power to suspend, punish, remove or dismiss the Registrar from office on such grounds as may be prescribed and subject to compliance of the natural justice:

Provided that any such order of the Council shall be subject to appeal to the State Government.

(3) In case of any dispute or any exigency, the State Government may appoint a Registrar of the Council, who shall be treated by the Council as the Registrar for all purposes of this Act.

(4) The Council may appoint such other officers and staff as it may deem necessary:

Provided that the number and designation of such officers and staff, their salaries and allowances shall be subject to previous approval of the State Government.

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of Medicine Act, 2010.*

*(Sections 19-21.)*

(5) The Registrar shall be the Secretary of the Council and of its Executive Committee and other committees.

(6) The Registrar, either appointed by the Council or by the State Government, all officers and staff appointed by the Council shall work under the direct control and supervision of the President, or in his absence, of the Vice-President.

Register of  
registered Yoga  
and Naturopathy  
Practitioners.

19. (1) The Council shall maintain a register of Yoga and Naturopathic practitioners in such form as may be prescribed.

(2) The Registrar shall from time to time make necessary entries in the register in respect of the persons whose names are to be registered, their qualifications and their addresses and may also make such alterations or modifications therein as may be required in consequence of any order passed by the Council.

Persons entitled to  
be registered.

20. (1) Every person who possesses a 5 years or 5½ years Degree in Naturopathy and Yogic Sciences (BNYS) from any University set up by a statute shall, subject to the provisions of this Act and on payment of such fee as may be prescribed, be entitled to have his name entered in the register for Class 'A' registration.

(2) Every institutionally qualified professional practitioner possessing a 4 years or 4½ years Diploma in Naturopathy awarded by the Government of Andhra Pradesh or Osmania University shall, subject to the provisions of this Act and on payment of such fee as may be prescribed, be entitled to have his name entered in the register for Class 'A' registration.

(3) In exceptional cases, Class 'A' registration may also be given as a one time measure to self-educated Yoga and Naturopathic practitioners who are Post-graduates in any subject and who have at least 25 years of working experience in a reputed and established Yoga and Naturopathic Hospitals or Colleges and who are not less than 45 years of age, on payment of prescribed fee and subject to the provisions of this Act.

(4) In recognition of the fact that there is a significant number of self-educated Yoga and Naturopathic practitioners, "Class B" registration may also be given as a one time measure to self-educated full time Yoga and Naturopathic practitioners who are not institutionally qualified, and are not less than 35 years of age and who have a minimum of 15 years of full time proven clinical experience and who have passed Class XII or 10 + 2 from a State Board, the Central Board of Secondary Education or the Council for the Indian School Certificate Examinations subject to the provisions of this Act and on payment of prescribed fee.

(5) Every person who has been registered under any Statutory State Council or Board of Yoga and Naturopathy shall, subject to the provisions of this Act and on payment of prescribed fee, be granted registration in the same category as granted to him by that State Council or Board.

(6) Notwithstanding anything contained in sub-sections (3) and (4), every person who, within a period of two years from the date of commencement of this Act, produces proof that he has been in regular practice for the prescribed period preceding such date and has attained the minimum age-limit on the date of application for registration, shall be entitled to have his name entered in the register on payment of prescribed fee.

(7) The registrations under this section shall be done in accordance with the provisions of this Act and the rules framed thereunder and on payment of prescribed fee in every case.

Accreditation of  
Institutions.

21. (1) The institutions including educational institution and hospitals of Yoga and Naturopathy shall be granted accreditation to signify the attainment of an acceptable level of professional expertise, academic quality and integrity.

*The West Bengal Yoga and Naturopathic System  
of Medicine Act, 2010.*

(Sections 22-24.)

(2) The objectives of the accreditation of institutions are—

- (i) to ensure that Yoga and Naturopathy hospitals offer safe, reliable and quality medical and health care;
- (ii) to ensure that institutions offering Naturopathy Medical Education are of acceptable academic quality relevant to the health care requirements of the country.

(3) Institutions desirous of being accredited should apply to the competent authority in the proforma prescribed with an application fees as per norms of this Act and rules made thereunder.

(4) The competent authority will grant accreditation after conducting inspections and evaluation visits of the institution on the basis of this Act and rules made thereunder and on payment of prescribed fee.

Information of  
applicant required  
for registration.

**22.** (1) Every person who desires to have his name registered in the register shall submit to the Registrar an application in the prescribed form stating—

- (i) particulars of his qualification;
- (ii) the period for which he has been in practice;
- (iii) his date of birth to verify the attainment at minimum age-limit; and
- (iv) his address which is to be his registered address.

(2) Every application under sub-section (1) shall be accompanied with the prescribed fee, such proof as may be necessary in support of the qualification stated in the application and proof of age wherever the minimum age-limit is prescribed.

Power of the  
Council to refuse  
registration or to  
remove name  
from register in  
certain cases.

**23.** (1) The Council may, on being satisfied that a person possesses requisite qualification, has paid the prescribed fee and has attained the minimum age-limit prescribed wherever necessary, direct the registration of his name and the Registrar shall thereupon make necessary entries in the register and grant him a certificate of registration.

(2) The Council may refuse to permit the registration of, or direct the removal from the register, the name of any person on the following grounds:—

- (a) who has been convicted of any offence involving moral turpitude; or,
- (b) who has been convicted in any cognizable criminal offence; or,
- (c) who has been after due enquiry by the Council found guilty of any 'misconduct' by a majority of at least two-thirds of the members of the Council:

Provided that the Council may direct the name of the Practitioner—

- (i) to be removed from the register for such period as may be specified in the direction, or
- (ii) to be removed from the register without specifying the period of such removal.

Renewal.

**24.** (1) Every person whose name is entered in the register shall, for the retention of his name in the register, pay to the Council for every 5 years such renewal fee and at such time as may be prescribed.

(2) Where the renewal fee is not paid by the due date, the Registrar shall remove the name of the defaulter from register.

(3) On payment of the renewal fee, the Registrar shall, in the prescribed manner, endorse the certificate of registration.



*The West Bengal Yoga and Naturopathic System  
of Medicine Act, 2010.*

*(Sections 25-32.)*

Entry of additional  
qualification.

25. If any person whose name is entered in the register obtains any qualification mentioned in the Schedule appended to this Act other than the qualification in respect of which he has been registered, he shall, on payment of such fee as may be prescribed, be entitled to have such qualification entered against his name in the register either in substitution for or in addition to any entry previously made and the Registrar shall add to or amend the entry accordingly.

Appeal to the  
Council against  
decision of the  
Registrar.

26. If any person is dissatisfied with any decision of the Registrar refusing to enter his qualification under section 25 in the register, he may, at any time, within ninety days from the date of such decision, appeal to the Council in the prescribed manner and the decision of the Council shall be final.

Cancellation of  
fraudulent and  
incorrect entries.

27. Any entry in the register, which is proved to the satisfaction of the Council to have been fraudulently or incorrectly made, may be cancelled under an order in writing of the Council.

Appeal to the  
State Government  
against the  
decision of the  
Council.

28. An appeal shall lie to the State Government against any order of the Council refusing to enter the name of a person in the register or removing his name from the register, if filed within ninety days of the date of order, and the decision of the State Government thereon shall be final:

Provided that the State Government shall dispose of the appeal within a period of six months from the date of filing it.

Notice of death  
and removal of  
name from  
register.

29. The Council may, on receipt of reliable information regarding the death of a person whose name is entered in the register, and on making such enquiry as it may think fit, direct the removal of his name from the register and thereupon the Registrar shall cancel the entry relating to such person.

Penalty on  
unregistered  
person  
representing that  
he is registered.

30. If any person, whose name is not entered in the register, falsely pretends that it is so entered or uses, in connection with his name, any words or letters representing that his name is so entered, he shall, whether any person is actually deceived by such representation or not, be punishable, on conviction by a Metropolitan Magistrate or a Magistrate of the First Class having jurisdiction, with imprisonment which may extend to six months or with fine which may extend to three thousand rupees or both.

Penalty for failure  
to surrender  
certificate of  
registration.

31. (1) If any person, whose name has been removed from the register under sub-section (2) of section 23, fails, without sufficient cause, forthwith to surrender his certificate of registration, he shall be punishable with fine which may extend to three thousand rupees.

(2) No cognizance of an offence punishable under this section shall be taken except upon complaint made by an order of the Council.

Prohibition of  
unauthorized  
conferment of  
degree, diploma,  
etc. and penalty  
for such  
conferment.

32. (1) Except the Council, no person, association or institution, not recognized by the Council, shall confer, grant or issue, or hold himself or itself or shall be entitled to confer, grant or issue, any degree, diploma, license, certificate or any other document stating or implying that the holder, grantee or recipient thereof is qualified to practice the Yoga and Naturopathy System of Medicine.

(2) Any contravention of the provisions of sub-section (1) shall be punishable with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both; and if any association or institution is guilty of such contravention, every member thereof, who knowingly or wilfully authorizes or permits the contravention, shall be punishable with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both.

*The West Bengal Yoga and Naturopathic System  
of Medicine Act, 2010.*

(Sections 33-37.)

Penalty for  
improper  
assumption of  
Yoga and  
Naturopathy  
qualifications.

**33.** (1) No person shall use any letters or figures after his name or implying that he possesses any degree, diploma, license, or certificate as an Yoga and Naturopathic practitioner unless such degree, diploma, license or certificate has been conferred by a recognized or affiliated institution of the Council, or is recognized by it with the approval of the State Government.

(2) Whosoever contravenes the provisions of sub-section (1) shall be punishable, on first conviction, with fine which may extend to one thousand rupees, and on any subsequent conviction, with fine which may extend to two thousand rupees.

Publication and  
use of registration  
list.

**34.** (1) The Registrar shall, from time to time, as occasion may require, on or before the date to be fixed in this behalf by the Council, cause to be printed and published (provided that at least twelve months shall have elapsed from the date of the last publication) a correct list of the names for the time being entered in the register and setting forth therein—

- (a) names of all registered Yoga and Naturopathic practitioners arranged in alphabetical order according to surname;
- (b) the registered address of each such person;
- (c) the registered qualifications of each such person and the date on which each qualification was obtained; and
- (d) the date of birth of each such person.

(2) The Registrar shall, from time to time, as occasion arises, cause to be printed and published a list supplementary thereto, containing additions and alterations in the register since the publication of the list under sub-section (1).

(3) Every court shall presume that any person whose name is entered in the latest list printed and published under sub-section (1), read with the latest list supplementary thereto, if any, printed and published under sub-section (2) is duly registered under this Act, and that any person whose name is not so entered is not registered under this Act:

Provided that in the case of any person whose name does not appear in the latest list printed and published under sub-section (1) read with the latest supplementary thereto, if any, printed and published under sub-section (2), a certified copy of the entry of the name of such person in the register, signed by the Registrar, shall be the evidence that such a person is registered under this Act.

Yoga and  
Naturopathic  
practitioners,  
other than those  
registered under  
this Act, not  
eligible for certain  
appointments.

**35.** Except with the special sanction of the State Government, no Yoga and Naturopathic practitioner, other than a registered Yoga and Naturopathic practitioner whose name is entered in the register, shall be competent to hold any appointment as a Medical Officer or Teacher in any Yoga and Naturopathy hospital, asylum, infirmary, dispensary set up under any law for the time being in force or in any Yoga and Naturopathic educational institution which is recognized by the Council.

Control of  
manufacture,  
storage and sale of  
Yoga and  
Naturopathy  
instruments.

**36.** Subject to the provisions of any law for the time being in force relating to instruments, the State Government shall have the power to regulate and control manufacture, storage and sale of Yoga and Naturopathic instruments and its modern advances by the grant of licenses to manufactures, stockists and sellers on such conditions as may be prescribed.

Bar of suit or  
other legal  
proceedings.

**37.** No suit, prosecution or other legal proceedings shall lie in respect of any act or thing done or omitted to be done in the exercise or purported to be exercised of any power conferred by or under this Act, on the State Government or the Council or the Executive Committee or any committee appointed by the Council or on the Registrar.

*The West Bengal Yoga and Naturopathic System  
of Medicine Act, 2010.*

(Sections 38-41.)

Validation.

38. No act or thing done by the Council, the Executive Committee or a committee appointed by the Council shall be invalid merely on the ground of any vacancy in or defect in the composition of, the Council, the Executive Committee or such other committee.

Finance and audit.

39. (1) All fees payable under this Act shall be paid to the Council.

(2) An account of all assets and liabilities of the Council and of all fees, sums, grants, donations, gifts and endowments received by it and of all expenses and disbursements incurred or made by it shall be maintained in the prescribed manner.

(3) The account shall be audited annually by such officer of Government as may be deputed in this behalf by the State Government and the report of such audit shall be sent to the State Government and the Council by such officer.

Power to amend  
Schedule.

40. The State Government may, by notification published in the *Official Gazette*, amend the Schedule appended to this Act.

Power to make  
rules.

41. (1) The State Government may, by notification published in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(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 election of members of the Council and members of the Executive Committee;
- (b) the functions to be performed by the President and the Vice-President;
- (c) the declaration of offences including moral turpitude and misconduct;
- (d) the fees payable under this Act;
- (e) the expenses to be made under section 16;
- (f) the salaries and allowances to be paid to the Registrar, the officers and staff;
- (g) the procedure for applying for different classes of registrations and granting registrations thereof;
- (h) the procedure for affiliation and accreditation to the Yoga and Naturopathic Colleges and Hospitals;
- (i) the course prescribed for Bachelor of Naturopathy and Yogic Sciences Degree;
- (j) the manner in which the account referred to in sub-section (2) of section 39 shall be maintained;
- (k) the procedure to be followed by the Council in—
  - (i) conducting an enquiry under clause (c) of sub-section (2) of section 23;
  - (ii) disposing of appeals from the decision of the Registrar preferred under section 26;
- (l) the procedure for disposal of appeal made to the State Government under section 28;
- (m) any other matter which may be or is required to be, prescribed under this Act.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the State Legislature, while it is in session as may be after it is made, before the State Legislature, while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive

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(Sections 42, 43.—*The Schedule.*)

sessions aforesaid, the State Legislature agrees in making any modification in the rule or the State Legislature agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the vailidity of anything previously done under that rule.

Power to make  
regulations.

**42.** (1) The Council may, with the previous approval of the State Government, by notification published in the *Official Gazette*, make regulations, not inconsistent with the provisions of this Act and the rules made thereunder for discharging its functions under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters:—

- (a) the conduct of business of the Executive Committee and of Committee appointed by the Council;
- (b) the time and place at which each meeting of the Council or Executive Committee shall be held;
- (c) the issue of notices convening such meeting;
- (d) the conduct of business thereat;
- (e) any matter for which power to make regulations is conferred expressly or by implication on the Council by this Act.

Control on  
Council by State  
Government.

**43.** If, at any time, it appears to the State Government that the Council has failed to exercise or abused a power conferred upon it by or under this Act or has failed to perform a duty imposed upon it by this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, after giving the Council an opportunity of being heard, notify the particulars thereof to the Council, and if the Council fails to remedy such failure, excess or abuse within such time as may be fixed by the State Government in this behalf, the State Government may dissolve the Council and cause all or any of the powes and duties of the Council to be exercised and performed by such other agency and for such period as it may think fit.

### THE SCHEDULE

(See section 25)

#### Qualifications enabling a person to have his name entered in the Register

##### PART A

Serial No.	Description of the Qualifications.	Name of the managing body or authority granting or conferring the qualifications and its location.
1.	(i) BNYS (Bachelor of Naturopathy and Yogic Sciences) 5 years or 5½ years course	From the West Bengal University of Health Sciences, Kolkata or any University set up by a statute in India.
	(ii) ND (Diploma in Naturopathy) 4 years or 4½ years course	Awarded by the Government of Andhra Pradesh or the Osmania University, Hyderabad, Andhra Pradesh.
2.	MNYS (Master of Naturopathy and Yogic Sciences)—3 years course	Awarded by any University of India including the West Bengal University of Health Sciences, Kolkata.

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*(The Schedule.)*

PART B

Every person possessing any qualification not mentioned in Part A on the basis of which his name has been registered in the Yoga and Naturopathic Board or Council established by any State Government within the Indian Union.

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By order of the Governor,  
MITA BASU ROY,  
*Pr. Secy. to the Govt. of West Bengal,  
Law Department.*