

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT MUZAFFARABAD

Dated: 9th January, 2020

No. LD/Legis-Act/40-52/2020. The following Act of Assembly received the assent of the President on the 3rd day of January 2020, is hereby published for general information.

(ACT IV OF 2020)

An

Act

to prevent the misuse of the allopathic system of medicine and to provide for matters connected therewith;

WHEREAS, it is expedient to prevent the misuse of the allopathic system of medicine and to provide for matters connected therewith for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title, Extent and Commencement.- (1) This Act may be called the Azad Jammu and Kashmir Allopathic System (Prevention of Misuse) Act, 2019.

(2) It extends to the whole of Azad Jammu and Kashmir.

(3) It shall come into force at once.

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

(a) "Government" means the Azad Government of the State of Jammu and Kashmir;

(b) "Medical and Dental Council" means the Medical and Dental Council constituted under Pakistan Medical and Dental Council Ordinance, 1962 (XXXII of 1962), as enforced in Pakistan; and

(c) "Registered Medical Practitioner" means a person registered by the Medical and Dental Council.

3. Prohibition of the use of the Word "doctor" and _ its variations, etc.- No person practicing the allopathic, homoeopathic, ayurvedic, unani or any other system of medicine shall use with his name or address, or with the name or address of his business, the word "doctor", or any of its grammatical variations, cognate expressions or abbreviations so as to give out that he is entitled to

practice medicine unless he is a Registered Medical Practitioner:

Provided that nothing in this Section shall apply to a person on whom a Doctor's degree other than medical degree has been conferred by any university in or outside Azad Jammu and Kashmir.

Prohibition of the use of Medical Degrees or Diplomas.- No person shall use a medical degree or a medical diploma to give

out that he is a qualified medical practitioner or for any purpose connected with medical practice, unless such degree or diploma has been conferred or awarded by a university or institution in or outside Azad Jammu and Kashmir, recognized by the Medical and Dental Council.

Prohibition of Performing Surgical Operations _ by Unqualified Persons.- No person other than a Registered Medical Practitioner shall perform any surgical operation other than circumcision, incision of boils and administration of injections.

Prohibition for Prescribing certain Drugs.- No person other than a Registered Medical Practitioner or a person authorized in this behalf by the Government shall prescribe any antibiotic or dangerous drug specified in the rules made under this Act.

Restriction on the sale of Patent and Proprietary Medicines.- No person shall sell in the market any patent or proprietary medicine of the unani, ayurvedic, homoeopathic or biochemic system of medicine, unless there is displayed, in a conspicuous and readily intelligible manner, on the label or container thereof and also on the outer cover of the container (other than ordinary wrapper), the true formula of the medicine contained in it.

Penalty.- Whoever contravenes the provisions of Section 3, Section 4, Section 5, Section 6 and/or Section 7 shall be punishable with imprisonment which may extend to one year or with fine not exceeding one hundred thousand rupees, or with both.

Jurisdiction.- (1) No prosecution shall be instituted under this Act except by an Inspector appointed under the Drugs Act, 1976 (XXXI of 1976), as adopted and enforced in Azad Jammu and Kashmir or by a person specially empowered by the Government in this behalf.

(2) No court inferior to that of a magistrate of the first class shall try an offence punishable under this Act and

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notwithstanding anything contained in Section 32 of the Code of Criminal Procedure, 1898 (Act V of 1898), as adopted and enforced in Azad Jammu and Kashmir, it shall be lawful for such magistrate to pass any sentence of fine to the extent provided for by this Act in excess of his powers under the said Section 32.

Protection.- No suit or proceeding shall lie against any Inspector or person acting in good faith under Section 9 of this Act.

Powers to make rules.- The Government may make rules for carrying out the purposes of this Act.

Sd/-
(Gulfray Ahmed Khan)
Section Officer (Legislation)