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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

UVA PROVINCE PROVINCIAL COUNCIL

Statute of "Provincial Ayurveda and Indigenous Medicine Services" of No. 06 of 2011 of the Uva Provincial Council

THE above statute having approved by the Democratic Socialist Republic of Sri Lanka on the 28th April, 2011, has been approved by the Hon. Governor of the Uva Province on the date 10th of May 2011 and which is hereby published for the notification of the public.

K. D. SIRISENA,
Council Secretary,
Uva Provincial Council.

Council Secretariat,
Uva Provincial Council,
King Street,
Badulla,
25th of May, 2011.

AYURVEDA AND INDIGENOUS MEDICINE SERVICES STATUTE BEARING NO. 6 OF 2011 OF UVA PROVINCE

A Statute enacted to provide regulations to establish other posts including Ayurveda Commissioner, Hospital Committees for Ayurveda Hospitals, Training Management Board, Ayurveda Conservation Sabhas and Advisory Sabhas under the Uva Provincial Ayurveda Department and to maintain them properly and to fulfill other consequent matters to it for the conservation, development and expansion of Indigenous Ayurveda, Sidha and Unani Medicine methods for the healthiness of the people of Uva Province.

The Provincial Council of the Uva Province of the Democratic Socialist Republic of Sri Lanka enacts as follows :-

1. This Statute is defined as the Indigenous Medicine Services Statute bearing No. 6 of 2011 and will be implemented on a date approved by the Governor of Uva Province.

Abbreviated
name and date of
implementation.

Establishment of a Provincial Ayurveda Commissioner Post.	2. To fulfil the purposes and objects mentioned hereinafter a Post of Provincial Ayurveda Commission will be established by this under the Ayurveda Department (hereinafter mentioned as the Department) of Uva Province.
Provincial Ayurveda Commissioner.	3. (1) Provincial Ayurveda Commissioner established under this Statute will be the Head of the Provincial Ayurveda Department by that name and designation. (2) Provincial Ayurveda Commissioner should be a Medical Officer of the Sri Lanka Ayurveda Service and he should be appointed by the Governor of Uva Province in relevance to Section 32 of Provincial Council Act, No. 42 of 1987. (3) The Provincial Ayurveda Commissioner should perform the duties of his post under the orders and directives of the Secretary of the Uva Provincial Indigenous Medicine Ministry.
Appointment of other officers and minor staff.	4. (1) Other officers including Deputy Ayurveda Commissioners and Assistant Ayurveda Commissioners Ayurveda Programma Assistants required for the approved staff the Provincial Ayurveda Commissioner thinks necessary to perform the workload of the Department should be appointed by the Governor of Uva Province to the Uva Provincial Public Service Commission as and when required. (2) All the officers and minor staff employed in the Uva Provincial Ayurveda Department holding approved posts prior to the implementation of this statute should be considered as appointed under this Statute.
Purposes and Objects.	5. The Provincial Ayurveda Commissioner should perform his duties to fulfil the under mentioned purposes and objects subjected to the allocation set apart by the Uva Provincial Council :- (1) Establishing institutes and supplying services required for health safety and improvement, to provide treatment facilities and also for primary health development in respect of the healthiness of people. (2) Providing facilities required to establish Ayurveda Community Health Units at Divisional Secretary Division levels. (3) Diagnosing diseases according to Ayurveda and taking action for Public Health Development and encouraging it. (4) Granting Scholarships and other facilities to persons involved in the service of proposed to be employed in the services of the Department granting financial aids and other assistances to institutes involved in providing courses or research affairs in respect of Ayurveda and encouraging the study of Ayurvedaya and connected research affairs. (5) Conservation and development of hereditary and indigenous medical methods and improving their standards. (6) Establishing a Provincial Ayurveda Museum for the protection of hereditary medical knowledge, ola leaf books and medical equipment intrinsic to Uva Province and providing facilities required to maintain it. (7) Maintaining herb parks and nurseries in the Province, supplying maintenance and required facilities and instigating to implement a self employment programme under it.

- (8) Establishing a Provincial Drug Manufactory to manufacture finished drugs necessary, to the province in the province.
- (9) Popularizing indigenous medical methods and creating income generating methods by combining with the tourist industry.
- (10) Assisting for the co-ordination required to purchase harmful drugs.
6. The Ayurveda Commissioner has the following powers subjected to the regulations of the Statute :-
- Powers and duties of the Ayurveda Commissioner.
- (1) In fulfilling the purposes specified in Section 5 establishing and maintaining or providing to establish and maintain Ayurveda hospitals, Ayurveda Drug Manufactories, Ayurveda Drug Deposits, Ayurveda Treatment Centres, Ayurveda Drug Stores, herb parks and plant nurseries, an Ayurveda Museum and Ayurveda Drug Sale Centres and Provincial, District, Divisional Indigenous Medical and Ayurveda Conservation Boards or giving aids and encouragement to them by the Ayurveda Commissioner.
- (2) Implementing the decision taken by the institutes built and established under this Statute subjected to the recommendation of those institutes.
- (3) Maintaining the data and statistics of the institutes established under this Statute methodically and in an up to date manner.
- (4) Inspecting whether all the statutory institutes established under this Statute are maintained in a high quality standard and according to present recommendations and submit reports regarding them from time to time.
- (5) Registering the Ayurveda Institutes controlled by the Provincial Ayurveda Drug Control Board according to the recommendations of that Board and issuing certificates.
7. An Advisory Board should be established to give advices to the Minister in Charge of the subject to achieve the intended purposes of this Statute. That Advisory Board should be appointed by the Minister and its composition should be as following :-
- Establishing and Advisory Board
- (1) Secretary of the Ministry in charge of the subjects.
- (2) Provincial Ayurveda Commissioner.
- (3) A representative appointed by the Honourable Minister in charge of the Provincial Indigenous Medicine subject.
- (4) A retired executive officer of the Administrative Service or Education field.
- (5) Provincial Health Services Director or a representative of his.
- (6) A representative of the lecturing staff named by the Vice Chancellor of Uva Wellassa University.
- (7) Two members of the Ayurveda Conservation Board to represent Badulla and Moneragala Districts.

Financial aids.

8. From the money and allocations approved by the Parliament and the Provincial Council the Ayurveda Commissioner can grant a certain amount with the prior approval of the Minister to the following in fulfilling the purposes specified in Section 5 :-

- (1) Provincial Ayurveda Education and Training Management Board,
- (2) Provincial Ayurveda Research Board.
- (3) Provincial Ayurveda Drug Control Board
- (4) Any other institute established and maintained for Ayurveda Improvement and conservation.
- (5) Any other suitable person or persons to continue Ayurveda education affairs.
- (6) Provincial, District and Divisional Ayurveda Conservation Boards.

Ayurveda hospitals, Ayurveda Drug Manufactories, Ayurveda Drug Deposits, Herb Parks, Ayurveda Treatment centres, Ayurveda Drug Stores, Ayurveda Drug Sale Centre and Ayurveda hospitality centres should be registered.

9. (1) When the Ayurveda Commissioner has registered a certain place at present as an Ayurveda hospital an Ayurveda Treatment Centre, an Ayurveda Drug Manufactory, an Ayurveda Drug Deposit, Herb Park an Ayurveda Drug Store, an Ayurveda Drug Sale Centre and unless the person maintaining that hospital, drug manufactory, drug deposit, treatment centre, drug store or drug sale centre, Ayurveda hospitality centre has been registered as the owner of that, whatever a place should not be used for a Ayurveda hospital, an Ayurveda Treatment Centre an Ayurveda Drug Manufactory, an Ayurveda Drug Deposit, an Ayurveda Drug Sale Centre and a Ayurveda Hospitality Centre from and after a date that can be ordered by an order published in the *Gazette* in that respect by the Minister.

- (2) The fixed date published by an order under Sub-section 9(1) should not be a date this side of three months from the date published accordingly.
- (3) In an instance a certain place is used for the activities of an Ayurveda Hospital, an Ayurveda treatment centre, an Ayurveda Drug manufactory, an Ayurveda Drug deposit, herb park, an Ayurveda drug store, or an Ayurveda Drug sale centre, an Ayurveda hospitality centre by violating the regulations in Sub-section 9(1) in this, the owner or the person in charge of that hospital that drug manufactory, that drug store, that treatment centre that herb park, that drug sale centre, that Ayurveda hospitality centre will be doing an offence under this Statute, After conviction in a Magistrate Court in respect of and such an offence should be subjected to a fine not less than Rupees Ten Thousand and not more than Rupees Fifty Thousand.

The Minister can enact orders

10. (1) The Minister can enact orders under this Statute in respect of the undermentioned one matter or all the matters :-
 - (a) Forwarding applications to register a certain place as an Ayurveda hospital, An Ayurveda treatment centre, an Ayurveda drug manufactory an Ayurveda drug deposit, herb park, an Ayurveda drug store or an Ayurveda drug sale centre, an Ayurveda hospitality centre and charging fees for registration.

- (b) Specimen of that application and details that should be included in that application
 - (c) The period that registration should be valid and granting of certificates regarding the renewal of that registration after the payment of the specified fee.
 - (d) Instances the renewal and rejection of that registration.
 - (e) In respect of the finality of the decision given by the Minister regarding appeals submitted to the Minister against the refusals of requests submitted for that registration or renewal or renewal of the registration or cancelling the registration.
 - (f) Specifications and conditions that should be followed regarding registered Ayurveda hospitals Ayurveda drug manufactories, Ayurveda drug deposits, herb parks, Ayurveda treatment centres, Ayurveda drug stores or Ayurveda drug sale centres or Ayurveda hospitality centres.
 - (g) Reports and Bank reports and ledgers that should be maintained by them.
 - (h) Particulars that should enter in the said reports including reports that should be supplied from time to time in respect of those institutes and statistics of patients admitted to them and treatments obtained from them and particulars of staff employed in them.
 - (i) Specifications in respect of fees and charges that can be recovered by the relevant institutes.
 - (j) Powers regarding entering and inspecting those institutes.
 - (k) The duty of registering the relevant centres and the registers that should be kept and maintained by the Ayurveda Commissioner.
 - (l) Health safety of persons taking treatments in the said institutes and treating them properly and providing service facilities.
11. (1) Orders enacted by the Minister under this Statute should be published in the *Gazette*.
- (2) After the publications of the orders enacted under this by a *gazette* they should be forwarded to the Provincial Council as early as possible for approval and after they have been approved by the Provincial Council that approval must be announced by a *gazette* paper. From the date that announcement of approval is published in the *gazette* paper they will be in force.
12. A certain amount of drugs required for patient treatment in free dispensaries maintained under the Local Government Department in the Uva Province can be supplied from the drugs manufactured in the Uva Provincial Drug Manufactory. Free Ayurveda Dispensaries.
13. (1) Steps should be taken to establish herb parks and herb nurseries in the premises of Ayurveda Hospitals, Central Dispensaries and selected schools and Government Institutes in the Province with the purpose of conserving indigenous drugs and plant varieties going extinct and fixing name boards to identify them and educate people. Establishment of herb parks.
- (2) When obtaining Government land to establish herb parks lands should be obtained according to regulations enacted under the Government Land Ordinance bearing No. 08 of 1947 which is the Authority 454.

(3) Maintaining herb parks and maintaining herb nurseries is the responsibility fo the Divisional Ayurveda Conservation Committee mentioned hereinafter subjected to the supervision of the Provincial Ayurveda Commission.

(4) Sale of plants from herb plant nurseries will be legal under this Statute.

Establishment
of Provincial
Ayurveda
Educational and
Training
Management
Board.

14. (1) A Board that should be defined by the name Ayurveda Education and Training Management Board of the Province hereinafter mentioned as the Board should be established.

(2) The said Board should consist of the members mentioned below :-

(a) Ayurveda Commissioner ;

(b) Deputy Ayurveda Commissioner or an officer name by the Ayurveda Commissioner ;

(c) Director of the Diyatalawa Ayurveda Hospital and the Director of the Medagama Ayurveda Hospital ;

(d) Two doctors from other Ayurveda Institutes and Local Government Institutes appointed on the recommendation of the Minister.

(e) Three doctors not in Government service who have received Indigenous, Hereditary or Institutional Training selected on the recommendation of the Minister.

(f) After preparing a suitable constitution for the activities of this Provincial Ayurveda Educational and Training Management Board it should be published in the gazette paper with the agreement of the Minister in charge of the Indigenous Medicine subject.

(g) The official period of the said Board should be three years and the quorum should not be less than one third of the number of members available on that date.

Powers of the
Board.

15. The following powers should be with the Training Management Board.

(1) Identify and implement training requirements in the State sector relevant to the Provincial Ayurvedaya.

(2) Identity and implement training requirements of hereditary and indigenous Ayurveda doctors in the Province.

(3) Decide and maintain appropriate courses for other services relevant to Ayurveda sector.

(4) Award relevant scholarships, student allowances and other gifts or aids to persons involved in Ayurveda educations.

(5) Implement an manage education systems and training programmes.

(6) Appoint a training staff.

(7) Submit recommendation to the Ayurveda Medical Council for awards, commendation papers or certifications.

- 16 (1) An Institution defined as the Provincial Ayurveda Research Board hereinafter mentioned as the Research Board should be established. Establishment of Provincial Ayurveda Research Board.
- (2) The Minister should appoint the Provincial Ayurveda Commissioner or the Deputy Ayurveda Commissioner mentioned in Section 4.1 of this Statute as the Director of the Research Board.
- (3) The Research Board should consist of the number of members mentioned below :-
- (a) Provincial Ayurveda Commissioner ;
- (b) Director of Nawinna Ayurveda Research Institute of a representative of his ;
- (c) An officer assigned to the Ayurveda Community Health Service named by the Provincial Ayurveda Commissioner.
- (d) A person from specialist doctors appointed on the recommendation of the Minister.
- (e) Director of Diyatalawa Ayurveda Hospital
- (f) Medical Superintendent of Medagama Ayurveda Hospital
- (g) Two doctors employed in the Provincial or Local Government Institutes.
- (h) A doctor from indigenous or Hereditary Ayurveda doctors appointed on the recommendation of the Minister.
- (4) Official period of the Research Board is three years. Quorum should not be less than one third.
- (5) After compiling an appropriate constitution for the activities of the above Provincial Ayurveda Research Board by the Provincial Ayurveda Commissioner it should be published in the *gazette* paper on the agreement of the Secretary of the Provincial Indigenous Medicine Ministry and the Minister in charge of the Provincial Indigenous Medicine subject.
17. The responsibility in respect of holding research affairs in all the sections of Ayurveda and specially the undermentioned activities with the idea of improving Ayurveda development and the said affairs is vested with the Research Board established under Section 16.1 above :-
- (1) Prepare a Research Policy and implement
- (2) Establish and maintain an Ayurveda Museum that can conserve hereditary knowledge.
- (3) Holding research affairs regarding herb plants raw drugs, finished drugs and various products.
- (4) Conduct research affairs according to current necessities regarding disease causes and therapy methods for them.
- (5) Management regarding Ayurveda research and such research institutes.

- (6) Perform research affairs in respect of :
 - (a) Ayurveda Literature;
 - (b) Principles of Ayurveda knowledge
 - (c) Ayurveda Chemotherapy
 - (d) Astrology, rituals, secret treatment and other associated various remedial methods.
 - (e) Perform research affairs about other indigenous natural medical methods confirming to Ayurvedaya
- (7) Perform research affairs regarding Materai Medica
- (8) Perform research affairs regarding
 “Wrukshayurvedaya and Sathvayurvedaya”
- (9) It is the responsibility of the Research Board to follow the directives relevant to research affairs made by the Ayurveda Medical Council from time to time and to publish research policies.
- (10) Pay attention to and take action to control invasive and migratory plants harmful to herbal plants required for Ayurvedaya.

Powers of the Board.

18. The Research Board should have the following powers
 - (1) Recommend to enact regulations in respect of Research Institutes, research affairs and researchers.
 - (2) Formulate a proposed research programme for each and every year and maintain the research indicators performed earlier in an up to date manner.
 - (3) To appoint control sub-committees for Ayurveda Research institutes established under this Statute and enact relevant by-laws to them.
 - (4) To obtain indigenous, hereditary or other current inter activity co-operation thought suitable by the Research Board in instances where the Research Board decides necessary for Ayurveda affairs.
 - (5) To obtain the co-operation of categories owned by institutes.
 - (6) If a local person or a foreign person, a company or an institute outside of the Ayurveda Department is enjoying any research result performed by the direction of Ayurveda Department there is a right to obtain financial or any other similar benefit and the right to enter into procedure necessary for that.
 - (7) A staff decided form time to time should be appointed to perform the above mentioned duties
- 19(1) A provincial Ayurveda Drug Appraisal Board hereinafter mentioned as the Appraisal Board should be established.

Provincial
 Ayurveda Drug
 Appraisal Board

- (2) One person from the Deputy or Assistant Ayurveda Commissioners mentioned in Section 4.1 of this Statute should be appointed by the Minister as the Director of the Drug Appraisal Board. Provincial Ayurveda Drug Appraisal Board.
- (3) The Drug Appraisal Board should consist of the following number of members :-
- (a) The Chief Medical Officers' of the Provincial Drug Manufactory ;
 - (b) The Chief Apothecary of the Provincial Drug Manufactory ;
 - (c) One doctor from the teaching staff of the Provincial Ayurveda Educational Institute appointed on the recommendation of the Minister ;
 - (d) One person from the Heads of the registered Ayurveda Drug Manufactories in the Province appointed on the recommendation of the Minister ;
- (4) The Provincial Ayurveda Drug Appraisal Board should have the following powers :-
- (a) To create and implement a Drug Policy in the Province ;
 - (b) To systemise the distribution and use of drug in the Province ;
 - (c) To systemise supervision of Ayurveda Drug Manufactories in the State and Private Sector and introduce standards ;
 - (d) To safeguard the quality of drugs and to certify unharmed ;
 - (e) To make certain that all drugs are manufactured subjected to Ayurveda Act, No. 31 of 1961 and Amendment Acts relevant to it and legal regulations in Sri Lanka Ayurveda Drug Code ;
 - (f) The submit recommendations to Ayurveda Commissioner to take legal action regarding products made in a contravening manner to harmful as well as other consequent Acts ;
 - (g) To establish Ayurveda drug products selling places in the Province. charge registration fees train and appoint dispensers and cancel registrations ;
 - (h) To identify, introduce and implement other legal allocations existing at present regarding Ayurveda drugs and regarding maintaining drug deposits ;
 - (i) Exporting Ayurveda finished drugs, dry and raw drugs and obtaining patent permits for medicinal plants intrinsic to Uva Province should happen on the approval of the Secretary of the Provincial Ministry on the recommendation of the Provincial Ayurveda Commissioner ;
 - (j) Issue licenses, recommend and fix license fees required to transport natural drug available in the Uva Province to outside of the Province ;
- 20 (1) Official period for all the Boards will be three calender years. General matters.

- (2) Official period of the Boards can be terminated after an announcement published in a *Gazette* paper according to the discretion of the Minister ;
- (3) Quorum of a Board should not be less than one third ;
- (4) Meetings of all the Boards should be held at least once a month ;
- (5) A remuneration approved by the Minister can be paid to the members in respect of a meeting session of a Board ;
- (6) Not attending three meeting sessions will cause the abolishment of the membership.

Establishment
of Ayurveda
Hospital
Committees.

- 21 (1) Hospital Development Committees should be established in affiliation with every Ayurveda Hospital and Central Dispensary with the purpose of providing a quality service by an Ayurveda Hospital and an Ayurveda Central Dispensary and for the development of the said institutes and to provide facilities and advices for that and also to create a close relationship among the people ;
- (2) The said Ayurveda Development Committees should consist of the following members :—
 - (a) The chairman of the Hospital Development Committee should be the doctor in charge of the Institute and the Provincial Ayurveda Commissioner, Head of Local Government Institutes and the Divisional Secretary will be appointed as patrons by virtue of their posts. The agreement of the Minister of Provincial Indigenous Medicine should be received to this Committee ;
 - (b) The Secretary of the Committee should be the convenor of the Hospital Development Committee A Secretary should be appointed from the committee members.
22. The following should be appointed as the Hospital Development Committee members. Committee members are limited to a maximum of 25.
 - (1) A maximum of 05 from Heads of Institutes in the area the hospital is situated ;
 - (2) A maximum of 03 from Heads of Security Sections in the territory ;
 - (3) A maximum of 08 from Heads of Voluntary Organizations (religious leaders, employees business community and donors)
 - (4) A maximum 05 from hospital staff ;
 - (5) The balance members will be selected and appointed from the people living in the area.

Accounting of
funds and
auditing.

- 23 (1) A Hospital Development Committee can maintain a Hospital Development Fund and that should be properly accounted.
- (2) Act, No. 42 of 1987 is relevant in respect of auditing these funds ;
- (3) Financial year of the fund will be a calender year ;
- (4) Preparing a relevant constitution to perform the duties and activities of the above Hospital Committee and with the agreement of the Minister in charge of the Indigenous Medicine subject should be published in the *Gazette* paper.

- (5) Prior approval of the Ayurveda Commissioner should be obtained for expenditure that will be done from Rupees Ten Thousand to Rupees Fifty Thousand and the approval of the Secretary of the Ministry in charge should be obtained when spending a higher amount than that.
- 24 (1) Service period of all the members will be three years. Service period of the Committee and the workload
- (2) The Minister has the power of appointing and dismissing members of the Hospital Committee and the power of dissolving Committees.
- (3) Any member of the Committee can resign anytime by informing the Minister in writing. Accepting or rejecting that resignation should happen on the discretion of the Minister.
- (4) Quorum of a Committee meeting should not be less than one third.
- (5) The Chairman should hold the Chair at Committee meeting and in his absence a Chairman elected on a majority agreement of the members has the power to continue the affairs of the Committee. Decisions taken by that Committee should be effective.
- (6) The Committee should meet at least once in two months and the Committee report should have to be submitted to the Ayurveda Commissioner by the Secretary.
- (7) Committee members or the spouse of a Committee member or a family member should not be bound by any supplying, purchasing or contract agreement.
- (8) If involved in a prohibited affair mentioned in Sub-section 7 above, after an inquiry regarding that the Secretary of the Committee should submit recommendation to the Minister to the Minister to dismiss that member.
- (9) Except within the period the Head of the Institute has allowed in writing to perform his duties a committee member should not enter or inspect an institute alone at any time.
25. By “the Governor” the Governor of Uva Province is meant. Interpretation.
- By “the Cabinet” Cabinet of the Uva Provincial Council is meant.
- By “the Minister” the Minister in charge of the Indigenous Medicine subject of the Uva Provincial Council is meant. By the Minister in charge of Uva Provincial Health subject, the Honourable Governor of Uva Province is meant in an instance the Provincial Council is dissolved.
- By “the Chief Secretary” the Chief Secretary of Uva Provincial Council is meant.
- By “the Secretary” the Secretary of the Ministry in charge of Indigenous Medicine of the Uva Provincial Council is meant.
- By “the Commissioner” the Ayurveda Commissioner of Uva Provincial Council is meant.
- By “the Local Government Institutes” Municipal Councils, Urban Councils and Pradeshiya Sabhas in the Uva Province are meant.
- To “Ayurvedaya” Medical methods and surgeries in Ayurvedaya, Sinani, Unani and Indigenous remedy methods, Panchakarma treatment methods, Spa treatments, other medical methods

indigenous to different countries accepted as such by the Governments of different countries are included and also herbal, natural, indigenous, alternate parallel, eastern, hereditary, complementary and or any other treatment method or methods giving a similar meaning implemented in Sri Lanka or disease preventing or health improvement method or methods are included .

By “Indigenous doctor and Hereditary doctor” all the indigenous doctors registered or not registered residing in the Uva Province are meant.

By “consequent other services” astrologers, persons involved in spiritualism are meant.

By “herb parks” parks with kind of trees, creepers plants used for indigenous, hereditary and Ayurveda Medical Science are meant.

Discrepancy.

If a discrepancy occurs among the Sinhalese, Tamil and English versions of this Statute, then the Sinhalese version should be made effective.

06-408