



सत्यमेव जयते

GOVERNMENT OF GUJARAT
LEGAL DEPARTMENT



Gujarat Act No. XXXVI of 1963

The Gujarat Homoeopathic Act, 1963



PRINTED IN INDIA BY THE MANAGER, GOVERNMENT CENTRAL PRESS, AHMEDABAD;
PUBLISHED BY THE DIRECTOR, GOVERNMENT PRINTING, PUBLICATIONS
AND STATIONERY, GUJARAT STATE, AHMEDABAD.

1966

[Price : Re. 00-30 Paise]



THE GUJARAT HOMOEOPATHIC ACT, 1963.

CONTENTS.

PREAMBLE.

SECTIONS.

CHAPTER I.

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II.

CONSTITUTION, FUNCTIONS AND POWERS OF THE COUNCIL.

3. Constitution and incorporation of Council.
4. Time, place and manner of election of members.
5. Term of office.
6. Extension of period of Council.
7. Casual vacancies.
8. Resignation.
9. Disqualification and disability.
10. Meetings of Council.
11. Proceedings of meetings and validity of acts.
12. Fees and allowances to members of Council.
13. Income and expenditure of Council.
14. Budget and accounts.
15. Powers, duties and function of Council.
16. Registrar and other employees of Council.

CHAPTER III.

REGISTRATION AND ENLISTMENT.

17. Preparation of register.
18. Preparation of list of persons in practice on the appointed day.
19. Undertaking to be given for entering name in register or list.
20. Removal of names from register or list.
21. Persons not entitled to registration or enlistment.
22. Maintenance of register and list.
23. Renewal fee.
24. No refund of fees.
25. Right of registered practitioner.
26. Notice of death.

SECTIONS.

CHAPTER IV.

EXAMINATIONS HELD BY THE COUNCIL, COURSES OF STUDIES,
RECOGNITION OF INSTITUTIONS AND RECOGNITION OF
QUALIFICATIONS.

27. Examination held by Council and courses of studies.
28. Recognition of institutions.
29. Withdrawal of recognition of institutions.
30. Amendment of First Schedule.

CHAPTER V.

OFFENCES AND PENALTIES.

31. Prohibition of unauthorised conferment of degrees etc.
32. Penalty for falsely assuming or using medical title, etc.
33. Prohibition against practice by unregistered or unlisted practitioner.
34. Jurisdiction of Magistrates.
35. Cognizance of offences.

CHAPTER VI.

MISCELLANEOUS.

36. Power of Government to make rules.
37. Regulations.
38. Control of Government.
39. Indemnity to persons acting under the Act.
40. Repeal and savings and dissolution of Board of Homoeopathic System Medicine.
41. Repeal of Bom. XII of 1960.
42. Power to remove difficulties.
43. Amendment of Bom. XXVI of 1938 and that Act as applied to Saurashtra and Kutch areas of the State.

FIRST SCHEDULE.

SECOND SCHEDULE.

GUJARAT ACT NO. XXXVI OF 1963.¹

[THE GUJARAT HOMOEOPATHIC ACT, 1963.]

[15th October 1963.]

An Act to consolidate and amend the law relating to the registration of practitioners of the Homoeopathic system of medicine in the State of Gujarat.

It is hereby enacted in the Fourteenth Year of the Republic of India as follows:—

CHAPTER I.

1. (1) This Act may be called the Gujarat Homoeopathic Act, 1963.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Gujarat.

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

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

Definitions.

(1) “appointed day” means the day on which this Act comes into force;

(2) “Council” means the Council of Homoeopathic System of Medicine, Gujarat, constituted under section 3;

(3) “enlisted practitioner” means a practitioner whose name is for the time being entered in the list;

(4) “Homoeopathy” means the system of medicine founded by Dr. Samuel Hahnemann which includes the Biochemic therapy as propounded by Dr. Schussler, and the expression “Homoeopathic” shall be construed accordingly;

(5) “Inspector” means an Inspector appointed by the Council;

(6) “list” means the list of practitioners prepared and maintained under section 18;

(7) “member” means a member of the Council;

(8) “practitioner” means a person who practises the Homoeopathic system of medicine as his principal occupation;

(9) “prescribed” means prescribed by rules under this Act;

(10) “President” means the President of the Council;

1. For Statement of Objects and Reasons, see *Gujarat Government Gazette*, Part V, May 1963, p. 243.

(11) "qualifying examination" means any examination specified by any university, institution, authority or body for obtaining any recognised qualification;

(12) "recognised institution" means any institution recognised by the Council under section 28 for giving instructions in the courses leading to the examinations held by the Council;

(13) "recognised qualification" means a qualification, degree, diploma, certificate or any other like award specified in the First Schedule;

(14) "register" means the register of practitioners prepared and maintained or deemed to have been prepared and maintained, under section 17;

(15) "registered practitioner" means a practitioner whose name is for the time being entered in the register;

(16) "Registrar" means the Registrar appointed under section 16;

(17) "regulations" means the regulations made under section 37;

(18) "rules" means the rules made under section 36;

(19) "Schedule" means a Schedule appended to this Act.

CHAPTER II.

CONSTITUTION, FUNCTIONS AND POWERS OF THE COUNCIL.

Constitution and incorporation of Council.

3. (1) With effect from such date as the State Government may, by notification in the *Official Gazette*, notify in this behalf, there shall be established for the purposes of this Act a Council to be called "the Council of Homoeopathic System of Medicine, Gujarat". The Council shall be a body corporate and have perpetual succession and a common seal and may by the said name sue and be sued and shall be competent to acquire and hold property both moveable and immovable and to contract and to do all things necessary for the purposes of this Act.

(2) The Council shall consist of eleven members including the President, and shall be constituted in the following manner, namely :—

(a) four members shall be nominated by the State Government out of whom at least three shall be registered practitioners.

(b) ^{Six}~~four~~ members shall be elected by the registered practitioners holding any of the recognised qualifications from amongst themselves;

(c) ^{one}~~three~~ members shall be elected by the registered practitioners other than those mentioned in clause (b) from amongst themselves :

Provided that the Council to be constituted for the first time under this Act shall consist of nine members, including the President, nominated by the State Government, seven members being persons from amongst registered practitioners.

(3) If at any election, the electors fail to elect the requisite number of members to the Council, the State Government shall nominate such registered practitioners as it deems fit, to fill the vacancies which remain unfilled after the election and the practitioners so nominated shall, for the purpose of sub-section (2), be deemed to have been duly elected under the said sub-section.

(4) The President of the Council shall be elected by the members of the Council from amongst themselves in the prescribed manner :

Provided that the President of the Council constituted for the first time under the proviso to sub-section (2) shall be nominated by the State Government from amongst the members of such Council.

4. (1) The election of members under section 3 shall be held at such time and at such place and in such manner as may be prescribed.

Time, place
and manner
of election
of members.

(2) The Registrar shall, at least three months before the date fixed for the election of the Council, cause to be printed and published a correct list of the names and qualifications of all practitioners for the time being entered in the register and the dates when such qualifications were acquired.

5. (1) Save as otherwise provided by this Act, the term of office of the members, whether elected or nominated shall be a period of five years commencing from the date on which the first meeting of the Council is held after the election of the members under section 3 :

Term of
office.

Provided that the term of office of the members of the Council constituted for the first time under the proviso to sub-section (2) of section 3 shall be a period of three years from the date on which the first meeting of the Council so constituted is held :

Provided further that the term of office of an outgoing member shall be deemed to extend to, and expire with, the day immediately before the day of the first meeting referred to in sub-section (1).

(2) An outgoing member shall be eligible for re-election or re-nomination.

6. Notwithstanding anything contained in section 5, the State Government may, by a notification in the *Official Gazette*, extend the term of office of the members of the Council for a further period not exceeding one year in the aggregate.

Extension
of period
of Council.

7. (1) Any casual vacancy, previous to the expiry of the term, in the office of the President due to the death, resignation, removal, disability or disqualification of the President or any other reason shall be filled by nomination or election according as the President was nominated or elected.

Casual
vacancies.

(2) Any such vacancy in the office of a member of the Council nominated by the State Government shall be filled by nomination.

(3) Any such vacancy in the office of a member of the Council elected by the registered practitioners shall be filled by the State Government by nomination of

a person from a panel of three registered practitioners recommended by a resolution of the Council passed by a majority of all the then members of the Council ;

Provided that if the Council fails to pass such a resolution within such time as the State Government may fix, the State Government may appoint any registered practitioner to fill the vacancy and the practitioner so appointed shall, for purposes of this sub-section, be deemed to have duly nominated.

(4) Any person nominated or elected to fill a casual vacancy under this section shall, notwithstanding anything contained in section 5, hold office only so long as the person in whose place he is nominated or elected would have held office, had the vacancy not occurred.

Resignation.

8. (1) Any member may at any time resign his office by a notice in writing to the Council delivered to the Registrar. Such resignation shall take effect from the date on which it is accepted by the Council.

(2) The President, nominated by the State Government, may at any time resign his office by a notice in writing to the State Government. The resignation shall take effect from the date on which such resignation is accepted by the State Government. An elected President may at any time resign his office by a notice in writing to the Council delivered to the Registrar. The resignation shall take effect from the date on which such resignation is accepted by the Council at a special meeting convened by the Registrar. The Council may also elect the new President at the same meeting.

Disqualification and disability.

9. (1) No person,—

- (a) who is an undischarged insolvent,
- (b) who has been adjudged to be of unsound mind by a competent Court,
- (c) whose name has been removed from the register, or
- (d) who is a full time officer or servant of the Council,

shall be eligible to be elected or nominated or to continue as a member.

(2) If any member,—

(a) absents himself from three consecutive ordinary meetings of the Council without such reasons as may, in the opinion of the State Government in the case of the President and in the opinion of the Council in the case of any other member, be sufficient, or

(b) becomes or is found to be subject to any of the disqualifications mentioned in sub-section (1),

the State Government or, as the case may be, the Council shall declare his office vacant.

(3) The State Government may, on the recommendation of the Council supported by at least two-thirds of the whole number of members, remove any member elected or nominated under this Act, if such member has been guilty of misconduct in the discharge of his duties as a member or of any disgraceful conduct or has become incapable of performing his duties as member :

Provided that no resolution recommending the removal of any member shall be passed by the Council unless the member to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

(4) The State Government may remove from office the President if he has been guilty of misconduct in the discharge of his duties under this Act, or of any disgraceful conduct, or has become incapable of performing his duties as the President :

Provided that no such action shall be taken unless the President is given a reasonable opportunity of showing cause why he should not be removed from office.

10. (1) The meetings of the Council shall be convened, held and conducted in such manner as may be prescribed: Meetings of Council.

Provided that until rules prescribing such manner are made it shall be lawful for the President to convene a meeting of the Council at such time and place as he may deem fit by circulating a notice to each member.

(2) The President, if present shall preside at every meeting of the Council. In the absence of the President, the members present shall elect from amongst themselves one member to preside at the meeting.

(3) All questions at a meeting of the Council shall be decided by the votes of the majority of the members present and voting at the meeting.

(4) The President or the person presiding at a meeting shall have a second or casting vote in the case of an equality of votes.

(5) Six members including the President shall form a quorum. When a quorum is required but not present, the presiding authority shall, after waiting for not more than twenty minutes for such quorum, adjourn the meeting to such hour on the same or the following or some other day as it may notify and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof, whether there be a quorum present or not.

11. (1) The proceedings of every meeting of the Council shall be treated as confidential and no person shall, without the previous permission of the Council, disclose any portion thereof : Proceedings of meetings and validity of acts.

Provided that nothing in this section shall be deemed to prohibit any person from disclosing or publishing the text of any resolution passed or considered by the Council unless the Council directs such resolution to be treated as confidential.

(2) No disqualification of, or defect in the election, nomination or appointment of, any person as a member or as the President or as a presiding authority of a meeting shall of itself be deemed to vitiate any act or proceedings of the Council in which such person has taken part, whenever the majority of persons, parties to such act or proceedings, were entitled to vote.

(3) During any vacancy in the Council, the continuing members may act as if no vacancy had occurred, provided that the number of continuing members is not less than seven.

Fees and allowances to members of Council.

12. There shall be paid to the members of the Council such fees and allowances for attendance and such reasonable travelling allowances as shall be prescribed.

Income and expenditure of Council.

13. (1) The income of the Council shall consist of—

- (a) fees received from the practitioners;
- (b) fees received from the examinees;
- (c) any other fees collected by the Council;
- (d) grants received from the Government; and
- (e) donations and other sums received by the Council.

(2) It shall be competent for the Council to incur expenditure for the following purposes, namely :—

- (a) salaries and allowances of the Registrar and the other staff maintained by the Council;
- (b) fees and allowances paid to the members of the Council;
- (c) fees and allowances paid to the members of Examination Committee appointed under sub-section (2) of section 27 and to members of the boards of studies and of committees appointed under clause (p) of sub-section (1) of section 15;
- (d) salaries and allowances of Inspectors;
- (e) remuneration paid to paper-setters, examiners, moderators and other persons appointed by the Council for the conduct of examinations;
- (f) other expenses for the conduct of examinations; and
- (g) such other expenses as are necessary for performing its duties and functions under this Act.

Budget and accounts.

14. The budget and the accounts of the Council shall be prepared, maintained and presented before the Council by the Registrar in such manner as may be prescribed.

15. (1) Subject to such conditions as may be prescribed by or under the provisions of this Act, the powers, duties and functions of the Council shall be :—

Powers,
duties
and function
of Council.

- (a) to maintain the register and the list and to provide for the registration of practitioners or the entry of their names in the list ;
- (b) to hear and decide appeals from any decision of the Registrar;
- (c) to reprimand a registered or an enlisted practitioner or to suspend or remove him from the register or the list, as the case may be, or to take such other disciplinary action against him as may, in the opinion of the Council, be necessary or expedient;
- (d) to hold examinations and to make all the necessary arrangements for such examinations;
- (e) to prescribe the courses of the training and study, the curriculum and the syllabus leading to the examinations held by the Council and to charge fees for such examinations;
- (f) to grant degrees, diplomas and marks of honour ;
- (g) to award stipends, scholarships, medals, prizes and other rewards;
- (h) to recognise institutions for the purpose of giving instructions for the courses leading to the examinations held by the Council or to cancel such recognition;
- (i) to recommend the inclusion of any degree, diploma, certificate or award in the First Schedule or to recommend the removal of any degree, diploma, certificate or award from the First Schedule.
- (j) to prepare, publish and prescribe text books and to publish statements of prescribed courses of study ;
- (k) to provide for the maintenance of an adequate standard of proficiency for the practice of the Homoeopathic system of medicine;
- (l) to found and maintain libraries ;
- (m) to recommend and promote schemes for post graduate training and research in Homoeopathy;
- (n) to provide for the inspection of recognised institutions and to require such institutions to furnish such informations as the Council may deem necessary;
- (o) to provide for the inspection of any other institution giving instructions for any of the qualifications included in the First Schedule ;
- (p) to appoint boards of studies and committees consisting of persons who may or may not be members of the Council and to lay down the constitution, the duties and the functions of such boards and committees;

(q) to found Homoeopathic educational institutions or hospitals or dispensaries;

(r) to appoint the officers and servants of the Council, other than the Registrar, and the inspectors, moderators, examiners or visitors; and

(s) to exercise such other powers and perform such other duties and functions as are laid down in this Act and as may be prescribed.

(2) The members of boards of studies and committees appointed under clause (p) of sub-section (1) shall be paid such fees and allowances as may be prescribed.

Registrar
and other
employees
of Council.

16. (1) The Council shall, with the previous sanction of the State Government appoint a Registrar. The salary, allowances and other conditions of service of the Registrar shall be such as may be prescribed.

(2) The Council may from time to time grant leave to the Registrar:

Provided that if the period of leave does not exceed two months, the leave may be granted by the President.

(3) During any temporary vacancy in the office of the Registrar due to leave or any other reason, the Council may, with the previous sanction of the State Government, appoint another person to act in his place and any person so appointed shall for the period of such appointment be deemed to be the Registrar for the purposes of this Act:

Provided that when the period of such vacancy does not exceed two months the appointment may be made by the President.

(4) The Council may, with the previous sanction of the State Government, suspend or dismiss any person appointed as the Registrar or impose any other penalty upon him as it deems necessary.

(5) The Registrar shall be the secretary, and the executive officer of the Council.

(6) The Council shall, with the previous sanction of the State Government, from time to time, prescribe by regulations the number and designations and the salaries, allowances and other conditions of service of other officers and servants as may be necessary for the purposes of carrying out its duties and functions under this Act:

Provided that the powers to appoint any such officer or servant shall vest in the President.

(7) The Registrar shall report all appointments made under sub-section (6) to the Council at its earliest meeting held thereafter.

(8) The Registrar and any other officer or servant appointed under this section shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. ^{of 1860.} XLV

CHAPTER III.

REGISTRATION AND ENLISTMENT.

17. (1) As soon as may be after the appointed day, the Registrar shall prepare and maintain thereafter a register of Homoeopathic practitioners for the State of Gujarat in accordance with the provision of this Act. Preparation of register.

(2) The register shall include the following particulars, namely:—

(a) the full name, nationality and residential address of the registered practitioner;

(b) the date of his admission to the register;

(c) the qualification for registration and the date on which he obtained his degree, diploma or any other like award in Homoeopathy, if any, and the authority, which conferred or granted it ;

(d) his professional address ; and

(e) such further particulars as may be prescribed.

(3) Every person who possesses any of the qualifications specified in the First Schedule shall, at any time on an application made in the prescribed form to the Registrar and on payment of a fee of rupees twenty-five be entitled to have his name entered in the register.

(4) Notwithstanding anything contained in sub-section (3), the name of every person which was entered in Part A, B, or C of the register duly maintained under the Bombay Homoeopathic Act, 1951 and in force immediately before the appointed day in the Bombay area of the State of Gujarat, shall, without further fee or charge, be entered in the register to be prepared and maintained under this Act, and shall continue thereon, for the period for which such registration was made or renewed, unless removed earlier under the provisions of this Act.

Bom.
XLV-
III
of
1951.

(5) Any person other than a person whose name is entered in the register under sub-section (4), who proves to the satisfaction of the sub-committee appointed under sub-section (6), that he had been regularly practising the Homoeopathic system of medicine as his principal occupation in any part of the State of Gujarat for a period of not less than twelve years immediately preceding the appointed day, shall, on an application, made in such form, and accompanied by such documents, as may be prescribed, within a period of one year from the appointed day, and on payment of a fee of rupees twenty-five be entitled to have his name entered in the register under this Act.

(6) All applications for registration under sub-section (5) shall be considered and decided by a sub-committee which shall consist of the President as chairman and two other members of the Council appointed by the State Government. The sub-committee shall make an enquiry in respect of such applications in such manner as may be prescribed.

(7) Any person aggrieved by the decision of the sub-committee under sub-section (6) may, within a period of one month from the date on which such decision is communicated to him, appeal to the Council whose decision shall be final.

(8) When the register is prepared in accordance with the foregoing provisions, the Registrar shall publish in the *Official Gazette* and such newspapers as the council may select a notice stating that the register containing the names of practitioners entered therein up to the date specified in the notice has been prepared.

(9) (a) Every registered practitioner shall be given a certificate of registration in the prescribed form.

(b) Such certificate shall be valid only up to the date specified therein or such extended date as may be specified in the renewal slip issued under section 23.

Preparation
of list of
persons in
practice on
the appointed
day.

18 (1) As soon as may be after the appointed day the Registrar shall, in accordance with the provisions of this Act, prepare and maintain a list of persons not entitled to registration under section 17 but who have been practising on the appointed day the Homoeopathic system of medicine in the State of Gujarat.

(2) The list shall include the following particulars, namely:—

(a) the full name, nationality and residential address of the enlisted practitioner;

(b) the date of his admission to the list ;

(c) the qualification, if any, and the date on which he obtained such qualification and the authority which conferred or granted it;

(d) his professional address ; and

(e) such further particulars as may be prescribed.

(3) Any person whose name is not entered in the register or who is not entitled to have his name entered in the register under section 17 but who proves to the satisfaction of the sub-committee appointed under sub-section (6) of section 17 that he had been regularly practising Homoeopathic system of medicine as his principal occupation in any part of the State of Gujarat from a date prior to the 1st May 1960 shall, on an application made in such form and accompanied by such documents as may be prescribed, within a period of one year from the appointed day and on payment of a fee of rupees twenty-five be entitled to have his name entered in the list.

(4) Every practitioner whose application for registration under sub-section (5) of section 17, and an appeal, if any, under sub-section (7) thereof, are rejected shall, notwithstanding anything contained in sub-section (3), be entitled to have his name entered in the list without his being required to make an application or to pay any other fee, provided the sub-committee appointed under sub-section (6) of the said section is satisfied that such person has been practising regularly the Homoeopathic system of medicine in any part of the State of Gujarat from a date prior to the 1st May, 1960.

(5) Notwithstanding anything contained in sub-sections (3) and (4) no person whose name has been entered in the register under section 17 shall be entitled to have his name entered in the list.

(6) The sub-committee referred to in sub-section (3) shall make enquiry in respect of the applications received under sub-section (3) in such manner as may be prescribed.

(7) Any person aggrieved by the decision of the sub-committee under sub-section (3) or (4) may, within a period of one month from the date on which such decision is communicated to him, appeal to the Council whose decision shall be final.

(8) When the list has been prepared in accordance with the foregoing provisions, the Registrar shall publish in the *Official Gazette* and such newspapers as the Council may select a notice stating that the list containing the names of practitioners entered therein up to the date specified in the notice has been prepared.

(9) (a) Every enlisted practitioner shall be given a certificate of enlistment in the prescribed form.

(b) Such certificate shall be valid only up to the date specified therein or such extended date as may be specified in the renewal slip issued under section 23.

19. (1) Notwithstanding anything contained in sections 17 and 18, the name of a practitioner shall not be entered in the register or the list unless he gives an undertaking in writing executed in such manner as may be prescribed—

Undertaking to be given for entering name in register or list.

VII of 1916.
CII of 1956.
Bom. VI of 1912.
Bom. XXVI of 1938.

(i) to the effect that he shall not use any degree, diploma or licence which is not granted by, or which is identical with or is a colourable imitation of any degree, diploma or licence granted by, a body or institution authorised under the Indian Medical Degrees Act, 1916, the Indian Medical Council Act, 1956, the Bombay Medical Act, 1912 or the Bombay Medical Practitioners' Act, 1938, or under this Act or under any law corresponding to any of these enactments, for the time being in force in any part of the State of Gujarat, and

(ii) in the case of a practitioner other than a practitioner whose name is entered in the register under the provisions of sub-section (4) of section 17, also to the effect that he shall not practise any system of medicine other than Homoeopathy, unless he is duly qualified and entitled under any law for the time being in force to practise that system.

(2) It shall be lawful for a practitioner whose name is entered in the register or the list to use after his name the words "Registered Homoeopathic Practitioner" or "Enlisted Homoeopathic Practitioner", as the case may be, in full to indicate that his name has been entered in the register or the list, as the case may be under this Act.

20. (1) (a) If a registered practitioner has been, after due inquiry held by the Council in the prescribed manner, found guilty of any misconduct, the Council may—

Removal of names from register or list.

(i) issue a letter of warning to such practitioner, or

(ii) direct the name of such practitioner either to be removed from the register for such period as may be specified in the direction, or to be removed from the register permanently.

Explanation.—For the purposes of this section, “misconduct” shall mean—

(i) a cognizable offence by a registered practitioner which involves moral turpitude and for which he is convicted by a criminal court, or

(ii) a cognizable offence by a registered practitioner subject to military law for which he is convicted under the Army Act, 1950, or XLVI
of
1950.

(iii) any conduct which, in the opinion of the Council, is infamous in relation to the profession.

(b) The Council may, on sufficient cause being shown, direct at any time that the name of the practitioner so removed shall re-entered in the register on such conditions and on payment of such fees as may be prescribed and on such further conditions as the Council may impose.

(2) If the name of any such practitioner is entered in—

(a) the register maintained under the Bombay Medical Act, 1912 or any corresponding law for the time being in force in any part of the State of Gujarat, or Bom.
VI of
1912.

(b) the register or list maintained under the Bombay Medical Practitioners’ Act, 1938 or any other corresponding law, Bom.
XXV
of
1938.

it shall be the duty of the Council to give intimation of such removal to the authority entitled to maintain the said register or the said list.

(3) If the name of a registered practitioner is also entered in the register or the list, as the case may be, maintained under any of the laws referred to in sub-section (2) and it is removed from the said register or the said list, the Council shall also remove his name from the register under this Act.

(4) The Council may, on its own motion or on the application of any person after due and proper enquiries and after giving an opportunity to the person concerned of being heard, cancel or alter any entry in the register, if in the opinion of the Council such entry was fraudulently or incorrectly made.

(5) When the name of a registered practitioner is removed from the register under sub-sections (1), (3) or (4), the certificate of registration and the renewal slip or slips relating thereto issued to such practitioner shall be deemed to have been cancelled and such practitioner shall forthwith surrender his certificate together with the renewal slip or slips relating thereto, if any, to the Registrar. The cancellation of the certificate of registration shall be notified by the Registrar in the *Official Gazette* and such newspapers as the Council may select.

(6) In holding inquiries under this section, the Council shall have the same powers as are vested in civil courts under the Code of Civil Procedure, 1908 when trying a suit, in respect of the following matters, namely :— V of
1908.

(a) enforcing the attendance of any person and examining him on oath ;

(b) compelling the production of documents; and

(c) issuing of commissions for the examination of witnesses.

XLV of 1860. (7) All inquiries under this section shall be deemed to be judicial proceedings within meaning of sections 193, 219 and 228 of the Indian Penal Code.

(8) (a) For the purpose of advising the Council on questions of law arising in any inquiry before it, there may be appointed by the Council an assessor, who on the date of appointment is—

XXX-VIII of 1926. XXV of 1961. (i) an advocate enrolled under the Indian Bar Councils Act, 1926, or the Advocates Act, 1961, or

(ii) an attorney of a High Court,

and has practised as such advocate or attorney for not less than ten years.

(b) In every inquiry under this section, the advice to be tendered by the assessor to the Council on any question of law shall be tendered by him in the presence of the registered practitioner whose misconduct is under inquiry or the person representing him at the inquiry, and if the advice is tendered after the Council has begun to deliberate as to its findings, such practitioner or person shall be informed what advice the assessor has tendered. Such practitioner or person shall also be informed, if in any case the Council does not accept the advice of the assessor on any such question as aforesaid.

(c) Any assessor under this section may be appointed either generally or for any particular inquiry or class of inquiries and shall be paid such remuneration as may be prescribed.

(9) The provisions of sub-sections (1) to (8) shall apply *mutatis mutandis* to the removal of the name of any practitioners from the list maintained under section 18 or the cancellation or alteration of any entry in such list.

Bom. XLV-III of 1951. 21. Notwithstanding anything contained in sections 17 and 18, no person whose name has been removed for infamous conduct in a professional respect from any register or list kept under the Bombay Homoeopathic Act, 1951 or under any law for the time being in force in India or any part thereof regulating the registration of practitioners of medicine, shall be entitled to have his name entered in the register or the list prepared under sections 17 and 18 respectively, unless his name is duly restored to the register or the list from which it was removed. Persons not entitled to registration or enlistment

22. (1) It shall be the duty of the Registrar to make entries in the register or, as the case may be, the list and from time to time, to revise the same and to issue the certificates of registration or enlistment and renewal slips in accordance with the provisions of this Act, the rules made thereunder and the orders of the Council. Maintenance of register and list.

(2) The names of registered practitioners or enlisted practitioners who die or whose names are directed to be removed from the register or list under sub-section (1) or sub-section (9) of section 20 shall be removed therefrom.

(3) No alteration in the entries as respects additional qualifications or change of name of the practitioner shall be made except on payment of such fees as may be prescribed.

(4) For the purpose of this section, the Registrar may at any time enquire of a registered practitioner or enlisted practitioner by writing to him a registered letter at the address which is entered in the register or list whether he has ceased to practise or has changed his residence, and if no answer is received within six months after the delivery of the letter to him, the Registrar may remove the name of such practitioner from the register or list, as the case may be. Such inquiry shall be made at least once not less than one year before the term of office of the members of the Council is due to expire.

Renewal fee

23. (1) Every registered or enlisted practitioner shall be liable to pay to the Council a renewal fee of such amount and on such date or at such interval as may be prescribed.

(2) At least three months before the date by which the renewal fee is due to be paid under sub-section (1), the Registrar shall by registered post address a letter to each registered or enlisted practitioner at either the residential or the professional address entered in the register or the list, as the case may be, calling upon him to pay the renewal fee on or before the due date.

(3) (a) If the renewal fee is paid on or before the due date, the Registrar shall issue to the practitioner a renewal slip in the prescribed form specifying the date up to which the validity of his certificate of registration or enlistment, as the case may be, has been extended.

(b) If the renewal fee is not paid by the due date, the Registrar shall remove the name of the defaulting practitioner from the register or the list, as the case may be. On such removal the certificate of registration or enlistment, as the case may be, issued to the practitioner shall be deemed to have been cancelled :

Provided that the name so removed may be re-entered in the register or the list, as the case may be, on payment of the renewal fee and such additional fee as may be prescribed. On receipt of such fee the Registrar shall issue a renewal slip as provided in clause (a).

No refund fees.

24. Fees paid under sections 17, 18, 22 and 23 shall not be refunded.

Right of registered practitioner.

25. Notwithstanding anything contained in any law for the time being in force—

(i) a registered practitioner or an enlisted practitioner shall not be entitled to practise any system of medicine other than Homoeopathy, unless he is duly qualified and entitled under any law for the time being in force to practise that system :

Provided that nothing in this clause shall apply to a practitioner whose name is entered in the register under the provisions of sub-section (4) of section 17 ;

(ii) the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word importing a person recognised by law as medical practitioner or member of the medical profession shall, in all Acts of the State Legislature in force in the State of Gujarat and in all Central Acts (in their application to the State of Gujarat) in so far as such Acts related to any matter specified in List II or List III in the Seventh Schedule to the Constitution of India, include a practitioner whose name is entered in the register under this Act ;

(iii) a certificate required by any Act from any medical practitioner shall be valid if such certificate has been signed by a practitioner whose name is entered in the register under this Act ;

(iv) a practitioner whose name is entered in the register shall be eligible to hold any appointment as a physician or other medical officer in any Homoeopathic dispensary, hospital or infirmary supported by or receiving a grant from the State Government and treating patients, according to Homoeopathic system of medicine or in any public establishment, body or institution dealing with such system of medicine ;

(v) every registered practitioner shall be exempt, if he so desires, from serving on an inquest.

26. Every Registrar of Deaths on receiving notice of the death of a registered practitioner shall forthwith transmit, by post, to the Registrar, a certificate under his own hand together with the particulars of the time and place of death and may charge the cost of transmission of such certificate as an expense of his office. Notice of death.

CHAPTER IV

EXAMINATIONS HELD BY THE COUNCIL, COURSES OF STUDIES, RECOGNITION OF INSTITUTIONS AND RECOGNITION OF QUALIFICATIONS.

27. (1) The Council shall by regulations under section 37 prescribe the examinations to be held by it, the qualifications for admission to such examinations, the courses of studies for such examinations, the standard of passing, the degree, diploma, certificate or any other like award to be conferred on persons who pass the examinations, and such other matters in respect of such examinations as may be necessary or expedient. Examinations held by Council and courses of studies.

(2) The Council may appoint, under the chairmanship of the President, an Examination Committee, consisting of five persons of whom four shall be members of the Council possessing any of the recognised qualifications and one shall be a person, whether a member of the Council or not possessing a medical qualification which is recognised as sufficient for entitling a person to be registered under any law for the time being in force in the State or any part thereof, relating to the registration of medical practitioners.

(3) Subject to such conditions as may be prescribed by regulations, the functions of the Examination Committee shall be—

(i) to consider applications for recognition of institutions made under section 28 and to make recommendations thereon ;

- (ii) to make recommendations as respects appointment of examiners ;
- (iii) to scrutinise applications of candidates for appearance at an examination
- (iv) to make arrangements for holding the examinations of the Council including the appointment of supervising staff, fixation of dates, centres and programmes of examinations and reading of proofs of question papers ;
- (v) to prepare the results of examinations held by the Council and submit them to the Council; and
- (vi) to do all such acts and things, whether incidental to the functions aforesaid or not, in connection with examinations as the Council may determine or direct.

**Recognition
of institu-
tions.**

28. (1) Every institution recognised under this section shall be entitled to train students for the examinations of the Council for which it is recognised.

(2) Any institution desirous of recognition under this Act shall send an application giving full information in respect of the following matters, to the Registrar, so as to reach him at least two months before the commencement of the first term of study preparatory to the examination for which recognition is sought namely :—

- (a) the constitution and personnel of the managing body ;
- (b) subjects and courses in which it gives or proposes to give instruction and the examination for which it seeks recognition ;
- (c) accommodation, equipment and the number of students for whom provision has been or is proposed to be made ;
- (d) the strength of the staff, their salaries, qualifications and the research work carried out by them ;
- (e) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for continued maintenance and efficient working of the institution ;
- (f) facilities for clinical training and the number of beds maintained for the purpose ; and
- (g) such other particulars as the Council may specify by regulations :

Provided that no application shall be entertained by the Registrar unless the institution agrees in writing to give all facilities to any inspector, member, visitor or any other person authorised by the Council to make an inspection or enquiry or to attend any examination under sub-sections (3) to (7).

(3) The Registrar shall place the application before the Council, and if an Examination Committee has been appointed, before the said Committee, and the Council or the said Committee, as the case, may be, may direct the Registrar to call for any

further information which it may deem necessary. The Council or the said Committee may also direct a local inquiry to be made by a competent person or persons authorised by it in this behalf.

(4) After receiving the report of such local inquiry or of the Examination Committee, as the case may be, and after making such further inquiry as may be necessary, the Council shall forward the application together with its report to the State Government with its opinion whether the recognition asked for should or should not be granted. The State Government may thereupon grant or refuse the recognition or may grant it subject to such conditions as it deems fit. The decisions of the State Government shall be final.

(5) It shall be the duty of the Council to secure the maintenance of an adequate standard of proficiency for the practice of the Homoeopathic system of medicine. For the purpose of securing such standard, the Council shall have authority to call on the governing body or authorities of any recognised institution to permit inspectors or any member or visitor appointed by the Council in this behalf to inspect the recognised institution and the hospitals attached to them and to attend and be present at all or any of the examinations held by the institution. Every recognised institution shall comply with any reasonable direction issued by the Council from time to time.

(6) The inspectors, members or visitors shall not interfere with the conduct of any examination but it shall be their duty to report to the Council their opinion as to the sufficiency or insufficiency of every examination which they attend and any other matters in regard to such institution on which the Council may require them to report.

(7) Every recognised institution and every examination held by such institution shall be inspected by the Council through its inspectors or members or visitors at least once in five years and more frequently if the Council so desires.

(8) The Council shall forward a copy of every such report to the authorities of the institution in respect of which the said report was made and shall also forward a copy of such report, together with any observation thereon made by the said body, to the State Government.

(9) An inspector, a member or a visitor shall be paid by the Council such remuneration as may be prescribed.

29. If it appears to the State Government on the report of the Council or otherwise that any institution recognised under section 28 is not maintaining an adequate standard of training according to the requirements of the Council, the State Government may at any time withdraw the recognition granted to such institution : Withdrawal of recognition of institutions.

Provided that before any direction for the withdrawal of the recognition is made under this section, the institution shall be given a reasonable opportunity and time to come upto the required standard by the Council if a report has been made by the Council and in any other case by the State Government.