

Amendment  
of First  
Schedule.

30. (1) If it appears to the State Government on the report of the Council or otherwise that the course of study and examinations prescribed by any university, body or institution conferring a degree, diploma, certificate of any other like award not entered in the First Schedule are such as to secure the possession, by persons obtaining such degree, diploma, certificate or award, of the requisite knowledge and skill for the efficient practice of the Homoeopathic system of medicine if shall be lawful for the state Government, from time to time, by notification in the *Official Gazette*, to amend the First Schedule and to include therein any such degree, diploma, certificate or award, subject to such conditions, if any, as may be specified in respect thereof.

(2) Any university, body or institution desirous of the inclusion in the First Schedule of any degree, diploma, certificate or award in the Homoeopathic system of medicine conferred by it may apply to the Council in the manner prescribed in sub-section (2) of section 28 and for the purposes of this section the Council shall have all the powers specified in sub-sections (3) to (9) of section 28 as if he the university, body or institution had applied for recognition under section 28.

(3) If it appears to the State Government at any time on the report of the Council or otherwise that the course of study or the examinations prescribed by any university, body or institution for any degree, diploma, certificate or award which is included in the First Schedule under this section, are not such as to secure the maintenance of an adequate standard of proficiency for the practice of the Homoeopathic system of medicine, it shall be lawful for the State Government at any time to remove, by notification in the *Official Gazette*, any such degree, or, as the case may be, diploma, certificate or award from the First Schedule :

Provided that before any such direction for the removal of any such degree, diploma, certificate or award from the First Schedule is made under this sub-section, the Council shall require the university, body or institution to take steps within such times as the Council may fix, to bring the courses of study or examinations to the required standard.

(4) The State Government may, on the recommendation of the Council and after making such inquiry as it thinks fit, by notification in the *Official Gazette*, include in, or exclude from, the First Schedule, any degree, diploma, certificate or award, qualifying a person to practise the Homoeopathic system of medicine, given by any university, body, institution or other authority outside the State of Gujarat, subject to such conditions, if any, as may be specified in respect thereof, and the said Schedule shall upon the publication of such notification, be deemed to have been so amended from the date specified in the notification.

## CHAPTER V.

### OFFENCES AND PENALTIES.

Prohibition  
of unautho-  
rised  
conferment  
of  
degrees, etc.

31. (1) No person other than an authority authorised to hold a qualifying examination shall confer, grant or issue, or hold himself out as entitled to confer, grant or issue any degree, diploma, certificate, licence or any other like award,

(2) which states or implies that the holder, grantee or recipient thereof is qualified to practise the Homoeopathic system of medicine, or

(ii) which is identical with, or is a colourable imitation of, any degree, diploma, licence, certificate or award granted by an authority authorised to hold a qualifying examination.

(2) No person shall be entitled to establish a teaching institution for imparting training or knowledge in the Homoeopathic system of medicine, other than an institution for imparting training or knowledge in a course of study leading to a qualifying examination.

(3) Any person who contravenes the provisions of sub-sections (1) or (2), and where any such contravention is committed by an association, every member of such association who knowingly or wilfully authorises or permits the contravention, shall, on conviction, be punished—

(i) for a first offence with fine which may extend to one thousand rupees, and

(ii) for a subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both.

32. Whoever—

(a) contravenes the provisions of clause (i) of section 25, or

(b) falsely assumes or uses any title, description, letters, abbreviations, or any addition to his name, implying that he holds a degree, diploma, licence or certificate conferred, granted or issued by an authority authorised to hold a qualifying examination or that he is qualified to practice the Homoeopathic system of medicine.

Penalty for falsely assuming or using medical title, etc.

shall, on conviction, be punished—

(i) for a first offence, with fine which may extend to five hundred rupees, and

(ii) for a subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

33. (1) No person other than registered practitioners or an enlisted practitioner shall practise the Homoeopathic system of medicine.

Prohibition against practice by unregistered or unlisted practitioner.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished—

(i) for a first offence, with fine which may extend to five hundred rupees, and

(ii) for a second offence, with imprisonment for a term, which may extend to six months and with fine which may extend to five hundred rupees ; and

(iii) for a third and subsequent offences, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees.

(3) The foregoing provisions of this section shall take effect in the Saurashtra area and Kutch area of the State from such date not later than one year from the appointed day as the State Government may, by notification in the *Official Gazette*, specify.

Jurisdiction  
of  
Magistrates.

**34.** No court inferior to that of a Magistrate of the First Class shall take cognizance of, or try, any offence under this Act.

Cognizance of  
offences.

**35.** No court shall take cognizance of any offence under this Act except on a complaint in writing by the Council or by a person authorised by the State Government in this behalf.

## CHAPTER VI.

### MISCELLANEOUS.

Power of  
Government  
to make  
rules.

**36.** (1) The State Government may, by notification 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 be made—

(a) for the whole or any part of the State of Gujarat,

(b) to provide for all or any matters expressly required or allowed by this Act to be prescribed by rules.

(3) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or such modifications as the State Legislature may make during the session in which they are so laid, or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

Regulations.

**37.** (1) The Council may, with the previous sanction of the State Government, make regulations not inconsistent with this Act or the rules made thereunder, for the following matters, namely :—

(a) the number and designations, salaries, allowances and other conditions of service of its officers and servants other than the Registrar ;

(b) the examinations to be held by it ;

(c) the qualifications for admission to, and courses of studies for, the examinations ;

(d) the standard of passing ;

- (e) the degree, diploma, certificate or any other like award to be conferred upon those who pass the examinations, and the manner of conferring such degree, diploma, certificate or award ;
- (f) the language in which the examinations shall be conducted ;
- (g) the conditions of appointment of examiners, paper-setters, moderators and other persons appointed and fees to be paid to them ;
- (h) the conduct of examinations and the fees to be charged for the conduct of examinations ;
- (i) the minimum requirements for recognition of institutions under this Act ;
- (j) the conditions for the recognition of teachers in recognised institutions ;
- (k) the number of students to be admitted to recognised institutions ;
- (l) directions to be followed by a recognised institution as to teaching and training ;
- (m) the language in which instruction and training shall be imparted in recognised institutions ;
- (n) the recommendation of text-books to be used by recognised institutions ;
- (o) the number of terms in each year and their periods to be observed by recognised institutions ;
- (p) the duration of the courses, number of hours, lectures and period of terms to be devoted to practical and clinical studies in different subjects of the qualifying examinations by recognised institutions ;
- (q) the qualifications for examinership ;
- (r) the instructions to examiners in respect of examinations ;
- (s) the forms of the degree, diploma, or certificate to be awarded to successful students ;
- (t) the replica of the seal of the Council ;
- (u) the details of inspection to be carried out by inspectors in recognised institutions ;
- (v) awarding of stipends and scholarships, medals, prizes or other awards ; and
- (w) such other matters as may be necessary for the exercise of the power and performance of duties and functions by the Council under this Act.

(2) The State Government on receiving the draft regulations may sanction or refuse to sanction the same or sanction them subject to such modifications as it may think fit or return them to the Council for further consideration.

(3) All regulations, when sanctioned, shall be published in the *Official Gazette*.

(4) The State Government may, by notification in the *Official Gazette*, cancel any regulation.

Control of  
Government.

38. (1) If at any time it appears to the State Government that the Council has failed to exercise or has exceeded or abused any of the powers conferred upon it, by or under this Act, or has failed to perform any of the duties conferred upon it, by or under this Act, or has otherwise ceased to function or has become incapable of functioning, the State Government may notify the particulars thereof to the Council and if the Council fails to remedy such failure, excess or abuse within such time as the State Government may fix in this behalf, the State Government may, after giving the Council an opportunity to render an explanation, dissolve the Council and cause all or any of the powers or duties of the Council to be exercised and performed by such person and for such period not exceeding two years as it may think fit and shall take steps to constitute a new Council.

(2) Notwithstanding anything contained in this Act, rules or regulations, if at any time it appears to the State Government that the Council or any other authority empowered to exercise any of the powers or to perform any of the functions under this Act, has not been validly constituted or appointed, the State Government may cause any of such powers or functions to be exercised or performed by such person, in such manner, for such period not exceeding six months and subject to such conditions as it thinks fit.

Indemnity to  
persons  
acting under  
the Act.

39. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is, in good faith, done or intended to be done under this Act or under the rules or regulations made thereunder.

Repeal and  
saving and  
dissolution of  
Board of  
Homoeopa-  
thic System  
Medicine.

40. (1) Subject to the provisions of this section, with effect on and from the date notified under sub-section (1) of section 3 (hereinafter referred to as "the notified day")—

(a) the Bombay Homoeopathic Act, 1951, in its application to the Bombay area of the State of Gujarat, shall be repealed ;

Bom.  
XLV-  
III of  
1951.

(b) the Board of Homoeopathic System of Medicine constituted for the Bombay area of the State of Gujarat under section 3A of the Act so repealed shall stand dissolved and all the members of the said Board shall vacate office and on such dissolution the following consequences shall ensue, that is to say,—

(i) all rights of the said Board (hereinafter in this section referred to as the "dissolved Board"), shall vest in the Council constituted under section 3 of this Act (hereinafter in this section referred to as "the Council");

(ii) all the property, moveable or immovable which on the day immediately preceding the notified day vested in the dissolved Board shall, subject to all limitations and conditions as were in force on the day immediately preceding the notified day, vest in the Council ;

(iii) all sums due to the dissolved Board on any account shall be recoverable by the Council which shall be competent to take any measure or institute any proceeding which it would have been open to the dissolved Board to take or institute if this Act had not come into operation ;

(iv) all debts, liabilities and obligations incurred by, or on behalf of, the dissolved Board before the notified day and subsisting on the said day, shall be deemed to have been incurred by the Council in exercise of powers conferred on it by this Act and shall continue in operation accordingly ;

(v) all proceedings and matters pending before any authority or officer immediately before the notified day under the Act so repealed shall be deemed to be transferred to, and continue before, the authority competent under this Act to entertain such proceedings and matters ;

(vi) all prosecutions instituted by, or on behalf of, the dissolved Board and all suits and other legal proceedings instituted by, or against, the dissolved Board or any officer of such Board on behalf of the dissolved Board pending on the notified day, shall be continued by, or against, the Council.

(vii) all officers and servants in the employ of the dissolved Board immediately before the notified day, shall be officers and servants employed by the Council and shall, until provision is otherwise made in accordance with the provisions of this Act, receive salaries and allowances, and be subject to the conditions of service or retirement benefits, which they were entitled or subject to immediately before the notified day :

Provided that—

(i) the service rendered by the officers and servants before the notified day shall be deemed to be service rendered under the Council ;

(ii) the conditions of service of any such officer or servant as applicable immediately before the notified day shall not be varied to his disadvantage by the Council except with the previous approval of the State Government ;

(iii) if in the opinion of the Council, the services of any officer or servant are not necessary or suitable to the requirements of service under it, it may, with the previous approval of the State Government, discontinue the service of any such officer or servant and any officer or servant whose services are to be discontinued shall be entitled to receive from the Council such leave, pension, gratuity or other retirement benefits as he would have, had this Act not been passed, been entitled to receive on being invalided out of service, and may receive such additional sum by way of compensation as the Council may, with the sanction of the State Government, determine.

(2) Part A, Part B, and Part C of the register duly maintained under the Bombay Homoeopathic Act, 1951 (hereinafter in this section referred to as the "repealed Act") and in force immediately before the notified day in the Bombay area of the State shall be deemed to be the register prepared and maintained under this Act, until the register is prepared under section 17.

(3) Anything done or action taken and any right, liability or obligation acquired accrued or incurred by any person or authority under the repealed Act and not-covered by the foregoing provisions of this section shall, in so far as it is not in consistent with the provisions of this Act, be deemed respectively to have been done, taken acquired, accrued or incurred by the person or authority entitled thereto or liable therefore, as the case may be, under the corresponding provisions of this Act.

(4) The rules and regulatinos made under the repealed Act and in force immediately before the appointed day shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to be made under this Act in relation to the whole of the State of Gujarat and shall continue in force accordingly until they are superseded by anything done or any action taken under this Act.

Repeal of Bom. XII of 1960. **41.** The Bombay Homoeopathic and Biochemic Practitioners, Act, 1959 is hereby repealed. Bom. XII of 1960.

Power to remove difficulties. **42.** If any difficulty, arises in giving effect to the provisions of this Act, the State Government may, as occasion requires, by order do anything which appears to it necessary or expedient for the purpose or removing the difficulty.

Amendment of Bom. XXVI of 1938 and that Act as applied to Saurashtra and Kutch areas of the State. **43.** The provisions of the Bombay Medical Practitioners' Act, 1938, and of the said Act as adapted and applied to the Saurashtra area of the State of Gujarat and as extended to the Kutch area of the State of Gujarat specified in column 1 of the Second Schedule shall be amended in the manner and to the extent specified in column 2 of the said Schedule. Bom. XXVI of 1938.

### FIRST SCHEDULE

[See sections 2(13), 15(1)(i) and (o), 17(3) and 30].

1. Licentiate of the Court of Examiners in Homoeopathy (L. C. E. H.) constituted under the Bombay Homoeopathic Act, 1951.
2. Graduate of the Court of Examiners in Homoeopathy (G.C.E.H.) constituted under the Bombay Homoeopathic Act, 1951.
3. Fellow of the Court of Examiners in Homoeopathy (F.C.E.H.) constituted under the Bombay Homoeopathic Act, 1951.
4. Any degree, diploma, certificate or like award in Homoeopathy granted by the Council constituted under this Act.

## SECOND SCHEDULE

(See section 43.)

## PART I.

*Amendments of the Bombay Medical Practitioners Act, 1938  
(Bom. XXVI of 1938)*

Provisions of the Act	Amendments
1	2
Section 32	<p>(a) After the words and figures "in the list mentioned in section 18" the following shall be inserted, namely :—</p> <p style="padding-left: 40px;">"or (iv) a person whose name is entered in the register or list under the Gujarat Homoeopathic Act, 1963."</p> <p>(b) In the marginal note, after the words and figures "under Bom. VI of 1912" the words and figures "or Gujarat Homoeopathic Act, 1963" shall be inserted.</p>
Section 33	<p>(a) After the words and figures "Bombay Medical Act, 1912" the words and figures "or a practitioner whose name is entered in the register or list under the Gujarat Homoeopathic Act, 1963" shall be inserted.</p> <p>(b) In the marginal note, after the words and figures "and Bom. VI of 1912" the words and figures "or Gujarat Homoeopathic Act, 1963," shall be inserted.</p>
Section 35	<p>.. In sub-section (1), after the words and figures "the Bombay Medical Act, 1912" at both the places where they occur, the words and figures "or under the Gujarat Homoeopathic Act, 1963" shall be inserted.</p>
Section 36	<p>.. In clause (e), after the words, "or the Unani system of medicine," at both the places where they occur, the words "or the Homoeopathic system of medicine" shall be inserted.</p>
Section 37	<p>.. In clause (i), after the words and figures "Bombay Medical Act, 1912" the words and figures "or under the Gujarat Homoeopathic Act, 1963" shall be inserted.</p>

## PART II.

*Amendments of the Bombay Medical Practitioners Act, 1938  
(Bom. XXVI of 1938) as adapted and applied to the Saurashtra  
area of the State of Gujarat.*

Provisions of the Act	Amendments
1	2
Section 32	<p>.. (a) After the words and figures "in the list mentioned in section 18" the following shall be inserted, namely :—</p> <p style="padding-left: 40px;">"or (iv) a person whose name is entered in the register or list under the Gujarat Homoeopathic Act, 1963."</p> <p>(b) In the marginal note, after the words and figures "under Bom. VI of 1912," the words and figures "or Gujarat Homoeopathic Act, 1963" shall be inserted.</p>
Section 33	<p>.. (a) After the words "as adapted", the following shall be inserted, namely :—</p> <p style="padding-left: 40px;">"or a practitioner registered under the Gujarat Homoeopathic Act, 1963."</p> <p>(b) In the marginal note, after the words "as adapted" the words and figures "or Gujarat Homoeopathic Act, 1963," shall be inserted.</p>
Section 35	<p>.. In sub-section (1) , after words "as adapted", at both the places where they occur, the words and figures "or under the Gujarat Homoeopathic Act, 1963", shall be inserted.</p>
Section 36	<p>.. (a) In clause (e), for the words "Homoeopathic or any other" the word "any" shall be substituted and after the words "Indian systems of medicine" the words "or the Homoeopathic system of medicine" shall be inserted.</p> <p>(b) In sub-clause (ii) of the said clause, after the words "under this Act", "the words" or the Homoeopathic system of medicine" shall be inserted.</p>
Section 37	<p>.. In clause (i), after the words "as adapted" the words and figures "or under the Gujarat Homoeopathic Act, 1963" shall be inserted.</p>

## PART III.

*Amendments of the Bombay Medical Practitioners Act, 1938  
(Bom. XXVI of 1938) as expended to the Kutch area  
of the State of Gujarat.*

Provisions of the Act 1	Amendments 2
Section 32	<p>.. (a) After the words and figures "in the list mentioned in section 18" the following shall be inserted, namely :—</p> <p style="padding-left: 40px;">"or (iv) a person whose name is entered in the register or list under the Gujarat Homoeopathic Act, 1963."</p> <p>(b) In the marginal note, after the words and figures "under Bom. VI of 1912" the words and figures "or Gujarat Homoeopathic Act, 1963" shall be inserted.</p>
Section 33	<p>.. (a) After the words and figures "Bombay Medical Act, 1912" the words and figures "or a practitioner whose name is entered in the register or list under the Gujarat Homoeopathic Act, 1963", shall be inserted.</p> <p>(b) In the marginal note, after the words and figures "under Bom. VI of 1912" the words and figures "or Gujarat Homoeopathic Act, 1963" shall be inserted.</p>
Section 35	<p>.. In sub-section (1), after the words and figures "the Bombay Medical Act, 1912" at both the places where they occur, the words and figures "or under the Gujarat Homoeopathic Act, 1963" shall be inserted.</p>
Section 36	<p>.. (a) In clause (e), for the words beginning with the words "who practices" and ending with the words "such person" the words "who practises any therapeutical system other than the system of the Western Medical Science or the Ayurvedic system of medicine or the Unani system of medicine or the Homoeopathic system of medicine, provided that such person" shall be substituted.</p> <p>(b) In sub-section (ii), after the words and figures "Indian Medical Degrees Act, 1916" the words "or the Homoeopathic system of medicine," shall be inserted.</p>
Section 37	<p>.. After the words and figures "Bombay Medical Act, 1912" the words and figures "or under the Gujarat Homoeopathic Act, 1963" shall be inserted.</p>

Health and Family Welfare Department,  
Notification:  
Sachivalaya, Gandhinagar:  
Dated the:

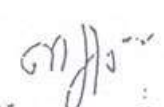
Gujarat Homoeopathic Act, 1963:

13 MAR 1968

G.P. 14 No: HMC/1097/537/224 :- In exercise of the powers conferred by clause (b) and (c) of the sub section-2 of the section 3 of the Gujarat Homoeopathic Act, 1963, the Government of Gujarat hereby amend that Seven Members elected by the registered practitioners shall be as follows, that is to say :-

- (b) Six members shall be elected by the registered practitioners holding any of the recognised qualification from amongst themselves;
- (c) One member shall be elected by the registered practitioners other than those mentioned in clause (b) amongst themselves;

By order and in the name of Governor of Gujarat,

  
(Niranjan Joshi)  
Deputy Secretary to the Govt. of Gujarat,  
Health & Family Welfare Department:

Copy to:-

P.S. to the w/o of Governor of Gujarat, Rajbhavan, Gandhinagar:

P.S. to the Minister (Health), Sachivalaya, Gandhinagar:

Officer on Special Duty, Indian System of Medicine and Homeopathy, Dr. Jivraj Mehta Bhavan, Gandhinagar:

The Registrar, Gujarat Board of Ayurved and Unani Systems of Medicine, Ahmedabad:

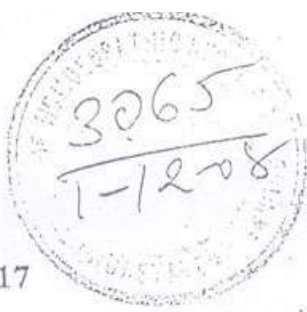
The Manager, Government Central Press, Gandhinagar with a request to publish in Govt. Gazettee and sent 10 spare copies to this Department:

select file:

Asstt. select file:

14/5/68

Extra No. 17



REGISTERED No. G/GNR/2



सत्यमेव जयते

# The Gujarat Government Gazette

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

## PART IV

Acts of Gujarat Legislature and Ordinances promulgated and  
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 29<sup>th</sup> September, 2008 is hereby published for general information.

**H. D. VYAS,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 15 OF 2008.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette" on the 30<sup>th</sup> September, 2008).

### AN ACT

further to amend the Gujarat Homoeopathic Act, 1963.

It is hereby enacted in the Fifty-ninth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Homoeopathic (Amendment) Act, 2008. Short title and commencement.

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

Amendment  
of section 3 of  
Guj. XXXVI  
of 1963.

2. In the Gujarat Homoeopathic Act, 1963 (hereinafter referred to as "the principal Act"), in section 3, in sub-section (2), - Guj. XXXVI  
of 1963.

(1) for clauses (a) and (b), the following clauses shall be substituted, namely :-

"(a) five members shall be nominated by the State Government who are the registered practitioners;

(b) six members shall be elected from the common electoral roll prepared for the purpose, of the registered practitioners and enlisted practitioners from amongst themselves."

(2) clause (c) shall be deleted.

Amendment  
of section 17 of  
Guj. XXXVI  
of 1963.

3. In the principal Act, in section 17, in sub-section (3), for the words 'on payment of a fee of rupees twenty-five', the words "on payment of such fees as may be prescribed by the State Government," shall be substituted.

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