



The Central Provinces and Berar Regulation of Couching Act, 1944

Act 2 of 1944

Keyword(s):

Central Act, Registered Practitioner, Medical Registration, Indian Medical Council, Bombay Medical Act

Amendment appended: 10 of 1963

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

**THE CENTRAL PROVINCES AND BERAR REGULATION OF
COUCHING ACT, 1944.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and extent.
2. Meaning of registered practitioner.
3. Penalty for unlawful couching.
4. Penalty for abetment of offence.
5. Offence to be cognizable, bailable and compoundable.
6. Jurisdiction of Magistrates.
7. Cognizance of offences.

CENTRAL PROVINCES AND BERAR ACT No. II OF 1944 †

**[THE CENTRAL PROVINCES AND BERAR REGULATION OF
COUCHING ACT, 1944].§**

Received the assent of the Governor on the 26th March 1944 ; assent first published in the *Central Provinces and Berar Gazette* on the 31st March 1944.]

Amended by Mah. 10 of 1963.

An Act to prevent couching by unqualified persons.

WHEREAS it is expedient to prevent couching by unqualified persons ;

Preamble.

‡[It is hereby enacted as follows :—]

1. †[(1)] This Act may be cited as the Central Provinces and Berar Regulation of Couching Act, 1944. Short title
‡[and extent].

‡[(2) It extends to the whole of †[the State of Maharashtra].]

2. In this Act, the expression “ registered practitioner ” †[means a person registered under— Meaning of
registered
practitioner.

(a) the Bombay Medical Act, 1912 ;

(b) the Central Provinces and Berar Medical Registration Act, 1916 ;

(c) the Medical Registration Act (of 1348 Fasli) ;

(d) the Indian Medical Council Act, 1956 ; or

(e) any other law for the time being in force in the State, which regulates the registration and practice of practitioners, and who possesses such qualifications for the practice of surgery as the State Government may, for the purposes of this Act by notification in the *Official Gazette*, recognise.]

3. †[Notwithstanding anything contained in any other law, whoever, not being a registered practitioner, or not possessing qualifications entitling him to be a registered practitioner,] couches or attempts to couch or agrees or offers by physical means or interference with the eye to give vision to a person suffering from cataract, with or without that person's consent, shall, on conviction, be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to one thousand rupees or with both. Penalty for
unlawful
couching.

† For Statement of Objects and Reasons, see *Central Provinces and Berar Gazette*, dated the 2nd April 1943, Part II, page 8.

‡ The whole Act has been continued after 26th April 1948, vide provisions of Central Provinces and Berar Act XLVIII of 1947, s. 2(1).

§ This Act was extended to, and shall be in force in the whole of the State of Maharashtra (vide s. 2 of Mah. 10 of 1963).

¶ These words were substituted for the portion beginning with the words “ And whereas ” and ending with the words “ the following Act :— ” by Mah. 10 of 1963, s. 3.

‡ Section 1 was renumbered as sub-section (1) and sub-section (2) was inserted by the Bombay (Vidarbha Region) Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

† These words were substituted for the words “ the Vidarbha Region ” by Mah. 10 of 1963, s. 4(a).

‡ These words were inserted, *ibid.*, s. 4(b).

¶ This portion was substituted for the portion beginning with the words “ shall have ” and ending with the word and figures “ Act, 1916, ” *ibid.*, s. 5.

‡ This portion was substituted for the portion beginning with the words “ Whoever ” and ending with the word and figures. “ Act, 1916, ” *ibid.*, s. 6.

Rom. VI of 1912. C. P. and Berar I of 1916. Hyd. I of 1348 Fasli. CII of 1956.

Penalty for
abatement of
offence.

4. Whoever abets the commission of an offence under this Act shall, on conviction, be punishable with the punishment provided for the offence in section 3.

Offence to be
cognizable,
bailable and
compound-
able.

5. Notwithstanding anything contained in the Code of Criminal Procedure, ^{V of} 1898, an offence punishable under this Act shall be cognizable and bailable and may ^{1898.} be compounded with the permission of the Court.

Jurisdiction
of
Magistrates.

6. (1) No Magistrate having powers inferior ¹[to that of a Presidency Magistrate or a Magistrate of the first class] shall try any offence punishable under this Act.

Cognizance
of offences.

(2) A Magistrate may take cognizance of an offence under this Act—

(a) on a report of a police officer ;

(b) on information of any other person ;

(c) upon his own knowledge or suspicion that such offence has been committed :

Provided that no cognizance shall be taken where the offence alleged was committed more than six months previously.

¹ These words were substituted for the words " to that of the second class " by Mah. 10 of 1963, s. 7.

**THE CENTRAL PROVINCES AND BERAR REGULATION OF COUCHING
(MAHARASHTRA EXTENSION AND AMENDMENT) ACT, 1962.**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title.
2. Extension of C. P. and Berar II of 1944 to rest of Maharashtra State.
3. Amendment of preamble 1 to C. P. and Berar II of 1944.
4. Amendment of section 1 of C. P. and Berar II of 1944.
5. Amendment of section 2 of C. P. and Berar II of 1944.
6. Amendment of section 3 of C. P. and Berar II of 1944.
7. Amendment of section 6 of C. P. and Berar II of 1944.

MAHARASHTRA ACT No. X OF 1963¹.

[THE CENTRAL PROVINCES AND BERAR REGULATION OF COUCHING
(MAHARASHTRA EXTENSION AND AMENDMENT) ACT, 1962.]

[7th February 1963].

An Act to extend the Central Provinces and Berar Regulation of Couching Act, 1944, to the rest of the State of Maharashtra, and for that and certain other purposes further to amend the said Act.

C.P. & Berar II of 1944. WHEREAS it is expedient to extend the Central Provinces and Berar Regulation of Couching Act, 1944, to the rest of the State of Maharashtra, and for that and certain other purposes hereinafter appearing further to amend the said Act; It is hereby enacted in the Thirteenth Year of the Republic of India as follows :—

1. This Act may be called the Central Provinces and Berar Regulation of Couching Short title.
(Maharashtra Extension and Amendment) Act, 1962.

C. P. & Berar II of 1944. 2. The Central Provinces and Berar Regulation of Couching Act, 1944, as in force Extension of C.P. & Berar II of 1944 to rest of Maharashtra State.
in the Vidarbha region of the State of Maharashtra, is hereby extended to, and shall be in force in the whole of that State.

C.P. & Berar II of 1944. 3. In the Central Provinces and Berar Regulation of Couching Act, 1944, in Amendment of preamble to C. P. & Berar II of 1944.
its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), in the preamble, for the portion beginning with the words "AND WHEREAS" and ending with the words "the following Act :—", the following shall be substituted, namely :—

" It is hereby enacted as follows :— "

4. In section 1 of the principal Act,—

(a) in sub-section (2), for the words "the Vidarbha region" the words "the State of Maharashtra" shall be substituted;

(b) in the marginal note, after the words "Short title" the words "and extent" shall be inserted.

5. In section 2 of the principal Act, for the portion beginning with the words "shall have" and ending with the word and figures "Act, 1916" the following shall be substituted, namely :— Amendment of section 2 of C. P. & Berar II of 1944.

" means a person registered under—

(a) the Bombay Medical Act, 1912;

(b) the Central Provinces and Berar Medical Registration Act, 1916;

(c) the Medical Registration Act (of 1348 Fasli);

Bom. VI of 1912.

C. P. & Berar I of 1916.

Hyd. I of 1348 Fasli.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1962, Part V, page 316.

(d) the Indian Medical Council Act, 1956; or

CIF or
1966.

(e) any other law for the time being in force in the State, which regulates the registration and practice of practitioners, and who possesses such qualifications for the practice of surgery as the State Government may, for the purposes of this Act by notification in the *Official Gazette*, recognise."

Amendment
of section 3
of C. P. &
Berar II of
1944.

6. In section 3 of the principal Act, for the portion beginning with the words "Whoever," and ending with the word and figures "Act, 1916," the following shall be substituted, namely:—

"Notwithstanding anything contained in any other law, whoever, not being a registered practitioner, or not possessing qualifications entitling him to be a registered practitioner,"

Amendment
of section 6
of C. P. &
Berar II of
1944.

7. In section 6 of the principal Act, in sub-section (1), for the words "to that of the second class" the words "to that of a Presidency Magistrate or a Magistrate of the first class" shall be substituted.