



The Bombay Homoeopathic and Biochemical Practitioners Act, 1959

Act 12 of 1960

Keyword(s):

Biochemistry, Board, Chairman, Court, Enlisted Practitioner, Homoeopathy, Inspector, List, Recognized Institution, Registered Practitioner, Registrar

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**THE BOMBAY HOMOEOPATHIC AND BIOCHEMIC PRACTITIONERS'
ACT, 1959.**

CONTENTS

PREAMBLE.

SECTIONS.

CHAPTER I

***PRELIMINARY**

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

CHAPTER II

CONSTITUTION, FUNCTIONS AND POWERS OF THE BOARD.

3. Constitution and incorporation of Board.
4. Time, place and manner of election of members.
5. Term of Office.
6. Extension of period of Board.
7. Casual vacancies.
8. Resignation.
9. Disqualification and disability.
10. Meetings of the Board.
11. Proceedings of meetings and a validity of acts.
12. Fees and allowances to members of the Board and Committee or sub-committee.
13. Income and expenditure of the Board.
14. Powers, duties and functions of the Board.
15. Registrar and other employees of Board.
- 15A. Executive Committee of Board.

CHAPTER III

CONSTITUTION, FUNCTIONS AND POWERS OF THE COURT OF EXAMINERS.

16. Constitution and incorporation of Court.
17. Application of sections 4 (1), 8 to 12 and 15 (6) and (7) to the Court.
18. Powers, duties and functions of the Court.
19. Income and expenditure of the Court.
- 19A. Executive Committee of Court.

CHAPTER IV

REGISTRATION AND ENLISTMENT.

20. Preparation of Register.
21. Preparation of list of persons in practice on the relevant day.
22. Undertaking to be given for entering name in Register or list.

SECTIONS.

23. Removal of names from register.
24. Persons not entitled to registration or enlistment.
25. Maintenance of register and list.
26. Renewal of registration.
27. No refund of fees.
28. Right of registered practitioner.

CHAPTER V.

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

29. Examinations held by the Court and courses of studies.
30. Recognition of Institutions.
31. Withdrawal of recognition of Institutions.
32. Amendment of First Schedule.

CHAPTER VI.

MISCELLANEOUS.

33. Rules.
34. Regulations.
35. By-laws.
36. Control of State Government.
37. Indemnity to persons acting under the Act.

CHAPTER VII.

REPEAL AND TRANSITIONAL PROVISIONS.

38. Repeal and saving.
39. Dissolution of Boards constituted under the repealed Acts and constitution of New Board.
40. Dissolution of Court and appointment of new Court.
41. Provisions regarding Registrars.
42. Provisions regarding examinations.
43. Provisions regarding recognised Institutions.
44. Vesting of rights, duties, etc.
45. Power to remove difficulties.
46. Amendment of Bom. XXVI of 1938 as applied to Saurashtra area of Bombay State.

FIRST SCHEDULE.

SECOND SCHEDULE.

BOMBAY ACT No. XII OF 1960¹

[THE BOMBAY HOMOEOPATHIC AND BIOCHEMIC PRACTITIONERS' ACT, 1959]

[18th March 1960]

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Mah. 20 of 1962.

- ” ” ” 31 of 1963.
- ” ” ” 26 of 1966.
- ” ” ” 39 of 1974 (5-2-1975)*
- ” ” ” 24 of 1975† (28-5-1975)*
- ” ” ” 42 of 1975 (16-9-1975)*

**An Act to consolidate and amend the law relating to the regulation of
qualifications and registration of Homoeopathic and Biochemic
Practitioners in the State of Bombay**

WHEREAS it is expedient to consolidate and amend the law relating to the regulation of qualifications and registration of Homoeopathic and Biochemic Practitioners in the State of Bombay with a view to encourage the study and spread of these systems ; It is hereby enacted in the Tenth Year of the Republic of India² as follows, namely :—

CHAPTER I.

PRILIMINARY.

1. (1) This Act may be called the Bombay Homoeopathic and Biochemic Practitioners' Act, 1959. Short title,
extent and
commence-
ment.

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

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

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

(1) "Appointed day" means the day on which this Act comes into force ;

(2) "Biochemistry" means the system of medicine founded by Dr. Schussler and the expression "biochemic" shall be construed accordingly ;

(3) "Board" means the Board of Homoeopathic and Biochemic Systems of Medicine, Bombay, constituted under section 3 ;

(4) "By-laws" means the by-laws made under section 35 ;

(5) "Chariman" means the Chairman of the Court of Examiners ;

(6) "Court" or "Court of Examiners" means the Court of Examiners of Homoeopathic and Biochemic Systems of Medicine, Bombay, constituted under section 16 ;

(7) "Enlisted practitioner" means a practitioner whose name is for the time being entered in the list ;

(8) "Homoeopathy" means the system of medicine founded by Dr. Hahnemann and the expression "Homoeopathic" shall be construed accordingly ;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1959, Part V, pages 652-655.

² These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

³ 27th day of October 1961, vide G. N., U. D. & P. H. D., No. BHP. 1059 (a)-Unification, dated 26th October 1961.

*This indicates the date of commencement of Act.

†Mah. Ord. No. II of 1975 was repealed by Mah. 24 of 1975 s. 3.

- (9) "Inspector" means an Inspector appointed by the Court ;
- (10) "List" means the list of practitioners prepared and maintained under section 21 ;
- (11) "Member" means a member of the Board or Court, as the case may be ;
- (12) "Practitioner" means a practitioner of the Homoeopathic or Biochemic System of Medicine ;
- (13) "President" means the President of the Board ;
- (14) "Recognised institution" means any institution recognised under section 30 for giving instructions in the courses leading to the examinations held by the Court ;
- (15) "Register" means the register of practitioners prepared and maintained under section 20 ;
- (16) "Registered practitioner" means a practitioner whose name is for the time being entered in register ;
- (17) "Registrar" means the Registrar appointed under section 15 ;
- (18) "Regulations" means the regulations made under section 34 ;
- (19) "Rules" means the rules made under section 33 ;
- (20) "Schedule" means a Schedule appended to the Act.

CHAPTER II.

CONSTITUTION, FUNCTIONS AND POWERS OF THE BOARD

Constitution
and incorpo-
ration of
Board.

3. (1) The State Government may, as soon as may be, by notification in the *Official Gazette*, constitute a Board, to be called "the Board of Homoeopathic and Biochemic Systems of Medicine, Bombay". The Board shall be a body corporate and have perpetual succession and a common seal and may by the said name sue and be sued.

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

(a) seven members nominated by the State Government ; and

(b) eight members elected by the registered practitioners from amongst themselves.

(3) If at any election, the electors fail to elect the requisite number of members of the Board, 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) (a) The President of every Board constituted within a period of ten years from the appointed day shall be nominated by the State Government from amongst the members of the Board.

(b) The President of every Board constituted after the expiry of the said period of ten years shall be elected by the members from amongst themselves.

4. ¹[(1)(a)] 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 by rules. Time, place
and manner
of election
of members.

¹[(b) If any dispute arises regarding any election referred to in clause (a), it shall be referred for decision of the State Government, and its decision shall be final.]

(2) The Registrar shall, at least three months before the date fixed for the election of the Board, 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 for a period of five years commencing from the date on which the first meeting of the Board is held after the election of the members under section 3. Term of
Office.

(2) 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).

(3) 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 Board for a further period not exceeding one year in the aggregate. Extension
of period
of Board.

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 Board nominated by the State Government shall be filled by nomination.

(3) Any such vacancy in the office of a member of the Board 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 Board passed by a majority of all the then members of the Board:

Provided that if the Board 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 been 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, if the vacancy had not occurred.

¹ Sub-section (1) of section 4 was renumbered as clause (a) of that sub-section and clause (b) was inserted by Mah. 42 of 1975, s. 2.

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

(2) The President, if 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 notice is received by the State Government. If the President is elected, he may at any time resign his office by a notice in writing to the Board delivered to the Registrar. The resignation shall take effect from the date on which the notice is received by the Registrar, who shall take immediate steps to convene a meeting of the Board for the election of a new President.

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 Board or the Court;

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

(2) If any member—

(a) absents himself from three consecutive ordinary meetings of the Board without such reasons as may, in the opinion of the State Government in the case of the President, and in the opinion of the Board 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 shall declare his office vacant.

(3) The State Government may, on the recommendation of the Board 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 a member:

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

Meetings of the Board. 10. (1) The meetings of the Board shall be convened, held and conducted in such a manner as may be prescribed by rules.

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

(3) All questions at a meeting of the Board 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 case of an equality of votes.

(5) Eight members including the President shall form a quorum. When a quorum is required but not present, the presiding authority shall adjourn the meeting to such hour on the following or some other future 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 any subsequent adjournment thereof, whether there be a quorum present or not.

11. (1) The proceedings of every meeting of the Board shall be treated as confidential and no person shall, without the previous permission of the Board 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 Board unless the Board 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 Board 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 Board, the continuing members may act as if no vacancy had occurred.

12. There shall be paid to the members of the Board ¹[or a committee or sub-committee thereof] ²[or of the appellate authority referred to in sub-section (10) of section 20] such fees and allowances for attendance and such reasonable travelling allowances as shall from time to time be prescribed by rules. Fees and allowances to members of the Board ³[and committee or sub-committee] ⁴[and appellate authority].

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

- (a) fees received from the practitioners ;
- (b) grants received from the Government ; and
- (c) donations and other sums received by the Board.

Income and expenditure of the Board.

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

(a) salaries and allowances of the Registrar and the staff maintained by the Board ;

(b) fees and allowances paid to the members of the Board ¹[or a committee or sub-committee thereof] ²[or of the appellate authority referred to in sub-section (10) of section 20] ; and

(c) such other expenses as are necessary for performing its duties and functions under this Act.

¹ These words were inserted by Mah. 20 of 1962, s. 2.

² This portion was inserted by Mah. 31 of 1963, ss. 2 and 3.

³ These words were inserted, by Mah. 20 of 1962, s. 3.

⁴ These words were added by Mah. 31 of 1963, s. 2 (b).

Powers,
duties and
functions
of the Board.

14. Subject to such conditions as may be prescribed by or under the provisions of this Act, the powers, duties and functions of the Board shall be—

- (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 Board, be necessary or expedient ;
- (d) to exercise such other powers and perform such other duties and functions as are laid down in this Act and may be prescribed by rules.

Registrar
and other
employees
of Board.

15. (1) The Board 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 by rules.

(2) The Board 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 such temporary vacancy in the office of the Registrar due to leave or any other reason, the Board 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, who shall forthwith report such appointment to the State Government.

(4) The Board 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 Board and the Court.

(6) The Board shall from time to time prescribe by regulations the number and designation, 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 power to make appointment of any such officer or servant shall vest in the President.

(7) The Registrar and any other officer or servant appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

[15A. (1) The Board shall, as soon as may be, constitute an Executive Committee consisting of the President, *ex-officio*, and such number of other members elected by the Board from amongst its members, as may be prescribed by rules.

(2) The term of office of, the manner of filling casual vacancies among, and the procedure to be followed by, the members of the Executive Committee shall be such as may be prescribed by rules.

(3) The Executive Committee shall exercise such powers, perform such duties, and discharge such functions, of the Board as may be delegated to it by rules or entrusted to it, from time to time, by the Board.]

¹ Section 15A was inserted by Mah. 20 of 1962, s. 4.

CHAPTER III.

CONSTITUTION, FUNCTIONS AND POWERS OF THE COURT OF EXAMINERS.

16. (1) The State Government may, as soon as may be, by notification in the *Official Gazette*, constitute a Court of Examiners, to be called "the Court of Examiners of Homoeopathic and Biochemic Systems of Medicine, Bombay". The Court shall be a body corporate and have perpetual succession and a common seal and may by the said name sue and be sued.

Constitution
and incorporation
of
Court.

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

- (a) four members nominated by the State Government;
- (b) two members elected by the principals or heads of recognised institutions from amongst themselves;
- (c) three members elected by the qualified teachers (other than principals or heads of institutions) in the recognised institutions from amongst themselves;

Explanation.—For the purpose of this clause, a qualified teacher means a teacher who has been on the staff of any recognised institution for a period of one year immediately preceding the day fixed for the nomination of candidates under the rules;

(d) two members elected by the Board, who shall be persons other than those appointed under any of the preceding clauses.

(3) The Chairman of the Court shall be nominated by the State Government from amongst the members of the Court.

(4) (a) Save as otherwise provided by this Act, the term of office of the members of the Court, whether elected or nominated, shall expire on the date on which the term of the Board expires under section 5.

(b) Notwithstanding anything contained in clause (a) an outgoing member of the Court shall continue in office till the day immediately before the day on which the first meeting of the new Court is held.

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

(5) (a) Any vacancy, previous to the expiry of the term, in the office of Chairman shall be filled by nomination.

(b) Any vacancy, previous to the expiry of the term, in the office of a member of the Court shall be filled by nomination or election according as the member was nominated or elected.

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

(6) If at any election or by-election under this section, the electors fail to elect a member of the Court, the State Government shall nominate a person, who in its opinion is qualified to be elected, to fill the vacancy which remains unfilled after the election or by-election, as the case may be, and the person so nominated shall for the purposes of this section be deemed to have been duly elected under the relevant provision of this section.

17. The provisions of sections 4(1), 8, 9, 10, 11, 12 and 15 (6) and (7) shall apply to the Court constituted under section 16, with the following modifications, namely:—

(1) for the word "Board", wherever it occurs in the aforesaid sections except sub-section (1) of section 9, the word "Court" shall be substituted;

Application
of sections
4(1), 8 to 12
and 15(6) and
(7) to the
Court.

(2) for the word "President", wherever it occurs in the aforesaid sections, the word "Chairman" shall be substituted;

(3) in sub-section (1) of section 4, for the figure "3" the figures "16" shall be substituted;

(4) in sub-section (5) of section 10, for the word "Eight" the word "Six" shall be substituted;

(5) in sub-section (6) of section 15,—

(a) for the word "regulations" the word "by-laws" shall be substituted;

(b) for the proviso, the following shall be substituted, namely:—

"Provided that the power to appoint the Inspectors shall vest in the Court and power to appoint any other Officer or servant of the Court shall vest in the Chairman."

(6) in sub-section (7) of section 15, for the words "under this section" the words "by the Court" shall be substituted.

Powers,
duties and
functions of
the Court.

18. Subject to such conditions as may be prescribed by or under the provisions of this Act, the powers, duties and functions of the Court shall be—

(a) to hold examinations and to make all the necessary arrangements for such examinations;

(b) to prescribe the courses of training leading to the examinations held by the Court and to charge fees for such examinations;

(c) to grant degrees, diplomas and marks of honour;

(d) to award stipends, scholarships, medals, prizes and other rewards;

(e) to recommend recognition of institutions for the purpose of giving instructions for the courses leading to the examinations held by the Court or to recommend the cancellation of such recognition;

(f) 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;

(g) to prepare, publish and prescribe text books and to publish statements of prescribed courses of study;

(h) to provide for the maintenance of an adequate standard of proficiency for the practice of the Homoeopathic and the Biochemic systems of medicine;

(i) to found and maintain libraries;

(j) to recommend and promote schemes for post-graduate training and research in Homoeopathy and Biochemistry;

(k) to provide for the inspection of recognised institutions and to require such institutions to furnish such information as may be necessary;

(l) to provide for the inspection of any other institutions giving instructions for any of the qualifications included in the First Schedule;

(m) to appoint boards of studies and committees consisting of persons who may or may not be members of the Court and to lay down the constitution, the duties and the functions of such boards and committees; and

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

19. (1) The income of the Court shall consist of—

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

Income and
expenditure
of the Court.

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

- (a) salaries and allowances of the staff including inspectors maintained by the Court ;
- (b) fees and allowances paid to the members of the Court [or a committee or sub-committee thereof] ;
- (c) remuneration paid to the paper setters, examiners, moderators and other persons appointed by it for the conduct of examinations ;
- (d) other expenses for the conduct of examinations ; and
- (e) such other expenses as are necessary for performing its duties and functions under this Act.

(3) The Court shall pay to the Board every year such share of the salary and allowances of the Registrar as the State Government may fix.

²[19A. (1) The Court shall, as soon as may be, constitute an Executive Committee consisting of the Chairman, *ex-officio*, and such number of other members, elected by the Court from amongst its members, as may be prescribed by rules. Executive
Committee
of Court.

(2) The term of office, of the manner of filling casual vacancies among, and the procedure to be followed by, the members of the Executive Committee shall be such as may be prescribed by rules.

(3) The Executive Committee shall exercise such powers, perform such duties, and discharge such functions, of the Court as may be delegated to it by rules entrusted to it, from time to time, by the Court].

CHAPTER IV.

REGISTRATION AND ENLISTMENT

20. (1) As soon as may be after the appointed day, the Registrar shall prepare and maintain thereafter a register of Homœopathic and Biochemic practitioners for the State of Bombay in accordance with the provisions of this Act.

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

- (a) the full name, nationality and residential address of the registered practitioners ;
- (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 Homœopathy or Biochemistry, if any, and the authority which conferred or granted it ;
- (d) his professional address ; and
- (e) such further particulars as may be prescribed by rules.

¹ These words were inserted by Mah. 20 of 1962, s. 5.

² Section 19A was inserted, *ibid.* s. 6.

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

(4) The name of every person who on the day immediately preceding the appointed day was registered in Part A or Part B of the register kept under the Bombay Homœopathic Act, 1951, shall be entered in the register under this Act, without such person being required to make an application or to pay any fee.

Bom.
XLV-
III of
1951.

(5) The name of every person who was registered on or after the first day of November 1956 by the Vidarbha Board of Homœopathic and Biochemic Systems of Medicine constituted under the Madhya Pradesh Homœopathic and Biochemic Practitioners' Act, 1951 read with the Madhya Pradesh Statutory Bodies (Regional Constitution) Act, 1956, and who continued to be on the register on the day immediately preceding the appointed day shall be entered in the register under this Act without such person being required to make an application or to pay any fee.

M. P.
XXVI
of
1951.
M. P.
XVII
of
1956.

(6) Within a period of three months from the appointed day or such further period as the State Government may allow, the Registrar shall issue to every person whose name stood on the register kept under the Madhya Pradesh Homœopathic and Biochemic Practitioners' Act, 1951, on the 31st day of October 1956, and whose case is not covered by sub-section (5) and to every person whose name stood on the register of Homœopathic practitioners kept under the Medical Act, on the 31st day of October 1956, a notice by registered post requiring him to pay a fee of Rs. 2 if he desires to have his name entered in the register and the name of every person who pays such fee within a period of six months from the date of issue of such notice by the registrar shall be entered in the register under this Act without such person being required to make an application or to pay any other fee.

M. P.
XXVI
of
1951.

Hyd.
I of
1312
Fasli.

(7) Every person, who is not entitled to registration under sub-section (3), (4) (5) or (6) but who before the appointed day possessed any qualification entitling him to registration under sub-section (1) of section 16 of the Madhya Pradesh Homœopathic and Biochemic Practitioners' Act, 1951, as in force in the Vidarbha region of the Bombay State, shall on an application made in the form prescribed by rules to the Registrar within a period of two years from the appointed day and on payment of a fee of Rs. 10 be entitled to have his name entered in the register under this Act.

M. P.
XX-
VI of
1951.

(8) Any person not being a person qualified for registration under sub-section (4), (5), (6) or (7) who proves to the satisfaction the sub-committee appointed under sub-section (9) that he had been regularly practising the Homœopathic or the Biochemic systems of Medicine in any part of the State of Bombay for a period of not less than ten years immediately before the 25th day of August 1959 shall on an application made in such form and accompanied by such documents as may be prescribed by rules within a period of two years from the appointed day and on payment of a fee of Rs. 10, be entitled to have his name entered in the register.

(9) All applications for registration under sub-section (7) or (8) shall be considered and decided by a sub-committee of three members of the Board appointed by the State Government. The sub-committee shall make enquiry in respect of such applications in such manner as may be prescribed by rules.

These words were substituted for the Letters and figures " Rs. 10 " by Mah. 39 of 1974, s. 2 (a).

*(10) Any person aggrieved by the decision of the sub-committee under sub-section (7) or (8) may within a period of one month from the date on which such decision is communicated to him ¹[on payment of a fee of five rupees, appeal to the appellate authority constituted by the State Government in this behalf, consisting of a Chairman and two other members. The Chairman to be appointed by the State Government shall be a person who has for at least seven years held judicial office not lower in rank than that of a District Judge. One member shall be elected by the Board and one member to be appointed by the State Government shall be a person who is a registered practitioner.

The decision of the sub-committee subject to an appeal to the appellate authority, and the decision of the appellate authority on such appeal, shall be final.]

(11) When the register is prepared in accordance with the foregoing provisions the Registrar shall publish a notice in the *Official Gazette* and such newspapers as the Board may select about the register having been prepared and the register shall come into force from the date of the publication of such notice in the *Official Gazette*.

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

²(b) Such certificate shall be valid until it is duly cancelled and the name of the practitioner is removed from the register under the provisions of this Act ; and every certificate of registration given before the commencement of the Bombay Homœopathic and Biochemic Practitioners' (Amendment) Act, 1974, which is valid on such commencement shall, subject to the provisions of section 26, be valid likewise, and shall continue accordingly.]

Mah.
XXX-
IX of
1974.

21. (1) As soon as may be after the appointed day the Registrar shall in accordance with the provisions of this Act, prepare and maintain thereafter a list of persons not entitled to registration under section 20 but who have been practising on the relevant day the Homœopathic or the Biochemic Systems of Medicine.

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

¹ This portion was substituted for the words " appeal to the Board, whose decision shall be final " by Mah. 31 of 1963, s. 4.

² Clause (b) was substituted for the original by Mah. 39 of 1974, s. 2(b).

* Section 7 of Mah. 31 of 1963 reads as under :—

" 7. Every appeal made under sub-section (10) of section 20 or of section 21 of the principal Act and pending immediately before the commencement of this Act before the Board shall without payment of any fee stand transferred to and be disposed of by the appellate authority constituted under sub-section (10) of the said section 20 as amended by this Act. "

(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 by rules.

(3) The name of every person who on the day immediately preceding the appointed day continued to be included in Part C of the register kept under the Bom. XLV. Bombay Homœopathic Act, 1951, shall be entered in the list under this Act without III of 1951. such person being required to make an application or to pay any fee.

(4) The name of every person who was entered in the list kept under section 18 M.P. of the Madhya Pradesh Homœopathic and Biochemic Practitioners Act, 1951, on XXVI or after the first day of November 1956 by the Vidarbha Board of Homœopathic of and Biochemic Systems of Medicine shall be entered in the list under this Act without 1951. such person being required to make any application or to pay any fee.

(5) Within a period of three months from the appointed day or such further period M.P. as the State Government may allow, the Registrar shall issue to every person whose XXVI name stood in the list kept under the Madhya Pradesh Homœopathic and Biochemic of 1951. Practitioners' Act, 1951, on the thirty-first day of October 1956, a notice by registered post requiring him to pay a fee of Rs. 2 if he desires to have his name entered in the list and the name of every person who pays such fee within a period of six months from the date of issue of the notice by the Registrar shall be entered in the list under this Act without such person being required to make an application or to pay any other fee.

(6) Every person who is not entitled to have his name entered in the register under section 20 but who makes an application to the Registrar in the form prescribed by rules accompanied by a fee of Rs. 10 and such documents as may be prescribed by rules within a period of two years from the appointed day and who proves to the satisfaction of the sub-committee appointed under sub-section (9) of section 20 that on the 25th day of August 1959 he was regularly practising the Homœopathic or the Biochemic Systems of Medicine in any part of the State of Bombay shall be entitled to have his name entered in the list.

(7) The name of a practitioner whose application for registration under sub-section (8) of section 20 and appeal, if any, under sub-section (10) of section 20 are rejected shall, notwithstanding anything contained in sub-section (6), be entitled to have his name entered in the list without such person being required to make an application or to pay any other fee, provided the sub-committee appointed under sub-section (9) of section 20 is satisfied that such person was practising on the 25th day of August 1959 regularly the Homœopathic or the Biochemic Systems of Medicine in any part of the State of Bombay.

(8) Notwithstanding anything contained in sub-sections (3) to (7) no person whose name has been entered in the register under section 20 shall be entitled to have his name entered in the list.

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

(10) Any person aggrieved by the decision of the sub-committee under sub-section (6) or (7) may within a period of one month from the date on which such decision is communicated to him¹, on payment of a fee of five rupees, appeal to the appellate authority constituted under sub-section (10) of section 20.

The decision of the sub-committee subject to an appeal to the appellate authority, and the decision of the appellate authority on such appeal, shall be final.]

(11) When the list is prepared in accordance with the foregoing provisions, the Registrar shall publish a notice in the *Official Gazette* and such newspapers as the Board may select, about the list having been prepared and the list shall come into force from the date of the publication of such notice in the *Official Gazette*.

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

²[(b) Such certificate shall be valid until it is duly cancelled and the name of the practitioner is removed from the list under the provisions of this Act ; and every certificate of enlistment given before the commencement of the Bombay Homœopathic and Biochemic Practitioners' (Amendment) Act, 1974, which is valid on such commencement shall, subject to the provisions of section 26, be valid likewise, and shall continue accordingly.]

Mah.
XXXI-
X of
1974.

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

22. Notwithstanding anything contained in sections 20 and 21, the name of any 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 by rules that he shall not use any degree, diploma or licence 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 any corresponding law for the time being in force in any part of the ³[State of Maharashtra]. It shall be lawful for such person to use after his name the words "Registered Homœopathic Practitioner", "Registered Biochemic Practitioner", "Enlisted Homœopathic Practitioner" or "Enlisted Biochemic Practitioner", as the case may be, in full to indicate that his name has been entered in the register or the list, respectively, under this Act.

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

Removal of
names from
register.

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

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

(ii) direct the name of such practitioner—

(A) to be removed from the register for such period as may be specified in the direction, or

(B) to be removed from the register permanently.

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

(i) conviction of the registered practitioner by a criminal court for an offence which involves moral turpitude and which is cognizable within the meaning of the Code of Criminal Procedure, 1898, or

(ii) conviction under the Army Act, 1950, of the registered practitioner subject to military law for an offence which is cognizable within the meaning of the Code of Criminal Procedure, 1898, or

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

V of
1898.
XLVI
of
1950.
V of
1898.

¹ This portion was substituted for the words " appeal to the Board, whose decision shall be final " , by Mah. 31 of 1963, s. 5.

² Clause (b) was substituted for the original by Mah. 39 of 1974, s. 3.

³ These words were substituted for the words " State of Bombay " by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

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

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

Bom. VI of 1912. (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 Bombay, or

Bom. XXVI of 1938. (b) the register or list maintained under the Bombay Medical Practitioners' Act, 1938, or any such corresponding law,

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

(3) If the name of 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 Board shall also remove his name from the register under this Act.

(4) The Board 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 Board, such entry was fraudulently or incorrectly made.

(5) In holding inquiries under this section, the Board 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 :—

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

(b) compelling the production of documents;

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

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

1860. (7) (a) For the purpose of advising the Board on questions of law arising in any inquiry before it, there may be appointed by the Board an assessor, who has been for not less than ten years—

XXXVIII of 1926. (i) an Advocate enrolled under the Indian Bar Councils Act, 1926, or

(ii) an attorney of a High Court.

(b) Where an assessor advises the Board on any question of law as to evidence, procedure or any other matter, he shall do so in the presence of every party, or person representing a party, to the inquiry who appears thereat, or if the advice is tendered after the Board has begun to deliberate as to their findings, every such party or person as aforesaid shall be informed what advice the assessor has tendered. Such party or person shall also be informed, if in any case the Board does 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 by rules.

(8) The provisions of sub-sections (1) to (7) shall *mutatis mutandis* apply to the list prepared under section 21.

24. Notwithstanding anything contained in sections 20 and 21, no person whose name has been removed for infamous conduct in a professional respect from any register or list kept under—

Persons not entitled to registration or enlistment.

(i) the Bombay Homœopathic Act, 1951;

(ii) the Madhya Pradesh Homœopathic and Biochemic Practitioners' Act, 1951; or

(iii) 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 20 and 21 respectively, unless his name is duly restored to the register or the list from which it was removed.

Maintenance
of register
and list.

25. (1) It shall be the duty of the Registrar to make entries in the register, from time to time, to revise the same and to issue the certificates of registration in accordance with the provisions of this Act, the rules made thereunder and the orders of the Board.

(2) The names of registered practitioners who die or whose names are directed to be removed from the register under sub-section (1) of section 23 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 by rules.

(4) The provisions of sub-sections (1) to (3) shall *mutatis mutandis* apply to the list prepared under section 21.

Renewal
of registra-
tion.

26. (1) Notwithstanding anything contained in sections 20 and 21, after the commencement of the Bombay Homœopathic and Biochemic Practitioners' (Amendment) Act, 1974 (hereinafter referred to as "the Amending Act"),—

(a) (i) the Registrar shall cause two general notices in the prescribed form to be published at an interval of not less than sixty days in the *Official Gazette*, and in such other manner as may be prescribed. The first such general notice shall be published on such date as the Registrar may, with the approval of the President, decide, calling upon all registered practitioners and all persons whose names have been removed from the register during the process of renewal which took place under section 26 of this Act as it stood immediately before the commencement of the Amending Act (hereinafter referred to as "the defaulters") to make an application to the Registrar for the continuance of their names on the register, and drawing attention to their liability to pay to the Board a fee of one hundred rupees therefor, and in case of defaulters an additional fee of fifteen rupees by way of penalty;

(ii) the Registrar shall, after the publication of the first general notice under sub-clause (i) of this clause, send an individual notice under certificate of posting enclosing therewith the prescribed form of application to every registered practitioner and defaulter at his address as entered in the register, or as the case may be, his last known address, calling upon him to return the application to the Registrar duly filled in for the continuance of his name on the register along with a fee of one hundred rupees (and in the case of a defaulter an additional fee of fifteen rupees) within forty-five days of the receipt of such individual notice.

If any of the registered practitioners or defaulters fails to return such application within the period specified in the individual notice along with the fees aforesaid, the Registrar shall, after the publication of the second general notice under sub-clause (i), issue a further individual notice to such registered practitioner or defaulter under certificate of posting, enclosing therewith the prescribed form of application

¹ The words "and renewal slips" were deleted by Mah. 39 of 1974, s. 4.

² Section 26 was substituted for the original, *ibid.*, s. 5.

calling upon him to return the application to the Registrar for the continuance of his name on the register within thirty days from the date of the receipt of the further individual notice together with the fees aforesaid and a further additional fee of five rupees;

(iii) if the application together with the fees is returned within the period specified in such further individual notice, the Registrar shall inform the registered practitioner and the defaulter under certificate of posting, that the fees have been received, and that the certificate of registration of the registered practitioner shall, subject to the provisions of this section, continue in operation, unless such certificate is duly cancelled under this Act. The Registrar shall give a fresh certificate of registration to the defaulter, which shall also likewise continue in operation ;

(iv) if the application together with the fees is not returned within the period specified in the further individual notice, the Registrar shall remove the name of the defaulting practitioner from the register, unless it has been removed already and inform him of such removal under certificate of posting. The fact of such removal shall be published in the *Official Gazette* and in such other manner as may be prescribed. On such removal, the certificate of registration issued to the defaulting practitioner shall be deemed to have been cancelled, and shall be withdrawn from the practitioner by the Registrar in the prescribed manner :

Provided that, on an application made to the Registrar in that behalf within such period as the State Government may, from time to time specify in this behalf, the name so removed or already removed may be re-entered in the register on payment of a fee of one hundred rupees together with an additional fee of fifty rupees ; and thereupon, the certificate of registration, if withdrawn, shall be returned to the practitioner and shall continue in operation, and if not yet withdrawn, it shall also continue in operation, as provided in sub-clause (iii) of this clause ;

(b) and thereafter, every five years from the commencement of the Amending Act, the Registrar shall likewise cause two general notices in the prescribed form to be published at an interval of not less than sixty days, in the *Official Gazette*, and in such other manner as may be prescribed, calling upon all registered practitioners to make an application to the Registrar for continuance of their names on the register without payment of the fee of one hundred rupees referred to in clause (a) and thereupon, the provisions of clause (a) shall, *mutatis mutandis* apply for the continuance of the names of the registered practitioner on the register.

(2) The provisions of sub-section (1) shall *mutatis mutandis* apply to the practitioners included in the list.]

27. Fees paid under sections 20, 21, 25 and 26 shall not be refunded.

No refund
of fees.

28. Notwithstanding anything in any law for the time being in force,—

Right of
registered
practitioner.

(i) the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word importing a person recognised by law as a medical practitioner or member of the medical profession shall, in all Acts of the Legislature in the State of Bombay and in all Central Acts (in their application to the State of Bombay) in so far as such Acts relate to any matters 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 ;

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

(iii) 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 or Biochemic dispensary, hospital or infirmary supported by or receiving a grant from the State Government and treating patients according to the Homoeopathic or Biochemic system of medicine or in any public establishment, body or institution dealing with such system of medicine ;

(iv) every registered practitioner shall be exempt, if he so desires, from serving on an inquest, or as a juror under the Code of Criminal Procedure, 1898.

V of
1898.

CHAPTER V.

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

29. The Court shall by by-laws under section 35 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 given to persons who pass the examinations and such other matters in respect of such examinations as may be necessary.

Examinations
held by the
Court and
courses of
studies.

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

Recognition
of Institu-
tions.

(2) Any institution desirous of recognition under this Act shall send an application to the Registrar giving full information in respect of the following matters, 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 :

Provided that no application shall be entertained by the Registrar unless the institution agrees in writing to give all facilities to any inspectors, members, visitors or any other persons authorised by the Court to make an inspection or enquiry or to attend any examination under sub-sections (3) to (9).

(3) The Registrar shall place the application before the Court and the Court may direct the Registrar to call for any further information which it may deem necessary. The Court may also direct a local inquiry to be made by a competent person or persons authorised by it in this behalf.

(4) After recording the report of such local inquiry and after making such further inquiry as may be necessary, the Court 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 decision of the State Government shall be final.

(5) It shall be the duty of the Court to secure the maintenance of an adequate standard of proficiency for the practice of the Homoeopathic or the Biochemic system of medicine. For the purpose of securing such standard, the Court shall have authority to call on the governing body or authorities of any recognised institution to permit inspectors or any members or visitors appointed by the Court in this behalf to inspect the recognised institutions and the hospitals attached to them and to attend and be present at all or any of the examinations held by the institutions. Every recognised institution shall comply with any reasonable direction issued by the Court 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 Court, their opinion as to the sufficiency or insufficiency of every examination which they attend and any other matters in regard to such institutions on which the Court may require them to report.

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

(8) The Court 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 observations thereon made by the said body, to the State Government.

(9) An inspector, a member or a visitor shall receive such remuneration to be paid as part of the expenses of the Court, as may be prescribed by by-laws under section 35.

Withdrawal
of recogni-
tion of
institutions.

31. If it appears to the State Government on the report of the Court or otherwise that any institution recognised under section 30 is not maintaining an adequate standard of training according to the requirements of the Court, the State Government may at any time withdraw the recognition granted to such institution :

• 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 up to the required standard by the Court if a report has been made by the Court and in any other case by the State Government.

32. (1) If it shall appear to the State Government on the report of the Court or otherwise that the course of study and examinations prescribed by any university, body or institution conferring a degree, diploma, certificate or 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 Homœopathic or the Biochemic System of Medicine, it shall be lawful for the State Government, from time to time, by notification in the *Official Gazette*, to amend the First Schedule and to direct the inclusion therein of any such degree, diploma, certificate or award subject to such conditions as may be specified in respect of any such degree, diploma certificate or award.

Amendment
of First
Schedule.

(2) Any university, body or institution desirous of having included in the First Schedule, any degree, diploma, certificate, or award in the Homœopathic or the Biochemic System of Medicine conferred by it may apply to the Court in the manner prescribed in sub-section (2) of section 30 and for the purposes of this section the Court shall have all the powers specified in sub-sections (3) to (9) of section 30 as if the university, body or institution had applied for recognition under section 30.

(3) If it appears to the State Government at any time on the report of the Court, 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 a adequate standard of proficiency for the practice of the Homœopathic or the Biochemic System of Medicine it shall be lawful for the State Government at any time to direct, by notification in the *Official Gazette*, the removal of any such degree, 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 Court shall require the university, body or institution to take steps within such time as the Court may fix, to bring the course of study or examinations to the required standard.

CHAPTER VI.

MISCELLANEOUS.

33. (1) The State Government may by notification in the *Official Gazette* Rules, and subject to the condition of previous publication make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely :—

(a) the time and place at which and manner in which election to the Board and to the Court shall be held under section 4 and section 17 read with section 4 ;

(b) the manner in which the meetings of the Board and the Court shall be convened, held and conducted under sub-section (1) of section 10 and under section 17 read with the said sub-section ;

¹[(c) the fees and other allowances to be paid under section 12 and under section 17 read with section 12 ;]

(d) the powers, duties and functions of the Board under clause (d) of section 14 ;

(e) the salary, allowances and other conditions of service of the Registrar under section 15 ;

²[(ea) the number and term of office of, the manner of filling casual vacancies among, and the procedure to be followed by, the members of the Executive Committees ; and the powers, duties and functions of the Board and the Court delegated to the respective Executive Committees, under sections 15A and 19A ;]

(f) the powers, duties and functions of the Court under clause (n) of section 18 ;

(g) the particulars to be entered in the register under clause (e) of sub-section (2) of section 20 ;

(h) the particulars to be entered in the list under clause (e) of sub-section (2) of section 21 ;

(i) the forms of application for registration and enlistment and the documents to accompany such forms under sections 20 and 21 ;

(j) the manner of making enquiry under sub-section (9) of section 20 and sub-section (9) of section 21 ;

(k) the forms of certificate of registration and enlistment under sub-section (12) of section 20 and sub-section (12) of section 21 respectively ;

(l) the manner in which the undertaking shall be executed under section 22 ;

(m) the manner of holding inquiries under section 23 ; the conditions and fees for re-entering the name of a practitioner removed under that section and the remuneration to be paid to the assessors appointed under that section ;

(n) the fees chargeable for the alteration of entries as respects additional qualifications or change of name under sub-section (3) of section 25 ;

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(q) any other matter which is to be or may be prescribed under this Act ;

(r) the furtherance of any of the objects of this Act.

⁴[(3) All rules made under this section shall be laid for not less than thirty days before each House of the State Legislature as soon as possible after they are made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid, or the session immediately following, and publish in the *Official Gazette*.]

¹ This clause was substituted by Mah. 31 of 1963, s. 6.

² This clause was inserted by Mah. 20 of 1962, s. 7(a)(ii).

³ Clauses (o) and (p) were deleted by Mah. 39 of 1974, s. 6.

⁴ This sub-section was inserted by Mah. 20 of 1962, s. 7 (6)

34. (1) The Board may, with the previous sanction of the State Government, ~~Regulations.~~ 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 under sub-section (6) of section 15;

(b) such matters as may be necessary for the exercise of the powers and performance of duties and functions by the Board 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 Board 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.

35. (1) The Court may, with the previous sanction of the State Government, ~~Bye-law~~ make bye-laws, not inconsistent with the provisions of this Act or the rules made thereunder, for the following matters, namely:—

(a) the examinations to be held by it;

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

- (c) the standard of passing;
- (d) 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;
- (e) the language in which the examinations shall be conducted;
- (f) the conditions of appointment of examiners, paper-setters, moderators and other persons appointed and fees to be paid to them, the conduct of examinations and the fees to be charged for the conduct of examinations;
- (g) the conditions for the recognition of teachers in recognised institutions;
- (h) the number of students to be admitted to the recognised institutions;
- (i) the language in which instructions shall be given in the recognised institutions;
- (j) the remuneration to be paid to an inspector or a member or a visitor;
- (k) the number and designations, salaries, allowances and other conditions of service of its officers and servants including the inspectors;
- (l) such other matters as may be necessary for the exercise of the powers and performance of duties and functions by the Court under this Act.

(2) The State Government on receiving the draft by-laws 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 Court for further consideration.

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

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

36. (1) If at any time it appears to the State Government that the Board or the Court 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, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Board or the Court, as the case may be, and if the Board or the Court fails to remedy such failure, excess or abuse within such time as the State Government may fix in this behalf, the State Government may dissolve the Board or the Court, as the case may be, and cause all or any of the powers or duties of the Board or the Court to be exercised and performed by such person and ¹[for such period not exceeding two years as it may think fit, which period may, if the State Government thinks fit, be extended by it, from time to time, so, however, that the total period does not exceed three years in the aggregate, and the State Government] shall take steps to constitute a new Board or Court, as the case may be.

(2) Notwithstanding anything contained in this Act, rules, regulations or by-laws, if at any time it shall appear to the State Government that the Board or the Court 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 and for such period not exceeding six months and subject to such conditions as it thinks fit.

37. 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 or by-laws made thereunder.

¹ These words were substituted for the words "for such period not exceeding two years as it may think fit and" by Mah. 24 of 1975, s. 2.

CHAPTER VII

REPEAL AND TRANSITIONAL PROVISIONS

Repeal and
saving.

38. (1) Subject to the provisions of this Chapter, on the appointed day,—

(a) the Bombay Homoeopathic Act, 1951, in its application to the pre-Reorganisation State of Bombay, excluding the transferred territories; and

Bom.
XLV-
III of
1951.

(b) the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951, in its application to the Vidarbha region of the State of Bombay, shall be repealed.

M. P.
XXVI
of
1951.

(2) With effect from the appointed day, the Medical Act in its application to the Hyderabad area of the State of Bombay, shall cease to apply to the Homoeopathic practitioners.

Hyd.
I of
1312F.

(3) Subject to the provisions of sub-section (2) of section 42, the regulations made under clauses (c) to (e) of sub-section (1) of section 38 of the Bombay Homoeopathic Act, 1951 and clauses (d) to (h) of sub-section (1) of section 29 of the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951, and such other regulations and such of the rules made under the said Acts as the State Government may by order specify on the appointed day, shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been made under and for the purposes of the relevant provisions of this Act and be in force accordingly, unless and until superseded by any rules, regulations or by-laws made under this Act. All other regulations and rules made under the said Acts shall cease to be in force.

Bom.
XLV-
III of
1951.
M. P.
XXVI
of
1951.

(4) (a) Part A and Part B of the register kept under the Bombay Homoeopathic Act, 1951 and the register kept by the Vidarbha Board of Homoeopathic and Biochemic Systems of Medicine under the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951, which are in force immediately before the appointed day, shall be deemed to be the register under this Act, until the register prepared under section 20 comes into force under sub-section (11) thereof;

Bom.
XLV-
III of
1951.
M. P.
XXVI
of
1951.

(b) Part C of the register kept under the Bombay Homoeopathic Act, 1951 and the list kept by the Vidarbha Board of Homoeopathic and Biochemic Systems of Medicine under the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951, which are in force immediately before the appointed day, shall be deemed to be the list under this Act, until the list prepared under section 21 comes into force under sub-section (11) thereof.

Bom.
XLV-
III of
1951.
M. P.
XXVI
of
1951.

(5) Any appointment, notification, notice, order or form made, issued or given under the Bombay Homoeopathic Act, 1951 and in force in the pre-Reorganisation State of Bombay, excluding the transferred territories, immediately before the appointed day shall, in so far as it is not inconsistent with the provisions of this Act be deemed to have been made, issued or given under the relevant provisions of this Act and be in force throughout the State of Bombay accordingly, unless and until superseded by any appointment, notification, notice order or form made, issued or given under this Act.

Bom.
XLV-
III of
1951.

39. (1) With effect from the appointed day—

(a) the Board of Homoeopathic System of Medicine, Bombay, constituted under section 3 of the Bombay Homoeopathic Act, 1951 ; and

(b) the Vidarbha Board of Homoeopathic and Biochemic Systems of Medicine constituted under section 3 of the Madhya Pradesh Homoeopathic and Biochemic Practitioners' Act, 1951, read with the Madhya Pradesh Statutory Bodies (Regional Constitution) Act, 1956 ;

shall be dissolved and all the members of the aforesaid Boards shall vacate office.

(2) Notwithstanding anything contained in section 3, the State Government shall on or as soon as may be after the appointed day, by a notification in the *Official Gazette*, constitute a Board consisting of a President and fourteen other members as may be nominated by the State Government.

(3) The Board constituted under sub-section (2) shall be deemed to be a Board constituted under section 3 and the President and the members of the Board shall notwithstanding anything contained in section 5 hold office for a period of three years from the date of the notification under sub-section (2) or till a Board is constituted in accordance with the provisions of section 3, whichever is earlier :

Provided that the period of 3 years may be extended by the State Government by a further period not exceeding six months at a time [and three years in the aggregate].

(4) If a vacancy previous to the expiry of the term occurs in the office of a member of the Board constituted under sub-section (2) due to death, resignation, removal, disability or disqualification of such member or due to any other cause the vacancy shall be filled by the State Government by nomination of any other person and the person so nominated shall hold office for the unexpired portion of the term of the member in whose place he is nominated.

40. (1) With effect from the appointed day, the Court of Examiners constituted under section 17 of the Bombay Homoeopathic Act, 1951 and functioning immediately before the appointed day shall be dissolved and all the members of the Court shall vacate office.

(2) As soon as may be after the appointed day, the Registrar shall take steps to constitute a Court in accordance with the provisions of section 16.

(3) Until a Court is constituted under section 16 and the first meeting of such Court is held, the Board constituted under section 39 shall notwithstanding anything contained in section 16 be deemed to be the Court for the purpose of this Act.

41. (1) Notwithstanding anything contained in clause (7) of section 44, the Registrars appointed under—

(a) section 15 of the Bombay Homoeopathic Act, 1951 ; and

¹ These words were substituted for the words " and two years in the aggregate " by Mah. 26 of 1966, s. 2.

Dissolution of Boards constituted under the repealed Act and constitution of new Board.

Dissolution of Court and appointment of new Court.

Provision regarding Registrars.

Bom. XLV-III of 1951.

M. P. XXVI of 1951. M. P. XVII of 1956.

Bom. XLV-III of 1951.

Bom. XLV-III of 1951.

(b) section 14 of the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951, read with the Madhya Pradesh Statutory Bodies (Regional Constitution) Act, 1956,

M. P.
XXVI
of
1951.
M. P.
XVII
of
1956.

and holding office immediately before the appointed day, shall cease to hold office of Registrar on the appointed day.

(2) The State Government shall, notwithstanding anything contained in sub-section (1) of section 15, appoint the first Registrar :

Provided that nothing contained in this section shall affect the powers of the Board to fill the subsequent vacancies of Registrar under sub-section (1) of section 15.

(3) The State Government may by order direct the absorption of any person who ceases to hold office under sub-section (1) and who is not appointed as the first Registrar under sub-section (2), in a suitable post under the Board or the Court or direct discontinuance of his services. Until any such order is made, the person ceasing to hold office under sub-section (1) shall be paid by the Board the salary and allowances to which he was entitled immediately before the appointed day. Any person whose services are discontinued under this section shall be entitled to receive from the Board such leave, pension, gratuity or other retirement benefits as he would have, if this Act had not been passed, been entitled to receive on being invalidated out of service and may receive such additional sum by way of compensation as the Board may with the sanction of the State Government determine.

Provision
regarding
examinations

42. (1) For a period of two years from the appointed day or such further period as the State Government may direct, the Court shall make arrangements to hold every examination which was being held by,—

(a) the Court constituted under section 17 of the Bombay Homoeopathic Act, 1951, in accordance with Schedule I and the regulations framed under clauses (c), (d) and (e) of sub-section (1) of section 38 of the said Act ;

Bom.
XLV-
III of
1951.

(b) the Vidarbha Board of Homoeopathic and Biochemic Systems of Medicine constituted under section 3 of the Madhya Pradesh Homoeopathic and Biochemic Practitioners' Act, 1951 read with the Madhya Pradesh Statutory Bodies (Regional Constitution) Act, 1956, in accordance with the regulations framed under clauses (d), (e), (f), (g) and (h) of sub-section (1) of section 29 of the Madhya Pradesh Homoeopathic and Biochemic Practitioners' Act, 1951,

M. P.
XXVI
of
1951.
M. P.
XVII
of
1956.
M. P.
XXVI
of
1951.

and confer the respective qualifications specified in the First Schedule.

(2) The regulations and Schedule I referred to in sub-section (1) shall be deemed to be by-laws framed under section 35 which may be amended or superseded in the manner prescribed in section 35.

(3) The Court shall before the expiry of the period referred to in sub-section (1) consider the question of continuing or discontinuing the examinations and shall frame revised by-laws under section 35 accordingly :

Provided that if the Court decides to discontinue any such examinations it shall arrange to hold such examinations for such period as the State Government may direct to enable the students, already admitted for the training course leading to such examination, to complete the course.

43. Notwithstanding anything contained in sub-sections (1) to (4) of section 30, any institution—

Provision
regarding
recognised
Institution.

Bom.
XLV-
III of
1951.

(a) which continued to be recognised under section 30 of the Bombay Homoeopathic Act, 1951, on the day immediately preceding the appointed day ; or

M. P.
XXVI
of
1951.

(b) which continued to be recognised under section 22 of the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951, on such day for any qualifying examination held by the Vidarbha Board of Homoeopathic and Biochemic systems of medicine, shall be deemed to be recognised under section 30 of this Act for the qualifying examination for which it was recognised so long as the Court continues to hold such examination :

Provided that nothing in this section shall affect the powers of the State Government under section 31 to withdraw the recognition granted to any such institution.

44. Save as otherwise provided by or under this Act and unless there is anything repugnant in the subject or the context,—

Vesting of
rights,
duties, etc.

(1) All rights of the Boards dissolved under section 39 (hereinafter in this section referred to as "the dissolved Boards") shall on the appointed day vest in the Board constituted under section 3 read with section 39 of this Act (hereinafter in this section referred to as "the Board").

(2) All the property moveable or immovable which on the day immediately preceding the appointed day vested in the dissolved Boards shall subject to all limitations and conditions as were in force on the day immediately preceding the appointed day vest in the Board.

(3) All sums due to a dissolved Board on any account shall be recoverable by the Board which shall be competent to take any measure or institute any proceedings which it would have been open to the dissolved Boards to take or institute if this Act had not come into operation.

(4) All debts, liabilities and obligations incurred by or on behalf of a dissolved Board, immediately before the appointed day and subsisting on the said day, shall be deemed to have been incurred by the Board in exercise of the powers conferred on it by this Act and shall continue in operation accordingly.

(5) All proceedings and matters pending before any authority or officer immediately before the appointed day under any of the Acts repealed or ceasing to apply under section 38 shall be deemed to be transferred to and continued before the corresponding authority under this Act competent to entertain such proceedings and matters.

(6) All prosecutions instituted by or on behalf of a dissolved Board and all suits and other legal proceedings instituted by or against any dissolved Board or any officer of such Board on behalf of the dissolved Board, pending on the appointed day, shall be continued by or against the Board or if the State Government so directs by or against the Court.

(7) All officers and servants in the employ of the dissolved Boards immediately before the appointed day, shall be officers and servants employed by the Board or if the State Government so directs by the Court 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 to or subject to on the appointed day :

Provided that—

(i) the service rendered by such officers and servants before the appointed day shall be deemed to be service rendered under the Board or the Court, as the case may be ;

(ii) if in the opinion of the Board or the Court, as the case may be, 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 services of any such officer or servant and any officer or servant whose services are so discontinued shall be entitled to receive from the Board or the Court, as the case may be, such leave, pension, gratuity or other retirement benefits as he would have, if this Act had not been passed, been entitled to receive on being invalidated out of service and may receive such additional sum by way of compensation as the Board or the Court, as the case may be, may, with the sanction of the State Government, determine.

(8) Notwithstanding anything contained in clauses (1) to (4), the State Government may by an order direct that any of the said assets, rights, liabilities or obligations shall be transferred to the Court.

Power to
remove
difficulties.

45. 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 of removing the difficulty.

Amendment
of Bom.
XXVI of
1938 as
applied to
Saurashtra
area of
Bombay
State.

46. The provisions of the Bombay Medical Practitioners' Act, 1938, as adapted Bom. XXVI of 1938 and applied to the Saurashtra area of the State of Bombay, 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.

FIRST SCHEDULE.

[Sections 20 (3) and 32.]

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. Diploma in Homoeopathy and Biochemistry (D.H.B.) only if granted before the first day of November 1956 by the Madhya Pradesh Board of Homoeopathic and Biochemic Systems of Medicine, Nagpur.
5. Diploma in Homoeopathy and Biochemistry (D.H.B.) granted by the Vidarbha Board of Homoeopathic and Biochemic Systems of Medicine, Nagpur.
6. Licentiate of the Court of Examiners in Homoeopathy (L.C.E.H.) constituted under this Act.
7. Graduate of the Court of Examiners in Homoeopathy (G.C.E.H.) constituted under this Act.
8. Fellow of the Court of Examiners in Homoeopathy (F.C.E.H.) constituted under this Act.
9. Diploma in Homoeopathy and Biochemistry (D.H.B.) granted by the Court of Examiners constituted under this Act.

SECOND SCHEDULE.

(Section 46.)

Amendment of the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938) as adapted and applied to the Saurashtra area of the State of Bombay by the State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1948 (Saurashtra Ordinance XXV of 1948).

| 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 Bombay Homoeopathic and Biochemic Practitioners' Act, 1959."</p> <p>(b) In the marginal note, after the words and figures "under Bom. VI of 1912" the words and figures "or Bombay Homoeopathic and Biochemic Practitioners' Act, 1959" 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 Bombay Homoeopathic and Biochemic Practitioners' Act, 1959."</p> <p>(b) In the marginal note, after the words "as adapted" the words and figures "or Bombay Homoeopathic and Biochemic Practitioners' Act, 1959" shall be inserted.</p> |
| Section 35 | <p>... In sub-section (1), after the words "as adapted", at both the places where they occur, the words and figures "or under the Bombay Homoeopathic and Biochemic Practitioners' Act, 1959", shall be inserted.</p> |
| Section 36 | <p>... (a) In clause (e), for the words "homoeopathy or any other" the word "any" shall be substituted and after the words "Indian systems of Medicine" the words "or the Homoeopathic or Biochemic 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 or Biochemic 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 Bombay Homoeopathic and Biochemic Practitioners' Act, 1959" shall be inserted.</p> |



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ३, अंक १५]

शनिवार, एप्रिल ३०, २०११/वैशाख १०, शके १९३३

[पृष्ठे ४, किंमत : रुपये १४.००

असाधारण क्रमांक ५९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Homoeopathic Practitioners' (Amendment) Act, 2011 (Mah. Act No. XXII of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXII OF 2011.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 30th April 2011)

An Act further to amend the Bombay Homoeopathic Practitioners' Act, 1959

Bom. WHEREAS it is expedient further to amend the Bombay Homoeopathic
XII of Practitioners' Act, 1959, for the purposes hereinafter appearing; it is hereby
1960. enacted in the Sixty-second Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Homoeopathic Practitioners' (Amendment) Act, 2011.

Short title and
commence-
ment.

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

Amendment
of section 20
of Bom. XII
of 1960.

2. In section 20 of the Bombay Homoeopathic Practitioners' Act, 1959 (hereinafter referred to as "the principal Act"),—

Bom.
XII of
1960.

(a) in sub-section (3), for the words "a fee of three hundred rupees" the words "such fee as the State Government may, by notification in the *Official Gazette*, specify" shall be substituted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

"(3A) (a) If the courses of study to be undergone for obtaining any of the recognised medical qualifications include a period of training after a person has passed the qualifying examination, and before such qualification is conferred on him, any such person shall, on an application made to the Registrar, in the form prescribed by the Rules and on payment of such fee, as the State Government may, by notification in the *Official Gazette*, specify, be granted a provisional registration in order to enable him to practice Homoeopathic system of medicine in the Recognised Institution for the purpose of such training and for no other purpose, for the period aforesaid;

(b) every person who is granted a provisional registration under clause (a) shall be given a certificate of provisional registration in the form prescribed by the Rules, which shall remain in force for such period as may be specified therein."

Substitution
of section 26
of Bom. XII
of 1960.

3. For section 26 of the principal Act, the following section shall be substituted, namely:—

Renewal of
registration.

" 26. Notwithstanding anything contained in this Act, the certificate of registration or renewed certificate of registration issued to every Registered practitioner on or after the commencement of the Bombay Homoeopathic Practitioners' (Amendment) Act, 2011 shall be valid for a period of five years from the date of its issue or, as the case may be, of its renewal :

Mah.
XXII
of
2011.

Provided that, any such certificate of registration or renewed certificate of registration, as the case may be, which is valid on the date of commencement of the Bombay Homoeopathic Practitioners' (Amendment) Act, 2011, shall expire after a period of five years from the date of such commencement."

Mah.
XXII
of
2011.

4. After section 26 of the principal Act, the following sections shall be inserted, namely :—

Insertion of sections 26A and 26B in Bom. XII of 1960.

“ 26A. (1) Every Registered practitioner who has been given a certificate of registration or who has obtained the renewed certificate of registration may get his certificate renewed by following the procedure mentioned in this section.

Procedure for renewal of registration.

(2) Any application for renewal of the certificate of registration shall be made to the Registrar. The application shall be in such form and shall be submitted alongwith such documents, as may be prescribed by the Rules. The application shall be accompanied by the certificate of registration and such renewal fee and late fee as the State Government may, by notification in the *Official Gazette*, specify :

Provided that, such application shall be made not less than two months prior to the date on which the registration is to expire:

Provided further that, the Registrar may, on sufficient cause being shown, entertain any such application made at any time before or within a reasonable time after expiry of the registration.

(3) The Registrar shall, upon receipt of the application, make such enquiry as he may deem fit, and renew the certificate.

(4) When the certificate is renewed, the Registrar shall endorse such renewal on the certificate of registration and return the same to the Registered practitioner.

26B. The Registrar shall, at the time of issue of the certificate of registration as provided in sub-section (12) of section 20, also issue an Identity Card to the Registered practitioner. The Identity Card shall be in such form and shall contain such particulars as may be prescribed by the Rules :

Issue of Identity Card.

Provided that, in case of Registered practitioner holding the certificate of registration on the date of commencement of the Bombay Homoeopathic Practitioners' (Amendment) Act, 2011, the Registrar shall issue such Identity Card at the time of renewal of the certificate of registration. ”

Amendment
of section 33
of Bom. XII
of 1960.

5. In section 33 of the principal Act, in sub-section (2),—

(a) after clause (i), the following clause shall be inserted, namely :—

“ (ia) the form of application for provisional registration and the form of certificate of provisional registration, under sub-section (3A) of section 20 ; ”;

(b) after clause (n), the following clauses shall be inserted, namely :—

“ (na) the form of application for renewal of certificate of registration and the documents to accompany such form, under section 26A ;

(nb) the form of Identity Card to be issued and particulars to be mentioned therein, under section 26B ; ”.



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ६, अंक २२(५)] बुधवार, जून २५, २०१४/आषाढ ४, शके १९३६ [पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक ७९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Homoeopathic Practitioners' and the Maharashtra Medical Council (Amendment) Act, 2014 (Mah. Act No. XIX of 2014), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Principal Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XIX OF 2014.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 25th June 2014).

An Act further to amend the Maharashtra Homoeopathic Practitioners' Act and the Maharashtra Medical Council Act, 1965.

XII of
1960.
Mah.
XLVI of
1965.

WHEREAS it is expedient further to amend the Maharashtra Homoeopathic Practitioners' Act and the Maharashtra Medical Council Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-fifth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Maharashtra Homoeopathic Practitioners' and the Maharashtra Medical Council (Amendment) Act, 2014.

Short title
and
commence-
ment.

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

CHAPTER II

AMENDMENT OF THE MAHARASHTRA HOMOEOPATHIC PRACTITIONERS' ACT.

Amendment of section 20 of XII of 1960. 2. In section 20 of the Maharashtra Homoeopathic Practitioners' Act, XII of 1960. in sub-section (12), in clause (a), for the word "only", the following portion shall be substituted, namely:-

"and the Modern Scientific Medicine (Allopathy) in the State to the extent of knowledge recieved by passing the Certificate Course in Modern Pharmacology approved by the State Government".

CHAPTER III

AMENDMENT OF THE MAHARASHTRA MEDICAL COUNCIL Act, 1965.

Amendment of section 2 of Mah. XLVI of 1965. 3. In section 2 of the Maharashtra Medical Council Act, 1965 Mah. XLVI of 1965. (hereinafter referred to as "the principal Act"),-

(a) in clause (d),-

(i) for the words "or Biochemic System of Medicine;" the words "system of medicine;" shall be substituted;

(ii) the following proviso shall be added, namely:-

"Provided that, nothing in this clause shall mean to exclude the registered practitioner as defined in clause (16) of section 2 of the Maharashtra Homoeopathic Practitioners' Act who have passed the Certificate Course in Modern Pharmacology approved by the State Government;"

(b) in clause (h), after the words "maintained under this Act" the words and figures "and includes a seperate register which shall be maintained by the Council for those covered by entry 28 of the Schedule" shall be added.

Amendment of section 10 of Mah. XLVI of 1965. 4. In section 10 of the principal Act, in clause (c), after the words "the conduct of practitioners" the words and figures "including those covered by entry 28 of the Schedule" shall be added.

Amendment of Schedule of Mah. XLVI of 1965. 5. In the Schedule to the principal Act, after entry 27, the following entry shall be added, namely :-

"28. Registered practitioner as defined in clause (16) of section 2 of the Maharashtra Homoeopathic Practitioners' Act who have passed the Certificate Course in Modern Pharmacology approved by the State Government .".