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**KARNATAKA HOMEOPATHIC PRACTITIONERS ACT, 1961**

**35 of 1961**

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### **SCHEDULE 1 :- SCHEDULE**

## **KARNATAKA HOMEOPATHIC PRACTITIONERS ACT, 1961**

**35 of 1961**

[ ]

STATEMENT OF OBJECTS AND REASONS [KARNATAKA ACT No. 35 OF 1961] Karnataka Gazette, dated 31-3-1961 With the exception of the Bombay Homeopathic Act, 1951 (Bombay Act XLVIII of 1951) as in force in the Bombay area, there is no law regulating the practice of the Homeopathic system of medicine in Mysore State. The practitioners and associations of this system of medicine have been agitating for their statutory recognition. It is also considered expedient to have a uniform law for regulation of the practice and education of the Homeopathic system of medicine in the State of Mysore. Hence the Bill.

### CHAPTER 1

Preliminary

#### **1. Short title, extent and commencement :-**

(1) This act may be called the Karnataka Homeopathic Practitioners Act, 1961.

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

(3) Chapters I, IV and VI shall come into force at once and the remaining provisions of this Act shall come into force on such date as the State Government may by notification appoint.

## **2. Definitions :-**

In this Act, unless the context otherwise requires.

(a) "Board" means the Karnataka Board of Homeopathic System of Medicine established under Section 3;

(b) "Court" means the Court of Examiners constituted under Section 16;

(c) "Homeopathy" means the system of medicine founded by Dr. Hamemann and includes the allied branches of Biochemistry founded by Dr. Schussler and the expression "homeopathic" shall be construed accordingly;

(d) "Inspector" means an Inspector appointed by the Board under sub-section (4) of Section 14;

(e) "Member" means a member of the Board;

(f) "Notification" means a notification published in the Official Gazette;

(g) "Practitioner" means a person who practices the homeopathic system of medicine, as his principal occupation;

(h) "Prescribed" means prescribed by rules;

(i) "President" means the President of the Board;

(j) "Qualifying examination" means an examination in homeopathic system of medicine specified in the Schedule;

(k) "Register" means a register of practitioners prepared and maintained under this Act;

(1) "Registered Practitioner" means a practitioner whose name is for the time being entered in the register;

(m) "Registrar" means the Registrar appointed under Section 14;

(n) "Regulations" means regulations made under Section 36;

(o) "Rules" means rules made under Section 35.

## **CHAPTER 2**

### **Establishment of Board**

### **3. Establishment, constitution and incorporation of Board :-**

(1) The State Government may, as soon as may be, by notification in the Official Gazette, constitute a Board, to be called the Karnataka Board of Homeopathic System of Medicine. The Board shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and may by the said name sue and be sued.

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

(i) A President who shall be a registered practitioner;

(ii) Five members nominated by the State Government out of whom two at least shall be registered practitioners; and

<sup>1</sup>[(iii) six members elected by the registered practitioners from among themselves, whose names are entered in Parts A and B of the register.]

Provided that.

(a) for a period of five years after the coming into force of this Chapter, the President shall be appointed by the State Government;

expiry of the said period of five years, the President shall be elected by the members from among themselves <sup>2</sup> [x x x].

1. Clause (iii) substituted by Act No. 13 of 1992, w.e.f. 24-4-1992

2. The words "and the number of members to be elected by registered practitioners in Part A of the register shall be four" omitted by Act No. 13 of 1992, w.e.f. 24-4-1992

### **4. Appointment of members in default of election :-**

If at any election, the electors fail to elect the requisite number of members, the State Government shall nominate such registered practitioners as it deems fit, to fill the vacancies and the practitioners so nominated shall for the purpose of Section 3 be deemed to have been duly elected under the said section.

### **5. Election of members :-**

(1) The election of members under Section 3 shall be held <sup>3</sup>[x x x] in such manner as may be prescribed.

(2) All elections under this Act shall be held according to the distributive system of voting.

Explanation. Distributive system of voting means a system of voting in which every voter shall be entitled to give as many votes as there are seats to be filled:

Provided that no voter shall give more than one vote to any one candidate:

Provided further that no voting paper shall be deemed to be valid unless the voter has recorded all the votes which he is entitled to give.

## **6. Term of office :-**

(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.

(2) An out-going member shall continue in office until the election or nomination of his successor, as the case may be.

(3) An out-going member shall be eligible for re-election or re-nomination.

## **7. Vacancies :-**

In the event of a vacancy arising out of the death, resignation, removal, disability or disqualification of a member or the President, or otherwise, previous to the expiry of the period of his office, the vacancy shall be filled in the prescribed manner. Any person elected or nominated to fill the vacancy shall, notwithstanding anything contained in Section 6, hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

## **8. Resignation :-**

(1) Any member may at any time resign his office by a letter addressed to the President.

(2) The President, if appointed by the State Government, may at any time resign his office by a letter addressed to the State Government. If the President is elected, he may resign his office by a letter addressed to the Board.

## **9. Removal of members :-**

<sup>1</sup>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 case of any other member in the opinion of the Board, be sufficient; or

(b) becomes subject to any of the disqualifications specified in Section 10; <sup>2</sup>[or]

<sup>3</sup>[(c) abuses his position as a member so as to render his continuance as a member detrimental to the interest of the Board; or

(d) is otherwise unfit to continue as a member], the State Government <sup>4</sup> [may remove such member from office: Provided that no member shall be removed from office on the grounds specified in clause (c) or clause (d) without giving such member an opportunity to submit his explanation].

1. Substituted for the words "Disability" by Act No. 34 of 1979, w.e.f. 6-11-1979

2. Inserted by Act No. 34 of 1979, w.e.f. 6-11-1979

3. Clauses (c) and (d) inserted by Act No. 34 of 1979, w.e.f. 6-11-1979

4. Substituted for the words "or the Board, as the case may be, shall declare his office vacant" by Act No. 34 of 1979, w.e.f. 6-11-1979

## **10. Disqualification :-**

A person shall be disqualified for being chosen as, and for being, a member of the Board.

(a) if he has been sentenced by a Criminal Court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months, such sentence not having been subsequently reversed, quashed or remitted, unless he is, by order, which the State Government is hereby empowered to make in this behalf, been relieved from the disqualification arising on account of such sentence;

(b) if he is an undischarged insolvent;

(c) if he is of unsound mind and stands so declared by a Competent Court;

(d) if his name has been removed from the register;

(e) if he is a whole time officer or servant of the Board.

**11. Validity of proceedings :-**

No disqualification 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 invalidate any act or proceeding of the Board in which such person has taken part.

**12. Time and place of meetings of Board :-**

The Board shall meet at such time and place and every meeting shall be summoned in such manner as may be provided for by regulations:

Provided that until such regulations are made, it shall be lawful for the President to summon a meeting of the Board at such time and place as he may deem expedient by circulating a notice to each member.

**13. Procedure at meetings of Board :-**

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

(2) 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.

(3) Six members including the President shall form a quorum.

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

**14. Registrar and other employees of Board :-**

(1) The Board shall, with the previous sanction of the State Government, appoint a Registrar. The Registrar shall receive such salary and allowances as may be prescribed.

(2) The Board may from time to time grant him leave and may appoint a person with the previous sanction of the State Government to act in his place during his leave or absence; provided that if the period of such leave does not exceed two months, such leave may be granted by the President who shall also make temporary appointment of any other person to act during the

said period and report the appointment to the State Government. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for the purposes of this Act.

(3) An appeal shall lie to the State Government from every order of the Board punishing or removing any person from the office of the Registrar.

(4) The Board may appoint Inspectors and such other officers and servants as may be necessary for the purposes of this Act.

(5) 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.

(6) The Registrar shall be the Secretary and the Executive Officer of the Board.

### **15. Powers and functions of the Board :-**

The Board shall exercise such powers and perform such functions as may be prescribed by or under the provisions of this Act or as the State Government may direct for carrying out the provisions of this Act.

### **CHAPTER 3**

#### **Court of Examiners**

### **16. Court of Examiners :-**

(1) The State Government may, by notification, constitute a Court of Examiners which shall consist of seven persons including the Chairman, as follows.

(i) the 1[Director of Indian Systems of Medicine and Homeopathy in Karnataka] who shall be the Chairman of the Court;

(ii) three persons elected by the Board from amongst its members; and

(iii) three persons possessing any of the qualifications specified in the Schedule nominated by the State Government:

Provided that every person elected under clause (ii) shall continue to hold office of a member of the Court only so long as he is a member of the Board:

Provided further that pending the election of such persons by the Board after its constitution for the first time, the State Government

shall nominate three persons who shall be registered practitioners or entitled to have their

(2) The members of the Court shall hold office for a period of two years.

(3) Any vacancy in the office of the members of the Court shall be filled in the prescribed manner and any person elected or nominated to fill any vacancy shall hold office only so long as the person in whose place he is elected or nominated would have held office, if the vacancy had not occurred.

(4) Any member of the Court other than the Chairman may at any time resign his office by a letter addressed to the Chairman.

(5) It shall be the duty of the Court to appoint examiners and to conduct examinations held by it, to make recommendations to the State Government through the Board in respect of the course of studies, and to perform such other duties and functions as may be prescribed.

(6) The Court shall meet at such time and place, and the procedure regarding its working shall be such, as may be prescribed.

#### CHAPTER 4 Registration

### **17. Preparation of first Register :-**

(1) The State Government shall, as soon as may be, cause to be prepared a register of homeopathic practitioners for the State.

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

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

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

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

(d) his professional address; and

(e) such further particulars as may be prescribed.

(3) The register shall be divided into three parts as follows.

(i) Part A. This part shall include.

(a) persons who have been engaged in the practice of the homeopathic system of medicine for a period of not less than ten years immediately before the date of the coming into force of this chapter as the principal occupation;

(b) persons who have received personal clinical instruction for a period of not less than two years in a hospital where indoor patients are kept and where the service includes surgery, gynecology and midwifery and homeopathic medicine and passed an examination in the said subjects approved by the Registration Tribunal;

(ii) Part B. This part shall include medical practitioners who are registered under the Karnataka Medical Registration Act, '1961 or the Karnataka Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961, and who practise the homeopathic system of medicine; and

(iii) Part C. Other persons who have been in practice of the homeopathic system of medicine for not less than two years as the principal occupation on the date of coming into force of this Chapter:

Provided that the entries of the names of persons in Part C shall be provisional and their names shall be removed from the register, unless they pass only the third and final examination in the subjects specified in Part I and Part II for the diploma of L.C.E.H. specified in the Schedule within a period of seven years from the aforesaid date:

Provided further that if any such person passes the final examination in the subjects referred to in the preceding proviso within the period specified therein, the entries of the names of such persons shall be transferred from Part C to Part A of the register.

### **18. Registration Tribunal :-**

(1) For the purpose of the preparation of the first register, the State Government may by notification constitute a Registration Tribunal consisting of three persons out of whom two shall be persons who are entitled to have their names entered in the register, and shall appoint a Secretary of the Tribunal.

(2) The State Government, by notification, shall appoint a date on or before which application for registration shall be made to the Registration Tribunal. Such application shall be accompanied by a

fee of 1 [thirty] rupees.

(3) The Registration Tribunal shall examine every application received on or before the appointed date, and after making inquiry in the prescribed manner if it is satisfied that the applicant is qualified for registration under Section 17 shall direct the entry of the name of the applicant in the register in the Part in which he is entitled to have his name entered.

(4) The register so prepared, shall thereafter be published in such manner as the State Government may direct, and any person aggrieved by a decision of the Registration Tribunal, express or implied in the register as so published may within thirty days from the date of the publication of the register and after payment of a fee of five rupees appeal to the State Government.

(5) The Secretary shall amend the register in accordance with the decision of the State Government under sub-section (4) and shall thereupon issue to every practitioner whose name is entered in the register a certificate of registration in the prescribed form.

1. Substituted for the word "fifteen" by Act No. 34 of 1979, w.e.f. 6-11-1979

### **19. Custody of register :-**

(1) Upon the constitution of the Board for the first time after the commencement of this Act, the register shall be given into its custody and the State Government may direct that all or any specified part of the application fees for registration in the first register shall be paid to the credit of the Board. The State Government shall publish in the Official Gazette, the date on which the register is given to the custody of the Board.

(2) It shall be the duty of the Board to maintain and revise the register in accordance with the provisions of this Act and the rules.

### **20. Qualifications for subsequent registration :-**

After the constitution of the Board referred to in sub-section (1) of Section 19, a person shall on payment of 1[thirty] rupees be entitled to have his name entered in the register, only if he possesses any of the qualifications specified in the Schedule.

### **21. Undertaking to be given for entering name in register :-**

The name of any practitioner shall not be entered either in the first register or a register maintained under Section 19, unless he gives

an undertaking in writing 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, or the Indian Medical Council Act, 1956. It shall be lawful for such persons to use after his name the words "Registered Practitioner of Homeopathy" in full to indicate that his name has been entered in the register.

## **22. Maintenance of register :-**

(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, 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 Section 23, shall be removed therefrom.

(3) The Board may direct that any alteration in the entries as respects additional qualifications shall not be made except on payment of such fee as may be prescribed.

## **23. Removal of names from Register :-**

(1) The Board may direct that the name of any practitioner who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898 (Central Act V of 1898) or any other law for the time being in force, which discloses such defect of moral character as is, in the opinion of, the Board, sufficient to make him unfit to practice his profession or who after due inquiry has been found guilty of conduct, which is in the opinion of the Board infamous in any professional respect, shall be removed from the register. On such removal, the certificate of registration issued to the practitioner shall be deemed to have been cancelled. The Board may, on sufficient cause being

(2) Any person aggrieved by an order of the Board under subsection (1) directing the removal of his name from the register may within ninety days from the date of communication of the order, appeal to the State Government and the State Government may pass such order thereon as it deems fit.

(3) If the name of the practitioner is entered in a Register maintained under the Karnataka Medical Registration Act, 1961 or

the Karnataka Ayurvedic and Unani Practitioners Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961, it shall be the duty of the Board to give intimation of such removal to the authority entitled to maintain the said registers.

**24. Renewal fee :-**

(1) Notwithstanding anything contained in Section 18 or 20, each registered practitioner shall pay to the Board on or before the thirty-first day of December of every year a renewal fee of 1[ten] rupees for the continuance of his name in the register.

(2) If the renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the register. On such removal, the certificate of registration issued to the practitioner shall be deemed to have been cancelled:

Provided that the name so removed may be re-entered in the register on payment of the renewal fee in such manner and subject to such conditions as may be prescribed and a new certificate of registration may be re-issued.

**25. Qualified Medical Practitioners :-**

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

(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 medical profession shall in all Acts of Legislature in the State of Karnataka and in all Central Acts in their application to the State of Karnataka in so far as such Acts relate to any matters specified in List II or List III of the Seventh Schedule to the Constitution, include a practitioner whose name is entered in Part 'A' or Part 'B' of the Register.

(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 Part 'A' or Part 'B' of the register;

(iii) a practitioner whose name is entered in Part 'A' or Part 'B' of the register shall be eligible to treat patients according to the Homeopathic system of medicine or to hold any appointment as a physician or other medical officer in any homeopathic

(iv) a practitioner whose name is entered in Part 'A' of the register may possess and prescribe the drugs relating to the homeopathic system of medicine only.

**26. Notice of death :-**

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

CHAPTER 5

Course of Studies, Qualifying Examinations and Recognition of Institutions

**27. Course of Studies and Qualifying Examinations :-**

(1) The course of studies, and the examinations specified in the Schedule and such other course of studies and examinations as may, on the recommendation of the Board, be included in the Schedule by the State Government by notification, shall be the course of studies and the qualifying examinations held for the purpose of granting a diploma or a degree conferring the right of registration under this Act.

(2) The Board may recommend to the State Government for recognition of institutions to give instruction in the homeopathic system of medicine or to hold examinations therein.

(3) It shall be the duty of the Boards to secure maintenance of an adequate standard.

(i) of instruction in each of the subjects of the course of studies specified in the Schedule and for the purposes of securing such standard, the Board shall have authority to call on the governing body or the authorities of any institution giving such instruction.

(a) to furnish such particulars as the Board may require about the details of instruction;

(b) to permit Inspectors to inspect the institution;

(ii) in each of the qualifying examinations specified in the Schedule and for the purpose of securing such standard, the Board shall have authority to call on the governing body or authorities of any institution authorised to hold any of such examinations.

(a) to furnish such particulars as the Board may require about the

conduct of such examinations;

(b) to permit Inspectors to be present at the examinations and to report to the Board about the nature of the questions asked, the standard of giving marks and such other details as the Board may require.

(4) It shall also be the duty of the Board to inspect all institutions recognised under Section 28 once at least in every two years.

**28. Recognition of institutions :-**

(1) Any institution applying for recognition under this Act shall send an application to the Registrar and shall give full information in respect of the following matters.

(a) the constitution and personnel of the governing or managing body;

(b) subjects and course on which it gives or proposes to give instruction;

(c) accommodation, equipment and the number of students for whom provision has been made or is proposed to be made;

(d) the strength of the staff, their qualifications, salaries and the research work done by them;

(e) fees levied or proposed to be levied and the financial provision made for the capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(2) Any institution applying for recognition to hold qualifying examinations shall send an application to the Registrar and shall give full information in respect of particulars specified in clauses (b) to (e) of sub-section (1) and such other particulars as the Board may require.

(3) The Registrar shall place the application before the Board and the Board may direct the Registrar to call for any further information which it may deem necessary. The Board 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 Board shall forward

the application with its report to the State Government stating 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.

**29. Removal of Institution authorised to hold qualifying examination :-**

If it shall appear to the State Government on the report of the Board or otherwise that the instruction given in any recognised institution or the qualifying examination conducted by any of the institutions recognised to hold such examinations are not such as to secure the maintenance of the adequate standard of proficiency for the practice of surgery and midwifery and homeopathic medicine, it shall be lawful for the State Government from time to time to direct that the recognition of any institution for the purpose of giving instruction or holding an examination under Section 27 shall be withdrawn and the said institution shall not be authorised to give instruction or to hold the examination, as the case may be:

Provided that before any direction for the withdrawal of the recognition of any institution is made under this section, the said institution shall be required to take steps within such time as may be specified in this behalf by the State Government to remedy the defect.

**30. Alteration of Schedule :-**

If it shall appear to the State Government on the report of the Board or otherwise that it is necessary or expedient to modify the Schedule by making any addition or alteration in the course of studies or the examinations specified therein, the State Government may, after calling for the report of the Board if it has not already made the report and after making such inquiries as it thinks fit, make addition or alteration in the Schedule by notification, and the Schedule on such addition or alteration shall be deemed to have been so modified from the date specified in the notification.

CHAPTER 6

Miscellaneous

**31. Exemption from serving on inquests, etc :-**

Notwithstanding anything contained in any other law for the time being in force, 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 (Central Act V of 1898).

**32. Fees and allowances to members :-**

There shall be paid to the members of the Board and the Court such fees and allowances for attendance and such reasonable travelling allowances as shall from time to time be prescribed.

**33. Income and expenses of the Board :-**

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

(a) fees received from practitioners and examinees;

(b) the fees, if any, collected by the Court;

(c) grants received from the Government;

(d) donations and other sums received by the Board.

(2) The expenses of the Board shall include the salaries and allowances of the Registrar, the staff appointed by the Board including Inspectors, and , fees and allowances paid to members of the Board and the Court, expenses for the conduct of examinations and such other expenses as are necessary for carrying out the purposes of this Act. The State Government may also direct the Board to pay such other expenses to the Court as it thinks fit.

**34. Publication of list of practitioners :-**

(1) The Registrar shall, every year on or before the thirtieth day of June, publish in the Official Gazette a correct list of the names and qualifications of all practitioners entered in the register on the First day of January of that year.

(2) A copy of the list published under sub-section (1) shall be evidence in all Courts and judicial or quasi-judicial proceedings that the persons therein specified are registered according to the provisions of this Act, and the absence of the name of any person from such copy shall be evidence, until the contrary is proved, that such person is not registered according to the provisions of this Act:

Provided that in the case of any person whose name does not appear in such copy, a certified copy under the hand of the Registrar of the entry of the name of such person on the register shall be evidence that such person is registered under the provisions of this Act.

**35. Rules :-**

(1) The State Government may, by notification, and after previous publication, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, rules may be made for any of the following matters.

(a) <sup>1</sup> [x x x] the manner in which election shall be held under Section 5;

(b) the manner in which vacancies shall be filled under Section 7;

(c) the salary, allowances and other conditions of service of the Registrar under Section 14;

(d) the powers to be exercised and functions to be performed by the Board under Section 15;

(e) the manner of filling a vacancy under sub-section (3), the duties and functions to be performed by the Court under sub-section (5) and the time and place of the meeting and the procedure to be followed regarding its working under sub-section (6) of Section 16;

(f) the particulars to be entered in the register under clause (e) of sub-section (2) of Section 17;

(g) the manner of making inquiry under sub-section (3), and the form of certificate under sub-section (5) of Section 18;

(h) the fees chargeable for the alteration of entries as respects additional qualification under sub-section (3) of Section 22;

(i) the manner of payment of renewal fee and conditions subject to which such fee shall be paid under the proviso to sub-section (2) of Section 24;

(j) the fees and other allowances to members of the Board and Court under Section 32; and

(k) any other matter which is to be or may be prescribed under this Act.

(3) Every rule made under this section shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if,

before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything done under that rule.

1. The words "the time and place at which and" omitted by Act No. 14 of 1972 and shall be deemed to have come into force w.e.f. 11-10-1972

### **36. Regulations :-**

(1) The Board may, with the previous sanction of the State Government make regulations not inconsistent with this Act or the rules for any of the following matters, namely.

(a) the time and place at which and the manner in which the Board shall hold its meetings under Section 12;

(b) the salary, allowances and other conditions of service of officers and servants of the Board and the Court, other than the Registrar, under Section 14;

(c) the language in which the examinations shall be conducted and instruction shall be given;

(d) the detailed curriculum, the number of lectures, the period of terms devoted to practical and clinical studies in each subject and the recommendation of text books, if any;

(e) the conditions of appointment of examiners and fees to be paid to them, the conduct of examinations and the fees to be charged for the conduct of such examinations;

(f) all other matters which are not prescribed by rules, but which are necessary for the purpose of carrying out the object of this Act:

Provided that the Board shall, before proposing any regulation under clauses (b), (c), (d), (e) or (f), consult the Court and in case of difference of opinion between the Board and the Court in respect of any such regulation, the Board shall, while submitting such regulation to the State Government for sanction, report the grounds for such difference of opinion.

(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, with or without modification shall be published in the Official Gazette.

(4) It shall be lawful for the State Government by notification to cancel or alter any regulation made under this Act.

### **37. Control of State Government :-**

(1) If at any time it appears to the State Government that the Board 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, 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, and if the Board fails to remedy such failure, excess or abuse within such time as the State Government may fix in this behalf, the State Government may by notification dissolve the Board and cause all or any of the powers or duties of the Board to be exercised and performed by such person and for such period not exceeding two years as it may think fit and shall take steps to constitute a new Board.

(2) Notwithstanding anything contained in this Act, rules or regulations, if at any time it shall appear to the State Government that the Board 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 by notification direct that any of such powers or functions be exercised or performed by such person in such manner and for such period not exceeding six months and subject to such conditions as the State Government thinks fit.

### **37A. Provision when the Board is not constituted :-**

<sup>1</sup> Notwithstanding anything contained in this Act, pending the constitution of the Board for the first time under this Act, the powers and functions of the Board shall be exercised and performed by a committee appointed by the State Government consisting of the 2[Director of Indian Systems of Medicine and Homeopathy in Karnataka] as Chairman and four members who shall be practitioners eligible to have their names entered in the register.

1. Section 37-A inserted by Act No. 9 of 1969

**38. Jurisdiction of Civil Courts :-**

No act done in the exercise of any power conferred by or under this Act on the State Government or the Board or the Court or the Registrar or by any officer or servant under the direction of the State Government, the Board or the Court shall be questioned in any Civil Court.

**39. Repeal :-**

The Bombay Homeopathic Act, 1951 (Bombay Act XLVIII of 1951), as in force in the <sup>1</sup> [Belgaum Area], is hereby repealed.

1. Substituted for the words "Bombay Area" by the Karnataka Adaptation of Laws Order, 1973, w.e.f. 1-11-1973

SCHEDULE 1

SCHEDULE

**SCHEDULE**

[See Section 27]

**I. Course of Studies**

1. P.C.E.H. (For those registered under the Karnataka Medical Registration Act, 1961 or the Karnataka Ayurvedic and Unani Practitioners Registration and Medical Practitioners Miscellaneous Provisions Act, 1961).

Period of Study One year.

**Subjects.** Medicine including the principles of Homeopathy Therapeutics, Repertory, Pharmacy and Dispensing Organon of Medicine, Homeopathic Philosophy. Homeopathy materia medica. Chronic miasma. Development of Homeopathy and Research in Homeopathy.

**Examination:** Four papers of three hours duration and clinical, Practical and viva voce examination.

Paper I Organon, Homeopathic Philosophy, Chronic Miasma.

Paper II Homeopathic materia medica pharmacy and dispensing.

Paper III Therapeutics, Repertorisation and case taking.

Paper IV The scientific method, and the Development of and research in Homeopathy.

2. B.H.M.S. Bachelor of Homeopathic Medicine and Surgery.

For this course, the existing Central Council Syllabi shall apply and any amendment to the syllabi as and when issued shall be applicable.

**II. Qualifying Examinations**

Licentiate of the Court of Examiners in Homeopathy (L.C.E.H.)

Graduate of the Court of Examiners in Homeopathy (G.C.E.H.)

Fellow of the Court of Examiners in Homeopathy (F.C.E.H.)

A. Recognised medical qualifications in Homeopathy granted by Universities, Boards or Medical Institutions in India.

Name of University, Board or Medical Institution		Recognised Medical Qualification	Abbreviation Registration	Remarks
(1)	(2)	(3)	(4)	(5)
1.	Dr. Gururaju, Government Homeopathic, Medical College, Gudivada.	Diploma in Homeopathic Medicine and Surgery.	D.H.M.S.	From April 1970 onwards
2.	Board of Indian Medicine, Hyderabad.	Diploma in Homeopathic Medicine and Surgery.	D.H.M.S.	From October 1971
3.	Bihar State Board of Homeopathic Medicine.	Diploma in Medicine and Surgery.	D.M.S.	Since 1961
4.	Board of Homeopathic System of Medicine, Delhi.	Diploma in Homeopathic Science.  Diploma in Homeopathic Medicine, and Surgery.	D.H.S. D.H.M.S.	From 1965 to 1970-71  From 1971 onwards
5.	Royal College of Homeopathic Physicians, Ernakulam.	Licentiate of Royal College of Homeopathic Physicians.	L.R.C.H.P.	Upto 1966-67
6.	The Board of Homeopathic and Biochemic Systems of Medicine, Madhya pradesh	Diploma in Homeopathy and Biochemistry	D.H.B.	From 1960 onwards.
7.	Court of Examiners in Homeopathy	Fellow of the Court of Examiners in Homeopathy.	F.C.E.H.	In May 1958 only
8.	Orissa Board of Homeopathic Medicine, Bhubaneshwar.	Diploma in Homeopathic Medicine, and Surgery.	D.H.M.S.	From 1972 onwards
9.	State Board of Homeopathic Medicine U.P., Lucknow.	Graduate of Homeopathic Medicine and Surgery.	G.H.M.S.	From 1961 to 1963
		Bachelor of Medicine and Surgery	B.M.S.	From 1958 to 1960 and from 1970 onwards
		Certificate of	C.H.P.	

		Homeopathic Practice		
10.	Agra University, Agra.	Graduate of Homeopathic Medicine and Surgery.	G.H.M.S.	From 1965 to 1967.
11.	Khanpur University, Khanpur.	Graduate of Homeopathic Medicine and Surgery.	G.H.M.S.	From 1967 onwards.
12.	National Homeopathic Medical College and Hospital, Lucknow.		H.L.M.S. H.M.D.	From 1923 to 1936 From 1925 to 1942
			H.M.B.	From 1924 to 1949
			B.M.S.	From 1950 to 1957
13.	Homeopathic Medical College, Lucknow.		H.M.B.	From 1931 to 1936
14.	The Council of Homeopathic Medicine, West Bengal.	Diploma in Medicine and Surgery.	D.M.S.	From 1965 onwards
15.	Calcutta Homeopathic Medical College, Calcutta.	Bachelor of Homeopathic Medicine	H.M.B. B.M.B.S.	Upto 1936 'From 1936 to 1942
16.	Bengal Allen Homeopathic Medical College, Calcutta.	Bachelor of Homeopathic Medicine and Surgery.	B.H.M.S.	Upto 1942
		Master of Homeopathic Medicine and Surgery.	M.H.M.S.	-do-
		Licentiate in Homeopathic Medicine and Surgery.	L.H.M.S.	-do-
17.	Dunham Homeopathic Medical College, Calcutta.	Member of Dunham College of Homeopathy	M.D.C.H.	-do-
18.	Ashutosh Homeopathic Medical College, Calcutta.	Practitioner of Rational System of Medicine	P.R.S.M. P.H.A.	-do-
		Practitioner of Heading Art.		-do-
19.	Herring Homeopathic Medical College, Calcutta.	Licentiate of the Rational Homeopathic Society.	L.R.H.S.	-do-

20.	Regular Homeopathic Medical College, Calcutta.	Licentiate in Homeopathic Medicine and Surgery.	H.L.M.S.	-do-
21.	Central Homeopathic College, Calcutta.		H.L.M.S. H.M.B.	1910 1910
22.	Bengal Homeopathic Medical College, Calcutta.	Bachelor of Homeopathic Medicine	H.M.B.	Upto 1942
23.	Court of examiners in Homeopathic Education, Bangalore	Bachelor of Homeopathic Medicine and Surgery	BHMS	From 1985 onwards
24.	Bangalore University	Bachelor of Homeopathic Medicine and Surgery	BHMS	From October, 1990 onwards
25.	Mangalore University	Bachelor of Homeopathic Medicine and Surgery	BHMS	From December, 1990 onwards
26.	Gulbarga University	Bachelor of Homeopathic Medicine and Surgery	BHMS	From December, 1990 onwards

Bachelor of Medicine and Bachelor of Surgery.

**B. Qualifications granted by medical institutions outside India**

Name of University Board Medical Institution	Recognised Medical Qualification	Abbreviation for Registration	Remarks.	
(1)	(2)	(3)	(4)	
1.	Faculty of Homeopathy, London.	Diploma of the Faculty of Homeopathy	D.F.Hom.	(5)
2.	Faculty of Homeopathy, London	Member of the Faculty of Homeopathy	M.F.Hom.	
3.	Faculty of Homeopathy, London	Fellow of the Faculty of Homeopathy	F.F.Hom.	

1. Diploma in Homeopathy Medicine and Surgery (D.H.M.S.)

2. Bachelor of Homeopathy Medicine and Surgery (B.H.M.S.).

Diploma in Medicine and Surgery D.M.S. of West Bengal.

Diploma in Homeopathic Medicine D.HM. of Andhra Pradesh

Diploma in Homeopathic Medicine D.H.M. of Kerala

Licentiate Court of Examiners in Homeopathy L.C.E.H. of Maharashtra.