

Madhya Pradesh Homoeopathy Parishad Adhiniyam, 1976

19 of 1976

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Madhya Pradesh Homoeopathy Parishad Adhiniyam, 1976

19 of 1976

An Act to provide for the constitution of a State Council of Homoeopathy and to regulate the registration of practitioners of Homoeopathy in the State and for matters connected therewith. Be it enacted by the Madhya Pradesh Legislature in the Twenty-seventh Year of the Republic of India as follows :-- 1. Received the assent of the president on 15-3-1976 and published in the Madhya Pradesh Gazette, (Extraordinary), dated 15-3-1976.

CHAPTER 1

PRELIMINARY

1. Short Title And Extent :-

(1) This Act may be called the Madhya Pradesh Homoeopathy Parishad Adhiniyam, 1976.

(2) It extends to the whole of Madhya Pradesh.

2. Definitions :-

In this Act, unless the context otherwise requires,--

(a) "approved institution" means a hospital, health center or such other institution in which a person may undergo training, if any, required by his course of study before the award of any medical qualification in Homoeopathy;

(b) "Council" means the State Council of Homoeopathy constituted under Section 3;

(c) "enlisted practitioner" means a practitioner in Homoeopathy whose name is entered in the list maintained under the repealed Act;

(d) "Homoeopathy" means the system of medicine founded by Dr.

S. Hahnemann and includes Dr. Suchusslers system of Biochemic remedies whether supplemented or not by such modern advances as the Council may, from time to time, determine and the expression "homoeopathy" shall be construed accordingly;

(e) "medical institution" means any institution within or without the State which grants degrees, diplomas or licences in Homoeopathy;

(f) "recognised institution" means an institution recognised under Section 33;

(g) "recognised qualification" means any of the medical qualifications in Homoeopathy included in the Schedule;

(h) "Register" means the register maintained under Section 21;

(i) "Registered practitioner" means a person whose name is for the time being entered on the register;

(j) "regulation" means a regulation made under Section 52;

(k) "Repealed Act" means the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951 (No. 26 of 1951);

(l) "University" means any University in India established by law and having a faculty of Homoeopathy and includes a University in India established by law in which instruction, teaching, training or research in Homoeopathy is provided.

CHAPTER 2

CONSTITUTION OF STATE COUNCIL OF HOMOEOPATHY

3. Constitution Of State Council Of Homoeopathy :-

(1) The State Government shall, by notification, constitute for the purpose of this Act, a State Council of Homoeopathy consisting of the following members, namely,--

(a) one member representing each of the Revenue Commissioners division in the State, to be elected from amongst themselves by persons enrolled on the register as practitioner in Homoeopathy in that division.

(b) one member to be nominated by the State Government from each of the following :--

(i) Principals of recognised Homoeopathy Colleges in the State;

(ii) Teachers of recognised Homoeopathy Colleges in the State;

(iii) Members of State Medical Service practising Homoeopathy;

(c) Five members to be nominated by the State Government that is two from amongst persons having special knowledge or practical experience in respect of Homoeopathy and three from other related medical disciplines;

(d) One member of the Executive Council of a University to be

nominated by the State Government;

(e) Deputy Director of Homoeopathy, Madhya Pradesh :

Provided that in the first constitution of the Council, the members under clause (a) shall be nominated by the State Government from amongst the persons qualified to be elected as such under the said clause (a):

Provided further that if for any reason the first Council is not constituted or cannot be brought into being on the date of commencement of this Act the State Government may appoint a person to be officer-in-charge of the Council for a period not exceeding six months, and the officer-in-charge so appointed shall, subject to the control of the State Government, exercise all the powers and perform all the duties of the Council under this Act, and he shall receive from the Council fund for his services such pay and allowances as may be fixed by the State Government:

Provided also that if the Council is constituted before the expiry of the period aforesaid, the officer-in-charge shall cease to hold the office on the date appointed for the first ordinary meeting of the newly constituted Council.

(2) The President and Vice-President of the Council shall be elected by the members of the Council from amongst themselves in such manner as may be prescribed:

Provided that in the first constitution of the Council, the President and the Vice-President shall be nominated by the State Government from amongst the members of the first Council.

4. Mode Of Election :-

(1) An election under clause (a) of sub-section (1) of Section 3 shall be conducted by an officer appointed by the State Government for the purpose in accordance with such rules as may be made by the State Government in this behalf.

(2) Where any dispute arises regarding any election to the Council, it shall be referred to the State Government whose decision thereon shall be final.

5. Disqualifications For Membership Of Council :-

(1) A person shall be disqualified for being chosen as, and for being a member of the Council--

(a) if he has been convicted by a Court for an offence involving moral turpitude;

(b) if he is of an unsound mind and stands so declared by a

competent Court;

(c) if he is an undischarged insolvent;

(d) if he is a full time employee of the Council;

(e) if his age is less than twenty-five years;

(f) if he is a dismissed employee of the Council, Central Government, State Government or any local authority;

(g) if he has any share or interest in any contract with, by or on behalf of, the Council directly or indirectly.

(2) No person may at any time serve as a member in more than one capacity.

(3) No person falling under any of the categories specified in clause (b) of sub-section (1) of Section 3 shall be eligible to be elected under clause (a) of sub-section (1) of the said section.

6. Incorporation Of Council :-

The Council shall be a body corporate by the name of the State Council of Homoeopathy, Madhya Pradesh, having perpetual succession and a common seal, with power to acquire, hold and dispose of property both movable and immovable and to contract, and shall by the said name sue and be sued.

7. Term Of Office Of President, Vice-President And Members Of Council :-

(1) The President, Vice-President or a member of the Council shall hold office for a term of five years from the date of his election or nomination, as the case may be, or until his successor shall have been duly elected or nominated, whichever is longer.

(2) A person who holds, the office of President or Vice-President of the Council for two consecutive periods shall not be eligible for re-election to that office.

(3) Members of the Council shall be eligible for re-election or re-nomination.

(4) An elected or nominated member shall be deemed to have vacated his seat,--

(a) if he is absent without excuse, sufficient in the opinion of the Council, from three consecutive ordinary meetings of the Council; or

(b) if he becomes subject to any of the disqualifications specified in sub-section (1) of Section 5; or

(c) in the case of a member elected under clause (a) of sub-section (1) of Section 3, if he ceases to be enrolled on the register; or

(d) in the case of a member nominated under clause (b) or clause (d) of sub-section (1) of Section 3, if he ceases to hold the office by virtue of which he has been so nominated;

and the Council shall thereupon declare his seat to be vacant:

Provided that the Council shall not declare any seat to be vacant unless member concerned has been given a reasonable opportunity of being heard.

(5) A casual vacancy in the Council shall be filled by election or nomination, as the case may be, and the person elected or nominated to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was elected or nominated.

(6) Where the said term of five years is about to expire in respect of any member, a successor may be elected or nominated at any time within three months before the said term expires but he shall not assume office until the said term has expired.

8. No-Confidence Motion Against President And Vice-President :-

(1) The President or the Vice-President may be removed from his office by a resolution passed by the Council by a majority of not less than two-thirds of the members of the Council present and voting and such majority is more than one-half of the total membership constituting the Council for the time being :

Provided that no resolution for the purpose shall be moved unless atleast fourteen days notice of intention to move the resolution has been given.

(2) The President or the Vice-President against whom a motion is passed under sub-section (1) shall, forthwith cease to hold office and in the event of removal of the President, the Vice-President shall discharge the functions of the President till his successor is elected.

(3) Notwithstanding anything contained in this Act or the rules and regulations made thereunder, the Director of Health Services, Madhya Pradesh or by an officer meeting in which a motion of no-confidence is discussed against him. Such meetings shall be presided over the Director of Health Services, Madhya Pradesh or by an officer appointed by him for the purpose. However, the President or the Vice-President, as the case may be, shall have a right to speak and otherwise to take part in proceedings of the meeting.

(4) A meeting for the purposes of this section shall be held in the manner prescribed.

9. Executive Committee And Other Committees :-

(1) The Council shall constitute from amongst its members an Executive Committee and such other committees for general or special purposes as the Council may deem necessary to carry out the purposes of this Act.

(2) The Executive Committee shall consist of the President and the Vice-President, who shall be members ex officio and five other members who shall be elected by the Council from amongst its members of whom at least three shall be from amongst the nominated members of the Council.

(3) The President and the Vice-President shall be the President and Vice-President respectively of the Executive Committee.

(4) In addition to the powers and duties conferred and imposed upon it by this Act, the Executive Committee shall exercise and discharge such powers and duties as the Council may confer or impose upon it by any regulations which may be made in this behalf.

(5) A committee constituted under sub-section (1) shall be under the control of the Council in exercise or discharge of any powers, duties and functions, conferred or imposed upon it by or under this Act and the Council shall be competent to revise or rescind any order or decision passed or taken by any such committee.

10. Powers And Duties Of President And Vice-President :-

(1) The President shall have power to convene the meetings of the Council and the Executive Committee. He shall preside at the meetings of the Council, Executive Committees and at such other committees of which he is member.

(2) It shall be the duty of the President to ensure that this Act and the rules and regulations made thereunder are faithfully observed and he shall have, subject to the control of the Executive Committee, the powers necessary for this purpose.

(3) The President shall exercise general control over the affairs of the Council and shall give effect to the decisions of the Council, Executive Committees and other committees.

(4) The President shall exercise such other powers as may be conferred on him by the Council.

(5) The President may empower the Vice-President to exercise

under his control any one or more of his powers, duties or functions.

(6) The Vice-President shall,--

(a) in the absence of the President, exercise the powers and perform the functions of the President; and

(b) at any time perform any duty and exercise, when occasion arises, any power delegated to him by the President under sub-section (5).

CHAPTER 3

CONDUCT OF BUSINESS OF COUNCIL AND ITS COMMITTEES

11. Meetings Of Council :-

The Council shall meet and shall, from time to time, make such arrangements with respect to place, day, time, management and adjournment of its meetings as it thinks fit, subject to the following provisions, namely :--

(a) an ordinary meeting shall generally be held at least once every six months;

(b) the President may, whenever, he thinks fit and shall, on a requestion signed by not less than one-third of the total number of members constituting the Council for the time being, call a special meeting;

(c) every meeting shall be presided over by the President and in his absence by the Vice-President and in the absence of both the President and the Vice-President, by any member chosen by the members present for the meeting to preside for the occasion;

(d) all questions at any meeting shall be decided by a majority of the members present and voting and in case of equality of votes, the person presiding shall have and exercise a second or casting vote;

(e) the names of the members present and the minutes of the proceedings of each meeting shall be recorded in a book to be provided for the purpose;

(f) the minutes shall be approved by the Council in the same meeting or the meeting next following and signed by the President or the person presiding at the meeting a copy thereof shall be forwarded to the State Government or to such officer of the State Government as the State Government may specify in this behalf, within fifteen days from the date of approval.

12. Quorum :-

(1) The quorum for a special meeting shall be of eleven members and that for an ordinary meeting shall be of four members.

(2) If in any special or ordinary meeting of the Council a quorum is not present, the President shall adjourn the meeting to such hour or other day as he may think fit, and business which would have been brought before the original meeting, if there has been a quorum present, shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present or not.

13. Meetings Of Committees :-

(1) The committees constituted under Section 9 shall meet as often as may be necessary but not less than twice in each year at such time and place as may be appointed by the Council.

(2) Unless otherwise provided by rules one-third of the total number of members of the committee shall form a quorum and all the acts of the committee shall be decided by a majority of the members present and voting.

14. Vacancies In The Council And Committees Thereof Not To Invalidate Acts Etc :-

No act or proceeding of the Council or any committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Council or the committee, as the case may be.

15. Prohibition Of Remuneration To Members :-

No member shall be granted any remuneration or allowance of any kind whatsoever by the Council except with the previous sanction of the State Government and in accordance with the rules made by the State Government in this behalf.

CHAPTER 4

COUNCIL FUND, BUDGET AND AUDIT

16. Constitution Of Council Fund :-

(1) There shall be formed a Fund to be called the Council Fund and there shall be credited thereto,--

- (a) all fees collected in respect of registration made under this Act;
- (b) all fees collected in respect of examinations conducted by the Council under this Act;

- (c) any other fees that may be charged and collected by the Council under this Act or the rules and regulations made thereunder;
 - (d) any grants or loans that may be made by the Central Government or the State Government for the purpose of this Act;
 - (e) any grants or loans that may be made by any person for the purpose of this Act;
 - (f) all sums that may be received by the Council by way of donation, trust, bequest or any other grant.
- (2) The Council Fund formed under sub-section (1) shall be expended to meet all expenses and liabilities properly incurred by the Council for carrying out the purposes of this Act.
- (3) All moneys standing at the credit of the Council Fund shall be deposited in the State Bank of India or in any other Bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (No. 5 of 1970) or a Co-operative Bank and shall be operated upon by such person or persons and in such manner as may be prescribed.

17. Accounts And Audit :-

- (1) The accounts of the Council shall be prepared before such date and at such intervals and in such manner as may be prescribed.
- (2) The accounts of the Council shall be audited by the Director of Local Fund Accounts and shall be subject to the provisions of the Madhya Pradesh Sthaniya Nidhi Sampariksha Adhiniyam, 1973 (No. 43 of 1973).
- (3) As soon as the accounts of the Council are audited, the Council shall send a copy thereof, together with a copy of the report of the Director of Local Fund Accounts thereon, to the State Government in such manner as may be prescribed.

18. Budget :-

- (1) The Registrar shall cause to be prepared, in such form as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure and shall cause it to be laid before the Council at such time and in such manner as may be prescribed.
- (2) Within fifteen days from the date of the meeting in which the budget is passed it shall be forwarded to the State Government or such officer of the State Government as the State Government may specify in this behalf.

(3) If the State Government is of the opinion that provisions of budget so forwarded to it are not adequate for carrying out the purposes of the Act, it shall return the budget to the Council for such modifications as may be suggested by the State Government.

(4) The Council shall be competent to re-appropriate such amounts as may be necessary from one head to another and within such heads or minor heads.

(5) The Council may, as and when required, pass a supplementary budget in such form and by such date as may be prescribed and the provisions of sub-sections (2), (3) and (4) shall apply to such supplementary budget.

CHAPTER 5

REGISTRAR AND OTHER EMPLOYEES OF THE COUNCIL

19. Registrar :-

(1) The Council shall, with the previous sanction of the State Government, appoint a Registrar. The Registrar shall be a full time salaried officer of the Council and terms and conditions of his service including disciplinary control and right of appeal shall be such as may be prescribed :

Provided that in the event of any vacancy occurring in the office of the Registrar for a period of not exceeding two months, the Council may appoint any person to act as Registrar.

(2) The Registrar shall be the principal executive officer of the Council and all employees of the Council shall be subordinate to him. He shall be the Secretary of the Council, Executive Committee and all other committees constituted under Section 9 except the committee in which the conduct of the Registrar is under enquiry.

20. Other Staff Of Council :-

The Council may appoint such employees as it may think necessary for the efficient performance of its functions under this Act and the strength and the categories of employees and their terms and conditions of service shall be such as may be prescribed.

CHAPTER 6

REGISTRATION

21. State Register Of Homoeopathy :-

(1) The Council shall cause to be maintained in the prescribed manner a register of practitioners of Homoeopathy to be known as

the State Register of Homoeopathy in such form and containing such particulars as may be prescribed.

(2) It shall be the duty of the Registrar to keep and maintain the State Register in accordance with the provisions of this Act and of any order made by the Council, and from time to time revise the register and publish it in the Gazette and in such other manner as may be prescribed.

(3) Such register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872 (No. 1 of 1872) and may be proved by a copy published in the Gazette.

22. Persons Entitled To Be Registered :-

(1) Every person who possesses recognised qualification mentioned in the Schedule shall, at any time on an application made in the form prescribed to the Registrar and on payment of such fee as may be prescribed be entitled to have his name entered in the register.

(2) The name of every person who on the day immediately preceding the 15th day of September, 1975 was registered in the register prepared under the repealed Act shall be entered in the register under this Act without such person being required to make an application or to pay any fee :

Provided that such person shall pay such fee in such manner as may be prescribed within a period of two years from the 15th day of September, 1975 and on his failure to do so his name shall be removed from the register and shall be re-entered in the register on an application made by such person in such form, within such further period and on payment of such additional fee as may be prescribed :

Provided further that no application for re-entry shall be entertained after the expiration of the period under the preceding proviso, but it shall not prejudice the right of the applicant to seek fresh registration under this section.

(3) Every registered practitioner shall be given a certificate of registration in the prescribed form. In the event of such certificate being lost, defaced or destroyed a duplicate thereof shall be issued on payment of a fee of ten rupees and the certificate so issued shall be marked duplicate.

23. Entry Of Additional Qualification In The Register :-

If any person whose name is registered in the State Register

obtains any title, degree, diploma or other qualification in Homoeopathy he shall on application made in this behalf and on payment of a fee of five rupees be entitled to have an entry stating such other title, degree, diploma or other qualification made against his name in the register either in substitution for or in addition to any entry previously made.

24. Provisional Registration For Medical Practice :-

A person who has passed the qualifying examination, on application made by him in this behalf, shall be granted provisional registration in the register in order to enable him to practice medicine,--

(a) in an approved institution, if the course of study includes a period of training to be undergone for obtaining a recognised qualification before such qualification is conferred on him;

(b) till the recognised qualification is conferred upon him at a convocation held by the Council in accordance with the provisions of this Act.

25. Removal Of Name From The Register :-

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

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

(b) direct that the name of such practitioner,--

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

(ii) be removed from the register permanently.

Explanation.--For the purpose 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, 1973 (No. 2 of 1974);

(ii) infamous conduct in any professional respect that is to say professional misconduct specified by the regulations under sub-section (2) of Section 24 of the Homoeopathy Central Council Act, 1973 (No. 59 of 1973).

(2) The Council 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 payment of such further fee as the Council may impose.

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

(4) The Council may on its own motion or on the application of any person, after due and proper enquiries, remove the name of any practitioner from the register, if,--

(a) he has expried;

(b) he has ceased to practise;

(c) he being a practitioner in any system of medicine other than Homoeopathy has ceased to practise Homoeopathy.

(5) In holding enquiries under this section the Council or the committee appointed by the Council for the purpose, as the case may be, shall be deemed to be a Court within the meaning of the Indian Evidence Act, 1872 (No. 1 of 1872), and shall exercise all the powers of a Commissioner appointed under the Public Servant (Inquiries) Act, 1850 (No. 37 of 1850), and such enquiries shall be conducted, as far as may be, in accordance with the provisions of Sections 3, 5, 8 to 20 of the Public Servant (Inquiries) Act, 1850 (No. 37 of 1850).

26. Publication Of Names Entered In The State Register :-

(1) The Registrar shall, in every year and from time to time as the occasion may require, on or before a date to be fixed in this behalf by the Council, cause to be published in the Gazette and in such other manner as the Council may provide, a full or supplementary list of the names for the time being entered in the Register and setting forth :--

(a) the registered address and appointment held by or actual employment of, each person whose name is entered in the register; and

(b) the registered titles, degrees, diplomas and other qualifications of each such person and the date on which each such title, degree or diploma was granted or qualifications certified :

Provided that the Registrar shall from time to time get published in the Gazette the names of such registered practitioners whose names have been duly removed from the register under any provisions of this Act.

(2) In any proceeding it shall be presumed that every person entered in such list is a registered practitioner and that any person

not so entered is not a registered practitioner :

Provided that in the case of a person whose name has been entered in the register after the last publication of the list, a certified copy signed by the Registrar of the entry of the name of such person in the register, shall be evidence that such person is registered under this Act. Such certificate shall be issued free of charge.

CHAPTER 7

PRIVILEGES OF REGISTERED PRACTITIONER

27. Privileges Of Registered Practitioner :-

Notwithstanding anything contained in any law for the time being in force,--

(1) the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word or expression importing that a person is recognised by law as a medical practitioner or as a member of the medical profession, shall in all Acts of the Legislature of Madhya Pradesh and in all Central Acts in their application to Madhya Pradesh in so far as such Acts relate to any of the matters specified in List II or List III of the Seventh Schedule to the Constitution of India shall include a registered practitioner;

(2) a certificate required by or under any Act or rule having the force of law from any medical practitioner or medical officer shall be valid if such certificate has been granted by a registered practitioner;

(3) a registered practitioner shall be eligible to hold any appointment to any professional office by whatever designation called, in any Homoeopathic dispensary, hospital, asylum, infirmary, lying-in-hospital supported by or receiving a grant from the State Government or any local authority, or in any public or private establishment, body or institution dealing with such systems of medicine;

(4) every registered practitioner shall be entitled to practise within the State as a medical practitioner and to recover in due course of law in respect of such practice any expenses or charges in respect of medicaments or other appliances, or any fees to which he may be entitled;

(5) every registered practitioner shall be exempted if he so desires from serving on any inquest or as a juror or assessor under the Code of Criminal Procedure, 1973 (No. 2 of 1974).

28. Prohibition To Practice Etc., Of Persons Not Registered

Under This Act :-

Notwithstanding anything contained in any other law for the time in force,--

(1) no person other than a practitioner registered under Section 22 shall practise for gain or hold himself out whether directly or by implication, as practising or competent to practise Homoeopathy for gain;

(2) no person other than a registered practitioner,--

(a) shall sign or authenticate a birth or death certificate required by any law or rule for the time being in force to be signed or authenticated by a duly qualified medical practitioner;

(b) shall sign or authenticate a medical or physical fitness certificate required by any law or rule for the time being in force to be signed or authenticated by a duly qualified medical practitioner; or

(c) shall be qualified to give evidence at any inquest or in any Court of law as an expert under Section 45 of Indian Evidence Act, 1872 (No. 1 of 1872), on any matter relating to medicine.

29. False Assumption Of Degree Or Diploma To Be An Offence :-

No person shall use any title or description or add to his name implying that he holds a recognised qualification or that he is a registered practitioner or that his name is entered in the list referred to in Section 53 unless he actually holds such degree, diploma licence or certificate or is registered under Section 22 or is borne on the list maintained under Section 18 of the repealed Act.

30. Prohibition Of Unauthorised Conferment Of Degree, Diploma Etc :-

No person, association or institution, other than the Council, University or an institution authorised by the State Government shall confer, grant or issue any degree, diploma licence, certificate or any other document, stating or implying that the holder, grantee or recipient thereof is qualified to practise the Homoeopathy.

31. Non-Refund Of Fees :-

Fees required to be paid by or under any provisions of this Act shall not be refunded.

CHAPTER 8

EDUCATION IN HOMOEOPATHY, CONDUCT OF EXAMINATION, COURSES OF STUDIES AND RECOGNITION OF INSTITUTIONS

32. Examinations Held By The Council And Courses Of Studies And Research In Homoeopathy :-

(1) The Council, shall by regulations, provide for 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 and may establish the necessary institutions for giving such training.

(2) The Council may on its own or with the assistance of the State Government or Central Government establish a research institution in Homoeopathy.

33. Recognition Of Institutions :-

(1) Every recognised institution shall be entitled to prepare students for the examinations of the Council for which it is recognised.

(2) Any institution desirous of recognition under this Act shall send an application to the Registrar in such form and manner together with such fee as the Council may, by regulations, provide.

(3) The Registrar shall place the application before the Council and the Council may, after making such enquiry as it may deem necessary, grant or refuse to grant the recognition or grant it subject to such conditions as it deems fit :

Provided that recognition shall not be granted unless,--

(a) the applicant has complied with the provisions of the Madhya Pradesh Chikitsa-Shiksha Sanstha (Niyantaran) Adhiniyam, 1973 (No. 19 of 1973) and has been granted permission to establish and administer or run the institution of medical education;

(b) the minimum standards of education in Homoeopathy, if any, prescribed under Section 20 of the Homoeopathy Central Council Act, 1973 (No. 59 of 1973) are fulfilled.

34. Maintenance Of Standard :-

It shall be the duty of the Council to secure the maintenance of an adequate standard of proficiency in education and for the purpose

of securing such standard the Council shall have authority to call on the authorities or the Governing body of any institution recognised by the Council or apply for recognition,--

(a) to furnish within such period such particulars as the Council may require of any course of study prescribed by regulations or of any examination held by such institution;

(b) to furnish the Council the financial position of the college and the governing body; and

(c) to permit visitor or inspector or any member appointed by the Council or the Central Council of Homoeopathy or the State Government in this behalf to inspect the institution and the hospitals attached to them and to attend at all or any of the examinations held by the institutions.

35. Appointment Of Visitors, Inspectors And Visiting Committees :-

(1) The Council may, as provided by regulations, appoint visitors and visiting committees consisting of its own members or outsiders or both for inspection and to report on the working of medical institutions. A visitor or members of the visiting committee shall receive such remuneration to be paid as part of the expenses as may be prescribed.

(2) The Council may, with the previous sanction of the State Government, appoint such number of inspectors and on such terms and conditions as may be prescribed.

(3) Such inspectors shall, in accordance with general or special directions of the Council given from time to time, inspect the institutions established by or recognised by the Council and shall attend any examination held at the institutions and shall report to the Council their observations and opinions on the adequacy of the standard of education including staff, equipment, training and other facilities or on the sufficiency of every examination they attend. The inspectors or visitors shall however not interfere with the conduct of the training and the examination.

36. Withdrawal Of Recognition :-

If it appears to the Council on the report of inspection or otherwise that any recognised institution is not maintaining an adequate standard of training according to the requirements of the Council or of the Central Council of Homoeopathy, the Council may at any time withdraw the recognition granted to such institution :

Provided that before withdrawal of the order for recognition is made the institution shall be given a reasonable opportunity and time to come up to the required standard.

37. Scholarships, Stipends And Prizes :-

(1) The Council may grant out of its fund, scholarships, prizes and medals to the students of the recognised institutions.

(2) The Council may, with prior sanction of the State Government, grant--

(a) stipends to the poor and deserving students;

(b) scholarships for research and higher or special study in Homoeopathy in any institution that the Council may think fit whether in India or abroad.

38. Holding Of Convocation, Conferring Of Honorary Degrees :-

(1) The Council may once in each year hold convocation for presentation of degrees, diplomas and other awards to persons who are successful at the examination conducted by the Council in the preceding year.

(2) The Council may confer honorary degrees on Homoeopathic practitioner of repute and on other such persons of extraordinary merit, in such convocation.

39. Publication Of Text Books Etc :-

The Council may prepare and publish text books for courses of studies prescribed by it for examinations conducted by it and publish a journal of the Council.

CHAPTER 9 **CONTROL**

40. Control Of State Government :-

(1) If at any time it appears to the State Government that the Council has failed to exercise or has exercised 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 failures, excess or abuse to be of a serious character, notify the particulars thereof to the Council, and if the Council fails to remedy such failure, excess or abuse within such time as the State Government may fix in this

behalf, the State Government may dissolve the Council for such period not exceeding five years as it may think fit and shall take steps to bring into existence a new Council.

(2) Upon the dissolution of the Council under sub-section (1) the following consequences shall ensue, namely,--

(a) all the members as well as the President and the Vice-President of the Council shall, as from the date of dissolution of such Council, be deemed to have vacated their offices;

(b) all powers and duties of the Council under this Act shall subject to the control of the State Government, be exercised by an officer to be called the administrator as the State Government may, by notification, appoint in this behalf.

(c) all property vested in the Council shall vest in the Administrator in trust for the purposes of this Act.

(3) The Administrator appointed under clause (b) of sub-section (2) may at any time be removed by the State Government who shall have power to appoint another officer in his place.

(4) Any officer appointed Administrator under clause (b) of sub-section (2) shall receive from the Council Fund for his services such remuneration as may be fixed by the State Government.

(5) The Administrator shall cease to hold office on the date fixed for the first ordinary meeting of the Council as reconstituted.

(6) The State Government may appoint, if it thinks necessary, an Advisory Committee of Registered Practitioners not exceeding seven for the purpose of advice and guidance to the Administrator appointed under clause (b) of sub-section (2). Every member of the committee shall receive allowances at such rate at which allowances are payable to members of the Council.

41. President And Vice-President To Submit Information :-

The Council may require the President or the Vice-President to furnish it with,--

(a) any returns, statistics or any other information, regarding any matter appertaining to the administration of the Council;

(b) a report or explanation on any such matter;

(c) a copy of any record, correspondence, plan or other documents which is in his possession or control as President or which is recorded or filed in the office of any servant of the Council.

(2) The President shall comply with every requisition made under sub-section (1) without unreasonable delay.

42. Power Of Suspend Execution Of Order Etc. Of Council :-

If in the opinion of the State Government, the execution of any order or resolution of the Council, or of any of its committees or any other authority or officer subordinate thereto, or the doing of any act which is about to be done or is being done by or on behalf of the Council is not in conformity with law or with the rules made thereunder or is detrimental to the interests of the Council or the public, it may by order in writing suspend the execution of such resolution or order or prohibit the doing of any such act:

Provided that no order shall be varied or reversed without giving the Council reasonable opportunity of showing cause against the order.

CHAPTER 10

MISCELLANEOUS

43. Restriction On Summons Of Council Servants To Produce Documents :-

No member or officer or servant of the Council shall in any legal proceeding to which the Council is not a party be required to produce any register or documents or to appear as a witness to prove the matter recorded therein unless the Court for special reasons, so directs.

44. Indemnity To Persons Acting Under The Act :-

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

45. Registrar And Other Servants Of The Council To Be Public Servants :-

The Registrar and any other officer or servant of the Council shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (45 of 1860).

46. Cognizance Of Offences :-

(1) No Court other than the Court of a Magistrate of First Class shall take cognizance of or try an offence under this Act.

(2) No Court shall take cognizance of any offence under this Act

except on a complaint in writing by the Registrar or such other officer as the Council may, by general or special order, authorise in this behalf.

47. Appointment Of Assessor :-

(1) For the purpose of advising the Council on questions of law arising in any inquiry or in general, there may be appointed by the Council, an assessor who shall be an advocate enrolled under the Advocates Act, 1961 (No. 25 of 1961).

(2) 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 determined by the Council.

48. Appeals :-

(1) Appeal shall lie to,--

(a) the Council from every decision or order of the Registrar under this Act;

(b) the State Government from every decision of the Council under this Act except a decision in appeal made by the Council under clause (a).

(2) Every appeal shall be preferred within such period, in such manner and with such fee as may be prescribed.

(3) The decision of the Council of the State Government; as the case may be, in appeal shall be final.

49. Power To Amend Schedule :-

(1) Any University or other medical institution in India or outside which grants medical qualifications in Homoeopathy not included in the schedule may apply to the State Government to have such qualification recognised and the State Government after consulting the Council, by notification, amend the schedule so as to include such qualification therein and such notification may also direct that such qualification shall be recognised qualification when granted after a specified date.

(2) The State Government may, by notification, amend the schedule so as to include therein the recognised medical qualification included in the Second Schedule and Third Schedule to the Homoeopathy Central Council Act, 1973 (No. 59 of 1973) from time to time.

50. Penalty :-

Any person who contravenes any of the provisions of this Act, or any of the rules made thereunder shall, on conviction be punishable with fine which may extend to one thousand rupees on first conviction and if the persons so contravening is an association, every member of such association who knowingly or willingly authorises or permits the contravention, shall on conviction be punishable with fine which may extend to one thousand rupees on the first conviction and two thousand rupees for every subsequent conviction.

CHAPTER 11

RULES AND REGULATIONS

51. Power To Make Rules :-

(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

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

(a) the manner of election of the President and Vice-President of the Council under sub-section (2) of Section 3;

(b) the mode of election of members under Section 4;

(c) the resignation of President, Vice-President and members;

(d) the manner of holding meeting for the purpose of Section 8;

(e) the summoning and holding of meetings of the Council and the committees thereof, the times and places where such meetings are to be held, and the conduct of the business and maintenance of the minutes of the proceedings thereat and the number of members necessary to constitute a quorum at the meetings of the committees;

(f) the remuneration or allowance to be granted to President, Vice-President or member under Section 15;

(g) (i) the date before which the intervals at which and the manner in which, the accounts of Council shall be prepared under sub-section (1) of Section 17;

(ii) the manner of submission of copy of audited accounts to the State Government under sub-section (3) of Section 17;

(h) (i) the form in which the budget shall be prepared under sub-section (1) of Section 18, and the time at by which and the manner in which the same shall be laid before the Council;

(ii) the form in which and the date by which the supplementary

budget shall be prepared under sub-section (4) of Section 18;

(i) the cadre, qualifications, salary and allowances and other terms and conditions and the disciplinary control and right of appeal of the Registrar under Section 19;

(j) the number, cadre, qualifications, recruitment, salary allowances and other terms and conditions of service including disciplinary control and right of appeal of the officers and servants of the Council other than the Registrar to be prescribed under Section 20;

(k) (i) the manner in which the register shall be maintained under sub-section (1) of Section 21;

(ii) the manner in which the register shall be published under sub-section (2) of Section 21;

(l) (i) the fee and the form in which the application shall be made under sub-section (1) of Section 2;

(ii) the fee and the manner of payment of fee under sub-section (2) of Section 22;

(iii) the form in which certificate of registration shall be given under sub-section (3) of Section 22;

(m) the manner in which inquiry shall be held under sub-section (1) of Section 25;

(n) the number, cadre, qualifications, recruitment, salary, allowances and other terms and conditions of service including disciplinary control and right of appeal of the inspectors to be appointed under the sub-section (2) of Section 35;

(o) the period within which and the manner in which the appeal shall be preferred under Section 48 and the fee which shall accompany such appeal;

(p) any other matter which is to be or may be prescribed by, or provided for by rules made under this Act.

(3) The rules made under this Act shall be laid on the table of the Legislative Assembly.

52. Power To Make Regulations :-

(1) Subject to the provisions of this Act and rules made thereunder the Council may, with the previous sanction of the State Government, make regulations generally to carry out the purposes of this Act and without prejudice to the generality of this power such regulations may provide for--

- (a) the election of members to the Executive Committee and other committees of the Council;
- (b) the powers and duties of the Executive Committee;

- (c) the powers and duties of the Court to be conferred on the President under Section 10;
 - (d) the manner in which the list of registered practitioners shall be published under Section 26;
 - (e) the courses of study for training and qualifying examinations and the conditions of admission of students of the institutions and the examination under Section 32;
 - (f) the conditions of appointment of examiners and all matters related with conduct of examinations, including remuneration and other expenses;
 - (g) the number, qualifications and emoluments of teachers of the recognised institutions and the fees to be charged for the courses of study in each institution;
 - (h) conditions of recognition of institutions and maintenance of standard of education in such institution;
 - (i) the conditions subject to which stipends, scholarships, prizes and medals shall be granted;
 - (j) any matter for which under this Act provision may be made by regulations.
- (2) The State Government, on receiving regulations for sanction, may sanction them subject to such modifications as it may think fit or return them to the Council for further consideration.
- (3) All regulations shall be published in the Gazette.
- (4) The State Government may, by notification, cancel any regulation.

CHAPTER 12

SAVINGS

53. Savings :-

Notwithstanding the repeal of the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951 (No. 26 of 1951), persons whose names are borne on the list maintained under Section 18 of the repealed Act shall continue to have the same rights as in respect of practising Homoeopathy in the State as they had under the repealed Act.

CHAPTER 13

TRANSITORY PROVISIONS

54. Transitory Provisions :-

The Council may, with previous approval of the State Government,

make such modifications in the rules and regulations made under the repealed Act as it may deem fit for the purpose of carrying into effect the provisions of this Act and the rules or regulations as so modified shall remain in force till such time they are repealed by rules or regulations made under this Act.

55. Power To Remove Difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty.

56. Repeal :-

The Madhya Pradesh Homoeopathy Council Adhyadesh, 1975 (No. 13 of 1975) is hereby repealed.

SCHEDULE 1

Schedule I

(Section 22)

Recognised Medical Qualifications in Homoeopathy granted by Universities, Councils, Boards or Medical Institutions in India and Abroad

Name of University, Court, Council, Board or Medical Institution	Recognised Medical qualification	Abbreviation for registration	Remarks
(1)	(2)	(3)	(4)
Andhra Pradesh			
1. Andhra Provincial Homoeopathy Medical College, Gudivada.	Diploma in Homoeopathic Medicine	DHM	From April, 1949 to March, 1969
2. Dr. Gururaju Government Homoeopathic Medical College, Gudivada.	Diploma in Homoeopathic Medicine and Surgery	DHMS	From April, 1970 onwards.
3. Board of Indian Medicine, Hyderabad	Diploma in Homoeopathic Medicine and Surgery	DHMS	From October, 1971.
Bihar			
4. Bihar State Board of Homoeopathic Medicine	Diploma in Medicine and Surgery	DMS	Since 1961.
	Diploma in Homoeopathic Medicine and Surgery	DHMS	From 1971 onwards.
Delhi			

5. Board of Homoeopathic System of Medicine, Delhi	Diploma in Homoeopathic Science	DHS	From 1965 to 1970-71
	Diploma in Homoeopathic Medicine and Surgery	DHMS	From 1971 onwards.
Karnataka			
6. The Homoeopathic Medical College, Belgaum.	Licentiate of the Court of Examiners in Homoeopathy	LCEH	From June, 1971 to December, 1971.
7. Court of Examiners in Homoeopathic Education, Bangalore.	Licentiate of the Court Examiners in Homoeopathy	LCEH	From January, 1971
	Graduate of the Court of Examiners in Homoeopathy	GCEH	From January, 1973.
Kerala			
8. Royal College of Homoeopathic Physicians, Ernakulam	Licentiate of Royal College of Homoeopathic Physicians	LRCHP	Upto 1966-67.
9. Board of Examiners in Homoeopathic, Government of Kerala.	Diploma in Homoeopathic Medicine	DHM	From 1962 onwards.
Madhya Pradesh			
10. The Board of Homoeopathic and Biochemic Systems of Medicine, Madhya Pradesh.	Diploma in Homoeopathy and Biochemistry.	DHB	From October, 1955 onwards.
Maharashtra			
11. The Court of Examiners of Homoeopathic and Biochemic Systems of Medicine, Bombay	Licentiate of the Court of Examiners of Homoeopathy	LCEH	From December, 1961 onwards.
	Diploma in Homoeopathy and Biochemistry	DHB	From October, 1955 onwards.
12. Court of Examiners in Homoeopathy.	Fellow of the Court of Examiners in Homoeopathy	FCEH	In May, 1958 only.
13. Vidharbha Board of	Diploma in	DHB	From 1-11-1956.

13. Maharashtra Board of Homoeopathic and Biochemic Systems of Medicines, Nagpur.	Diploma in Homoeopathy and Biochemistry.		From 1972 onwards.
Orissa			
14. Orissa Board of Homoeopathic Medicine, Bhubaneswar	Diploma in Homoeopathic Medicine and Syrgery	DHMS	From 1972 onwards.
Uttar Pradesh			
15. State Board of Homoeopathic Medicine, Uttar Pradesh, Lucknow	Graduate of Homoeopathic Medicine and Surgery	GHMS	From 1961 to 1963.
	Bachelor of Medicine and Surgery	BMS	From 1958 to 1960 and from 1970 onwards.
	Certificate of Homoeopathic Practice	CHP	
16. Agra University, Agra	Graduate of Homoeopathic Medicine and Surgery	GHMS	From 1965 to 1967.
17. Kanpur University, Kanpur	Graduate of Homoeopathic Medicine and Surgery	GHMS	From 1967 onwards.
18. National Homoeopathic Medical College and Hospital, Lucknow		HLMS	From 1923 to 1936.
		HMD	From 1925 to 1942.
		HMB	From 1924 to 1949.
		BMS	From 1950 to 1957.
19. Homoeopathic Medical College, Lucknow		HMB	From 1931 to 1936.
20. The Superior Independent Institution of Applied Science, Lucknow		MDH	From 1916 to 1946.
West Bengal			
21. The Council of Homoeopathic Medicine, West Bengal	Diploma in Medicine and Surgery	DMS	From 1965 onwards.
22. General Council and State Faculty of	Diploma in Medicine and	DMS	From 1943 to 1964.

Homoeopathic Medicine, West Bengal.	Surgery		
23. Calcutta Homoeopathic Medical College, Calcutta	Bachelor of Homoeopathic Medicine	HMB	Upto 1936.
	Bachelor of Medicine and Bachelor of Surgery	BMBS	From 1936 to 1942.
24. Bengal Allen Homoeopathic Medical College, Calcutta.	Bachelor of Homoeopathic Medicine and Surgery.	BHMS	Upto 1942.
	Master of Homoeopathic Medicine and Surgery	MHMS	Upto 1942.
	Licentiate in Homoeopathic Medicine and Surgery	LHMS	Upto 1942.
25. Dunham Homoeopathic Medical College, Calcutta	Member of Dunham College of Homoeopathy	MDCH	Upto to 1942.
26. Ashutosh Homoeopathic Medical College, Calcutta	Practitioner of Rational System of Medicine	PRSM	Upto 1942.
	Practitioner of Healing Art	PHA	Upto 1942.
27. Herring Homoeopathic Medical College, Calcutta	Licentiate of the Rational Homoeopathic Society	LRHS	Upto 1942.
28. Regular Homoeopathic Medical College, Calcutta	Licentiate in Homoeopathic Medicine and Surgery	HLMS	Upto 1942.
29. National Homoeopathic Medical College, Calcutta	Licentiate in Medicine and Surgery in Homoeopathy	HLMS	Upto 1942.
30. Central Homoeopathic College, Calcutta		HLMS	1910
		HMB	1910
31. Bengal Homoeopathic Medical College, Calcutta	Bachelor of Homoeopathic Medicine	HMB	Upto 1942.

Qualifications Granted by Medical Institutions Outside India			
1. Faculty of Homoeopathy, London	Diploma of the Faculty of Homoeopathy	D.F. Horn.	
2. Faculty of Homoeopathy, London	Member of the Faculty of Homoeopathy	M.F. Horn.	
3. Faculty of Homoeopathy, London	Fellow of the Faculty of Homoeopathy	F.F. Horn.	