

## **Rajasthan Homoeopathic Medicine Act, 1969**

**1 of 1970**

**[26 December 1969]**

### CONTENTS

#### **CHAPTER 1 :- PRELIMINARY**

1. Short title, extent and commencement
2. Definitions

#### **CHAPTER 2 :- ESTABLISHMENT AND CONSTITUTION OF BOARD**

3. Establishment of Board
4. Constitution of the Board
5. Chairman and Vice-Chairman
6. Term of office of members
7. First Board to be nominated by the Government
- 7A. Appointment of Administrator
8. Resignation of Office
9. Filling of casual vacancies
10. Vacation of Office
11. Removal from Office
12. Duties of Chairman
13. Power of Board to require reports etc
14. Delegation by Chairman of his powers and duties to Vice-Chairman
15. Duties of Vice-Chairman
16. Nomination of members in default of election
17. Disqualifications for membership
18. Notification of elections etc
19. Payment of allowances
20. Meetings of the Board
21. Chairman of meetings
22. Power of Chairman of meeting to maintain order
23. Decision by Board
24. The minute book and resolutions
25. Establishment of Advisory Committee
26. Validity of proceedings

#### **CHAPTER 3 :- STAFF AND REGISTRATION**

27. Registrar and other officers and servants of the Board
28. Maintenance of Register

- 29. Duties of Registrar
- 30. Persons entitled to be registered
- 31. Renewal of registration
- 32. Powers of Board to recognise titles etc. for purposes of registration
- 33. Power of Board to call for information from institutions
- 34. Information required from applicants for registration
- 35. Entry of new titles and qualifications
- 36. Powers of Board to prohibit entry in or to direct removal from the register
- 37. Notice of deaths and erasure of names from register
- 38. Procedure in inquiries
- 39. Publication of names entered in the register

#### **CHAPTER 4 :- FUNCTIONS AND FINANCES OF THE BOARD**

- 40. Powers of the Board
- 41. Budget
- 42. Homoeopathic Fund
- 43. Custody and operation of Fund
- 44. Accounts and Audit

#### **CHAPTER 5 :- PRIVILEGES OF HOMOEOPATHS**

- 45. Qualified practitioners certificate
- 46. Exemption from serving on inquests
- 47. Privileges under Rajasthan Act 2 of 1950

#### **CHAPTER 6 :- MISCELLANEOUS**

- 48. Appeals to State Government from decisions of Board
- 49. Control of Board by State Government
- 50. Penalty on un-registered person representing that he is registered
- 51. Conferring, granting or issuing diploma, licence etc, by un-authorised person or institution
- 52. False assumption of degree, diploma etc
- 53. Penalty for practicing in contravention of the Act
- 54. Court competent to try offences
- 55. Mode of proof of Boards records
- 56. Restriction on summoning of Boards servants to produce documents
- 57. Rules
- 58. Regulations
- 59. Previous publication of rules and regulations
- 60. Bar to suit and other legal proceedings
- 61. Savings

#### **CHAPTER 7 :- LIST OF PRACTITIONERS**

- 62. List of practitioners

## **SCHEDULE 1 :- SCHEDULE**

### **Rajasthan Homoeopathic Medicine Act, 1969**

**1 of 1970**

**[26 December 1969]**

#### **PREAMBLE**

An Act to provide for the development and expansion of the homoeopathic system of medicine in the State of Rajasthan, for the registration of practitioners of that system of medicine therein and for other matters connected therewith.

Be it enacted by the Rajasthan State Legislature in the Twentieth Year of the Republic of India as follows: -

#### **CHAPTER 1 PRELIMINARY**

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

(1) This Act may be called the Rajasthan Homoeopathic Medicine Act, 1969.

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

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

##### **2. Definitions :-**

In this Act, unless the context otherwise requires.-

(a) Board means the Board of Homoeopathic Medicine for Rajasthan established and constituted under the provisions of this Act;

(b) "Chairman" means the Chairman of the Board;

(c) Homoeopathy means the system of medicine founded by Dr. Hahnemann and includes the allied system of Bio-chemistry

founded by Dr. Schuster and the expression Homoeopathic shall be construed accordingly;

(d) Member means a member of the Board and includes the Chairman and Vice-Chairman thereof.

(e) Practitioner means a person who practices the Homoeopathic system of Medicine;

<sup>1</sup>[(ee) "Recognised Medical Qualification" means any of the qualifications in Homoeopathy included in the Second or Third Schedule of the Homoeopathy Central Council Act, 1973."

(f) Register means the register of Homoeopaths maintained under Section 29;

(g) Registered Homoeopath means a homoeopathic practitioner registered under the provisions of this Act;

(h) Registrar means the Registrar appointed under this Act:

(i) Vice-Chairman means the Vice-Chairman of the Board.

1. Inserted by Sec. 2 of Rajasthan Act No. 24 of 1974, published in Raj. Govt. Gazette, Part IV-A, Extraordinary, dated 22.9.1974.

## **CHAPTER 2** ESTABLISHMENT AND CONSTITUTION OF BOARD

### **3. Establishment of Board :-**

(1) The State Government shall, by notification in the Official Gazette, establish, in the manner provided hereafter, a Board to be called the Rajasthan Board of Homoeopathic Medicine, for the purpose of carrying out the provisions of this Act.

(2) The Board so established shall be a body corporate having a perpetual succession and a common seal and may sue or be sued in its corporate name.

#### **4. Constitution of the Board :-**

<sup>1</sup>[(1) The Board shall consist of the following members, namely:-

(a) Four persons to be nominated by the State Government out of whom at least two shall be registered Homoeopaths one of them possessing recognised medical qualification:

(b) One person possessing recognised medical qualification to be elected by the registered teachers of the recognised Homoeopathic Institutions in the State of Rajasthan from amongst themselves; and

(c) Six persons to be elected by the registered Homoeopaths of the State from amongst themselves, out of whom two shall be persons possessing recognised medical qualification.]

(2) Election under clauses (b) and (c) of sub-section (1) shall be held in the prescribed manner.

1. Substituted by Sec. 3 of Rajasthan Act No. 24 of 1974, published in Raj. Govt. Gazette, Part IV-A, Extraordinary, dated 22.9.1974.

#### **5. Chairman and Vice-Chairman :-**

The Chairman of the Board shall be nominated by the State Government from amongst the members of the Board and the Vice-Chairman shall be elected in the prescribed manner by such members from amongst themselves. The Chairman shall also be entitled to vote at the election of the Vice-Chairman.

<sup>1</sup>[Provided that if the Chairman of the Board nominated by the State Government is not a registered Homoeopath, having a recognised medical qualification, the Vice-Chairman shall be elected from those members of the Board, who are registered Homoeopaths and possess recognised medical qualifications.]

1. Inserted by section of the Rajasthan Homoeopathic Medicine (Amendment) Act, 1974 (Raj. Act No. 24 of 1974) Pub. In Raj. Gaz. Extra-ordinary Part IV-A, dated 22.2.1974.

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

(1) The term of office of a member of the Board shall be three years from the date on which the first meeting of the Board is held after elections under Section 4:

Provided that the State Government may from time to time extend such term to any further period not exceeding in the aggregate one year.

<sup>1</sup>[(1A) Notwithstanding anything contained in any other provisions of this Act, the State Government, if it thinks fit in public interest so to do, may, at any time, by a notification in the Official Gazette, terminate the normal or extended term of office of any member of the Board and may by a similar notification reconstitute the Board at any time and the Board so reconstituted shall be deemed to be a Board constituted under Section 4 of this Act:

Provided further that the Administrator so appointed shall not continue for a period of more than six months from the date of his appointment.]

(2) An out going Chairman, Vice-Chairman or member, if otherwise qualified, shall be eligible of re-election or re-nomination, as the case may be.

1. Inserted and deemed to have been inserted from dated 9th July,

1979 by The Rajasthan Homoeopathic (Amendment) Ordinance, 1979 (Raj. Ordinance No. 4 of 1979) vide Notification No. 4(4) vidhi/79, dated 9.7.1979, Pub. in Raj. Gaz., Extra-ordinary, Part IV-B, 9.7.1979 w.e.f. 9.7.1979 and replaced by The Rajasthan Homoeopathic Medicine (Amendment) Act, 1979 (Raj. Act No. 8 of 1979).

## **7. First Board to be nominated by the Government :-**

Notwithstanding anything contained in Section 4 and Section 5, members of the first Board (including its Chairman and Vice-Chairman) constituted after the Commencement of this Act, shall be nominated by the State Government and shall hold office for a period of three years from its constitution.

Provided that the State Government may from time to time extend the term of office of the Board to any further period not exceeding in aggregate one year.

## **7A. Appointment of Administrator :-**

<sup>1</sup>[Where the normal or the extended term of the Board has expired and the new Board has not been constituted in accordance with the provisions of Section 4, the State Government, may at any time, by notification in the Official Gazette, appoint an Administrator for a term not exceeding one year to exercise all the powers and perform all the functions and duties of the Board]:

<sup>2</sup>["Provided that the State Government may, from time to time, whether by a prospective or a retrospective order, extend the term of the Administrator so appointed subject, however, to the condition that the total term of the Administrator shall not exceed in aggregate a period of four years".]

1. Inserted and shall be deemed to have been inserted as from Twenty third day of August, 1979 by The Rajasthan Homoeo Medicine (Second Amendment) Ordinance, 1979 (Raj. Ordinance No. 5 of 1979) vide Notification No. F. 4 (5) vidhi/79, dated 23.8.1979, Pub. in Raj. Taz., Extra-ordinary, Part IV-B, dated

23.8.1979 w.e.f. 23.8.1979 and replaced by The Rajasthan Homoeopathic Medicine (Amendment) Act, 1979 (Raj. Act No. 8 of 1979).

2. The Proviso to Sec. 7-A shall be and shall always be deemed to have been Substituted by The Rajasthan Homoeopathic Medicine (Amendment) Ordinance, 1983 Raj. ordinary 2 of 1983) vide Notification No. 4 (8) vidhi/83, dated 24.6.1983 the text of original proviso was as under: -

### **8. Resignation of Office :-**

(1) Any member other than the Chairman or Vice-Chairman may at any time resign his office by a latter addressed to the Chairman and such resignation shall take effect after the expiry of fifteen days from the date of delivery of the letter to the Chairman.

(2) A Vice-Chairman may resign his office by giving notice in writing to the Chairman and such resignation shall take effect on the expiry of one month from the delivery of the notice to the Chairman.

(3) A Chairman may at any time resign his office by a letter addressed to the State

"Provided that the State Government may, from time to time, extend the term of the Administrator so appointed for a period not exceeding six months at a time, subject; however, to the condition that the total term of the Administrator so appointed shall not exceed in aggregate a period of two years."

The Rajasthan Ordinance No. 2 of 1983 then replaced by the Rajasthan Act 9 of 1983.

Government and such resignation shall take effect from the date on which acceptance of the State Government thereon is received in the office of the Board.



## **9. Filling of casual vacancies :-**

(1) If a member, Vice-Chairman or Chairman of the Board dies or resigns or from any cause whatsoever ceases to be such member, Vice-Chairman or Chairman, as the case may be, or, in accordance with the provision of this Act, vacates his office or is removed there from, the vacancy so caused shall be filled by fresh election or nomination, as the case may be, within such period as may be prescribed:

Provided that, if the vacancy is for a period of six months or less, the Board or the State Government may direct that the vacancy be left unfilled.

(2) The term of office of a member, Vice-Chairman or Chairman elected or nominated to fill up the vacancy mentioned in sub-section (1) shall be the remainder of the term of office of the member, Vice Chairman or Chairman in whose place he has been so elected or nominated.

## **10. Vacation of Office :-**

(1) If any member, during the period for which he has been elected or nominated. -

(a) absents himself without cause from three consecutive ordinary meetings of the Board, or

(b) becomes subject to any of the disqualifications mentioned in Section 17. the Board may declare his office to have become vacant:

Provided that, when the Board process to take action under this Section, an opportunity of explanation shall be given to the member concerned and, when such action is taken, the reasons therefore, shall be placed on record.

## **11. Removal from Office :-**

(1) The State Government may remove a Chairman, Vice-Chairman or member who, in its opinion, has so flagrantly abused in any manner his position as such as to render his continuance on the Board detrimental to the public interest, or who has been guilty of habitual failure in the performance of his duties:

Provided that, when the State Government proposes to take action under this section, it shall give the Chairman, Vice-Chairman or member an opportunity of explaining his conduct on account of which it is proposed to remove him, shall make such inquiry as it may consider necessary and shall, in the event of taking such action, place on record the reasons, therefore, and the decision of the State Government thereon shall not be questioned in any court of law.

(2) The State Government may place under suspension a member, Vice-Chairman or Chairman against whom an inquiry relating to the abuse of his position as a member, Vice-Chairman or Chairman is pending before it or in a court of law, or under the orders of the State Government or the Board till final orders have been passed on the legal proceedings or the enquiry, as the case may be. Such member, Vice-Chairman or Chairman shall not take part in any proceedings of the Board during the period of suspension.

## **12. Duties of Chairman :-**

It shall be the duty of the Chairman -

(a) unless provided otherwise by this Act or prevented by reasonable cause -

(i) to convene and preside over all meetings of the Board, and

(ii) otherwise to control, in accordance with any regulations to be made in this behalf, the transaction of business at all meetings of the Boards;

(b) to superintend and control the financial and executive administration of the Board and bring to its notice any defects therein, and

(c) to perform such other duties as are required of or imposed on him by or under this Act or rules made there under.

### **13. Power of Board to require reports etc :-**

(1) The Board may require the Chairman to furnish it with -

(a) any return, statement, estimate, statistics or other information regarding any matter appertaining to the administration of the Board;

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

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

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

### **14. Delegation by Chairman of his powers and duties to Vice- Chairman :-**

(1) The Chairman may empower, by general or special order, the Vice-Chairman to exercise under his control any one or more of his powers, duties or functions.

(2) An order by the Chairman under sub-section (1) may lay down any conditions, and impose any restrictions, in respect of the exercise of any power, the performance of any duty or the discharge of any function by the Vice-Chairman.

(3) In particular, such order may lay down the condition that any order by a Vice-Chairman in the exercise of a power conferred on him by sub-section (1) shall be liable to rescission or modification by the Chairman upon appeal to him within a specified time.

### **15. Duties of Vice-Chairman :-**

A Vice-Chairman shall-

(a) in the absence of the Chairman from a meeting of the Board and unless prevented by reasonable cause, preside over, regulate the conduct of business, and maintain and enforce order at the meeting,

(b) during the vacancy in the office of the Chairman or the incapacity or temporary absence of the Chairman, perform any other duty or exercise any other power of the Chairman, and

(c) at any time perform any duty and exercise, when occasion arises any power delegated to him by the Chairman under Section 14.

### **16. Nomination of members in default of election :-**

If any electoral body referred to in Section 4 fails, by such date as may be prescribed to elect the requisite number of member or members or to fill-up any vacancy, the State Government shall on the recommendation of the Board fill up such vacancy or vacancies by nomination of a person or persons qualified to be elected by the appropriate electoral body.

## **17. Disqualifications for membership :-**

A person shall be disqualified for being elected or nominated as, or for being, a member of the Board if-

(a) he has been sentenced by a court to imprisonment for an offence involving moral turpitude or indicating, in the opinion of the Board, such a defect in character as would render the entry or continuance of his name in the register undesirable, the sentence not having been subsequently reversed in appeal or revision or remitted by an order which the State Government is empowered to make if it thinks fit;

(b) the Board, after enquiry (at which an opportunity has been given to such person to be heard in his defence either personally or through a representative) has found him guilty, by a majority of two-thirds of the members present and voting at the meeting, of infamous conduct in any professional respect;

(c) he is an undischarged insolvent;

(d) he has been adjudged by a competent court to be of unsound mind;

(e) he is a dismissed servant of the State Government or of any local authority;

(f) he is debarred from practicing as a legal practitioner by order of any competent authority;

(g) he holds any place of profit in the gift or disposal of the Board;

(h) being a legal practitioner, he appears in any suit or proceeding, civil or criminal, against the Board; or

(i) he has acquired, directly or indirectly by himself or by a partner, any share or interest in any contract with, by or on behalf of the Board.

#### **18. Notification of elections etc :-**

The name of every member, Vice-Chairman or Chairman of the Board elected or nominated under this Act and of every member, Vice-Chairman or Chairman who has resigned under Section 8 or vacated his office under Section 10 or has been removed therefrom under Section 11, shall be notified in the official Gazette.

#### **19. Payment of allowances :-**

(1) There shall be paid to the members of the Board such traveling and daily allowances as may be prescribed.

(2) No member other than the Chairman shall received any pay.

(3) The Chairman may receive such pay, allowances or emoluments as may be prescribed.

#### **20. Meetings of the Board :-**

(1) The Board shall meet at its office at Jaipur or at such other place and at such time, and every meeting shall be convened in such manner, as may be provided by regulations made by the Board.

(2) No business shall be transacted at any meeting of the Board unless four members are present:

Provided that, when it is necessary to postpone any business at a

meeting for want of quorum, the chairman shall adjourn the meeting to another date and the business postponed for want of quorum shall be transacted on such date or, in the event of further adjournment of the meeting to a subsequent date, on such subsequent date, notwithstanding any deficiency in the number of members present.

(3) Every meeting of the Board shall be open to the public unless the Chairman thereof considers that the public should be excluded during the whole or any part of the meeting.

### **21. Chairman of meetings :-**

If at a meeting neither the Chairman nor the Vice-Chairman is present, the members present shall elect one from amongst themselves to be the [Chairman of the meeting and such Chairman shall perform all the duties, and may exercise all the powers, of the Chairman of the Board while presiding at the meeting.

### **22. Power of Chairman of meeting to maintain order :-**

Where at a meeting of the Board, any member or other person refuses to comply with any direction of the Chairman ruling any business or matter out of order or otherwise regulating the conduct of members or of business or where any member or person willfully disturbs the meeting, the Chairman may require that member or person to withdraw from the meeting and, in the event of his omitting to do so, may employ against him such force as is necessary, or as in good faith he believes to be necessary, for the purpose of removing and excluding him from the meeting.

### **23. Decision by Board :-**

(1) All questions which may come before a meeting of the Board shall, unless otherwise provided in this Act or in the rules or regulations made there under, be decided by a majority of the votes of the members present and voting.

(2) In case of an equally of votes, the Chairman of the meeting shall have a second or casting vote.

#### **24. The minute book and resolutions :-**

(1) The names of the members present, and the proceedings held and resolutions passed, at a meeting of the Board shall be entered in a book to be called the minute book.

(2) The minutes shall be read out at the meeting or at the next following meeting and, after being passed as correct by the members or a majority of them present at the reading, shall be certified as passed by the signature of the Chairman of the meeting at which they are passed.

(3) A copy of the proceedings of every meeting of the Board shall, within fifteen days from the date of the meeting be forwarded to the State Government or any other authority appointed by the State Government in this behalf.

#### **25. Establishment of Advisory Committee :-**

(1) Subject to rules made by the State Government for this purpose, the Board may, by a resolution in this behalf, appoint an Advisory Committee consisting of seven persons of whom three shall be the members of the Board and four co-opted members, for any purpose provided for in this Act and may appoint a Convener who shall preside over the meetings of such Committee. In the absence of the Convener, the committee may elect any one of its members for this purpose.

(2) All questions at a meeting of the Committee shall be decided by a majority of the votes of the members present and voting. In case of an equality of votes, the person presiding shall have a casting vote.



(3) No business shall be transacted at any meeting of the Committee when less than three members are present.

(4) Proceedings of every meeting of the Committee shall be laid before the Board which may take such action thereon as it deems necessary.

(5) The members of the Advisory Committee shall be paid such traveling and other allowances as may be payable to the members of the Board under Section 19.

## **26. Validity of proceedings :-**

(1) No vacancy in the Board or in a Committee of the Board shall vitiate any act or proceedings of the Board or such committee.

(2) No disqualification of or defect in the election or nomination of any person acting as a member of the Board or as the Vice-Chairman or the Chairman or the person presiding at a meeting shall be deemed to vitiate any act or proceeding of the Board in which such person has taken part.

## **CHAPTER 3 STAFF AND REGISTRATION**

### **27. Registrar and other officers and servants of the Board :-**

(1) The Board shall, with the previous approval of the State Government appoint a Registrar:

Provided that the first appointment of the Registrar may be made by the State Government.

(2) The Registrar shall receive such salary and allowances and shall be governed by such other conditions of service as may be

prescribed. The Chairman may from time to time grant to the Registrar leave and may appoint a person, with the sanction of the State Government to act in his place during his leave or absence; and any person so 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 or its Chairman punishing or removing any person from the office of the Registrar.

(4) The Registrar shall also be the Secretary and the executive officer of the Board.

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

(6) All questions relating to the number, designations, pay and allowances, recruitment, promotions, leave, provident fund and other conditions of service of the officers and servants appointed under sub-section (5) shall be governed by rules made by the State Government.

(7) The Registrar and any other officer or servant appointed under this section shall be deemed to be a public servant within the meaning of Section 21 of Indian Penal Code, 1860 (Central Act 45 of 1860).

## **28. Maintenance of Register :-**

(1) The Board shall, within <sup>1</sup>[one and a half year] of its constitution, cause to be prepared a register of homoeopaths.

(2) The register shall be kept and maintained by the Board in such manner as may be prescribed.

1. Substituted and shall be deemed always to have been substituted vide Sec. 2 of Rajasthan Act No. 4 of 1971, Pub. in Raj. Gaz., Part IV-A, Extraordinary, dated 22.4.1971.

### **29. Duties of Registrar :-**

(1) Subject to the provisions of this Act and subject to any general or special orders of the State Government or the Board, as the case may be, it shall be the duty of the Registrar, to keep and maintain the register and discharge such other functions as are required to be discharged by him under this Act or by any rules or regulations made there under.

(2) The Registrar shall, so far as practicable, keep and maintain the register correct and up-to-date and may from time to time enter therein any material alterations in the addresses or qualifications of the registered Homoeopaths. He shall also remove from the register the names of the registered homoeopaths who die or who cease to be qualified as such.

### **30. Persons entitled to be registered :-**

(1) Every person, possessing any of the qualifications mentioned in the schedule, shall, subject to the provisions of this Act, be entitled to have his name entered in the register.

(2) Notwithstanding anything contained in sub-section (1), every practitioner who proves in the prescribed manner that he has been in regular practice of the Homoeopathic system of medicine in the State for a period of not less than three years immediately preceding the date of commencement of this Act, shall on an application made by him within <sup>1</sup>[one and a half year] of such commencement for the registration of his name in the register be, subject to the provisions of this Act, entitled to have his name entered in the register.

<sup>2</sup>[Provided that applications delivered to any post office in India or outside within the time prescribed above, shall be considered to

have been made within the prescribed time.]

<sup>3</sup>[2A] For the removal of doubts, it is declared that it shall be lawful for the Registrar to review such applications, on his own motion or an application made to him, as were rejected on the ground of not having been made within the prescribed time.]

<sup>4</sup>[(3) An application for registration under sub-section (1) or (2) shall be accompanied with a registration fee of Rs. 50/-. Such fee shall not be refundable under any circumstances.]

(4) Application for registration shall be made to and disposed of by the Registrar.

(5) Any persons aggrieved by the decision of the Registrar regarding the registration of any person or the making or removal of any entry in the register, may within ninety days from the date of such decision or within such extended time as the Board may upon sufficient cause allow, appeal to the Board.

(6) Such appeal shall be heard and decided by the Board in the prescribed manner.

(7) The Board may, on its own motion or on the application of any person and after calling for an explanation from the person concerned and considering the same, cancel or alter any entry in the register, if in the opinion of the Board such entry was fraudulently or incorrectly made or obtained.

1. Substituted and shall be deemed to have been substituted by Sec. 3 of Rajasthan Act No. 4 of 1971, Pub. in Raj. Gaz., Part IV-A, Extra-ordinary, dated 22.4.1971.

2. Inserted and shall always be deemed to have been added by Sec. 5 (1) of Rajasthan Act No. 24 of 1974, Pub. in Raj. Gaz., Part IV- A, Extra-ordinary, dated 22.9.1974.

3. Inserted by Sec. 5 (2)-ibid.

4. Substituted by Sec. 5 (3)-ibid.

**31. Renewal of registration :-**

(1) Every registered Homoeopath shall be entitled to practice for a period of three years from the date on which his name has been registered and if he desires to continue to practice after the expiry of the said period, he shall, upon an application made to the Registrar along with a renewal fee of twenty-five rupees for every period of three years, be entitled to 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 defaulter from the register.

Provided that the name so removed may be restored to the register on payment of the renewal fee in such manner and subject to such conditions as may be prescribed.

**32. Powers of Board to recognise titles etc. for purposes of registration :-**

If the Board is satisfied-

(a) that any title or degree granted or qualification certified by a University, medical corporation, examining body or other institution in or outside India is sufficient guarantee that person holding such title, degree or qualification possess the knowledge and skill requisite for the efficient practice of Homoeopathy, or

(b) that such a title, degree or qualification is not a sufficient guarantee as aforesaid, it may direct -

(i) in case (a), that the possession of such title, degree or qualification shall, subject to the provision contained in this act and

on payment of such fee as may be prescribed entitle a person to have his name entered in the register, or

(ii) in case (b) that the possession of such title, degree or qualification shall not entitle a person to have his name entered in the register.

### **33. Power of Board to call for information from institutions**

**:-**

The Board shall have power to call upon the governing body or authority of a medical corporation, examining body or other institution, included or desirous of being included in the Schedule-

(a) to furnish such reports, returns or other information as the Board may require to enable it to judge the efficiency of the instructions given therein in homoeopathy, and

(b) to provide facilities to enable a member of the Board deputed by in this behalf to be present at the examinations held by such medical corporation, examining body or other institution.

### **34. Information required from applicants for registration :-**

Every person who applies to have his name entered in the register must satisfy the Registrar that he is possessed of some degree; title or qualification specified in the Schedule and he must inform the Registrar of the date on which he obtained the degree title or qualification which entitles him to claim registration under this Act and shall also furnish any other information required by the Registrar in order to enable him to discharge his duties under the Act.

### **35. Entry of new titles and qualifications :-**

If a person whose name is entered in the register obtains any title, degree or qualification or other than the title, degree or qualification in respect of which he has been registered, he shall on payment of such fee not exceeding rupees five as may be prescribed be entitled to have on entry stating such other title degree or qualification made against his name in the register, either in substitution for; or in addition to any entry previously made.

**36. Powers of Board to prohibit entry in or to direct removal from the register :-**

(1) The Board may prohibit the entry in, or order the removal from the register of the name of any Homoeopath -

(a) who has been sentenced by a court in India to imprisonment for an offence declared by the State Government to involve such moral turpitude as would render the entry or continuance of his name in the register undesirable, or

(b) whom the Board or a committee of the Board specially authorised for the purpose, after inquiry (at which an opportunity has been given to him to be heard in his defence and to appear either in person or by counsel and which may, in the discretion of the Board be held (in camera) has found guilty of professional misconduct or other infamous conduct by a majority of at least two-third of the members present and voting at the meeting.

<sup>1</sup>[(c) who has been found by the Board or a Committee of the Board specially constituted for this purpose, after giving the person concerned an opportunity of being heard, to have obtained registration fraudulently or by submitting false or forged or incorrect document or on the basis of misrepresentation or by the use of deceitful and dishonest means.]

<sup>2</sup>[(2) The name of any person, against whom an order has been made under clauses (a) and (b) of sub-section (1) shall be entered

or re-entered in the register, as the case may be, after 6 years from the date of such order.]

1. Inserted by Sec. 6 (1) of Rajasthan Act No. 24 of 1974. Published in Rajasthan Gazette, Part IV-A, Extraordinary, dated 22.9.1974.

2. Substituted by Sec. 6 (2) -ibid.

### **37. Notice of deaths and erasure of names from register :-**

(1) Every Registrar of Death who receives notice of the death of a person whose name he knows to be entered in the register of homoeopaths shall forth with transmit by post to the Registrar of the Board a certificate of such death, signed by him and stating particulars of the time and the place of death.

(2) On receipt of such certificate or other reliable information regarding such death, the Board shall erase the name of the deceased person to be erased from the register.

### **38. Procedure in inquiries :-**

For the purpose of any inquiry held under clause (b) of sub-section (1) of Section 36, the Board or the Committee, as the case may be, shall exercise the powers of a Commissioner appointed under the Public Servants (Inquiries) Act, 1850, of the Central Legislature and the provisions of Sections 5, 8 to 10, 14 to 16, 19 and 20 of the said Act shall, so far as may be, apply to every such inquiry, to any order passed during the course thereof and to any appeal from such order.

### **39. Publication of names entered in the register :-**

(1) The Registrar shall, in every year and from time to time as occasions may require, on or before a date to be fixed in this behalf by the Board, cause to be published, the Official Gazette and in such other manner as the Board may prescribe, a full or



supplementary list arranged in alphabetical order of the names for the time being entered in the register and setting forth. -

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

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

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

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

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, and such certificate shall be issued free of charge.

## **CHAPTER 4 FUNCTIONS AND FINANCES OF THE BOARD**

### **40. Powers of the Board :-**

The Board shall have following powers, namely: -

(i) to recognise Homoeopathic educational institutions for purposes of affiliation;

(ii) to prescribe courses of study and curricula for general

instruction or special or refresher courses in institutions affiliated to the Board in such branches of the Medical Science of Homoeopathy as the Board may think fit;

(iii) to hold examinations and to grant and confer degrees and diplomas to and on persons who shall have pursued a course of study in an educational institution affiliated to the Board;

(iv) to institute, exhibitions and award medals there at to grant scholarships and medals to those who obtain high position at the Boards examinations or are poor and deserving, and with the sanction of the State Government, to grant scholarship for special study in research and manufacture of Homoeopathic medicines in any medical institution or a reputed firm that the Board may think fit,, and to endow chairs of Homoeopathy in institutions affiliated to the Board ;

(v) to demand and receive from students such fees as may be prescribed for admission to the Boards examinations;

(vi) to exercise general supervision over the residential and disciplinary arrangements made by the educational institutions affiliated to the Board and to make arrangements for promoting the health and general welfare of their students;

(vii) to appoint examiners and publish the result of the examinations held by it;

(viii) to suspend or withdraw the recognition of any institution which is not conducted in accordance with the conditions prescribed by this Act or the rules or regulations framed there under;

Provided that no such action shall be taken without affording the committee or management of such an educational institution an opportunity of making such representation as it may deem fit;

(ix) to appoint, with the previous sanction of the State Government Inspector for the inspection of Homoeopathic dispensaries, hospitals and educational institutions in the State;

<sup>1</sup>(x) [XXX]

(xi) to establish or aid research institutions to arrange for postgraduate study in the science of Homoeopathy and to encourage scientific manufacture of Homoeopathic medicines in the State;

(xii) to publish Homoeopathic journals;

(xiii) to do such acts, not inconsistent with the provisions of this Act and the rules and regulations made there under, as may be necessary for the furtherance of the objects of this Act;

<sup>2</sup>[(xiv) to appoint with prior approval of the State Government, standing or ad hoc committees, to delegate any of its powers and functions to such committees, subject to any restriction and to make regulations for determining the procedure to be followed by such committees]

1. Omitted by Sec. 7 (1) of Rajasthan Act No. 24 of 1974. Published in Rajasthan Gazette, Part IV-A Extra-ordinary, dated 22.9.1974.

2. Inserted by Sec. 7 (2) -ibid.

#### **41. Budget :-**

(1) The Board shall have prepared and laid before it at a meeting to be held in every year before such date as may be prescribed a complete account of the actual and abstracted receipts and expenditure for the year ending on the 31st day of March next following such date together with a budget estimate of the income and expenditure of the Board for the year commencing on the first day of April next following.

(2) The Board shall at such meeting decide upon the appropriations and the ways and means contained in the budget estimate and pass the budget which shall be submitted to the State Government or to such other authority as the State Government may by order direct within fifteen days from the date of the meeting in which the budget is passed.

(3) If the State Government is satisfied that adequate provisions has not been made therein for giving effect to the provisions of this Act, it shall have the power to suggest such modifications as may be necessary to secure such provision and return the budget to the Board with its observations regarding the modifications to be made therein. The Board shall consider such observations and pass the budget with such modifications as it deems necessary.

(4) If in the course of a year the Board finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended for the purposes of this Act, a supplementary budget may be prepared, passed submitted and modified in the manner provided in sub-sections (1), (2) and (3).

(5) As soon as may be after the first day of October every year, the revised budget for the year shall be framed and such revised budget shall, so far as may be, be subject to all the provisions of the foregoing sub-sections applicable to a budget.

#### **42. Homoeopathic Fund :-**

(1) There shall be established a Homoeopathic Fund, hereinafter referred to as the "Fund".

(2) There shall be placed to the credit of the Fund-

(a) grants and loans received from the State Government,

(b) all fees received by the Board on account of registration of Homoeopaths and admission to the Boards examinations,

(c) contributions received from any local authority or any Homoeopathic association, and

(d) all sums received by or on behalf of the Board from sources other than those mentioned in the foregoing clauses.

(3) The Fund shall be applied for the purposes specified in this Act and for such other purposes and in such manner as may be prescribed.

(4) The expenses of the Board shall include the salaries and allowances of the Registrar and the staff appointed by the Board, the fees and allowances paid to the Chairman and members of the Board, the expenses for the conduct of examinations and such others expenses as are necessary for carrying out the purposes of this Act.

#### **43. Custody and operation of Fund :-**

(1) The Homoeopathic Fund shall be kept in a scheduled bank and shall be operated upon by such person or persons and in such manner as may be prescribed.

(2) To defray the current expenses of the Board such sum as the State Government may deem sufficient may be kept with the Registrar by way of imp rest money.

#### **44. Accounts and Audit :-**

(1) The Board shall keep accounts and submit such statements to the State Government as may be prescribed.

(2) Accounts of receipts and expenditure of the Board shall be maintained for every financial year in such form as may be prescribed.

(3) All accounts kept and maintained by the Board shall be audited, as soon as may be after the end of each financial year, by the Examiner of Local Fund Audit for the State and the provisions of the Rajasthan Local Fund Audit Act, 1954 (Rajasthan Act 28 of 1954) shall apply.

(4) The Board shall be bound to comply with all such directions as the State Government may think fit to issue after going through the audit report in respect of its accounts.

(5) The Board shall pay out of the Homoeopathic Fund such sum as may be determined by the State Government by way of charges for audit.

## **CHAPTER 5 PRIVILEGES OF HOMOEOPATHS**

### **45. Qualified practitioners certificate :-**

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

(1) the expression "legally qualified medical petitioner" or "duly qualified medical petitioner" or any word importing that a person is recognized by law as a Medical practitioner or as a member of the Medical profession shall, in all Rajasthan Laws and in all Acts of the Central Legislature (in their application to the State of Rajasthan) in so far as such laws or Acts relate to any of the matters specified in list II or List III of the Seventh Schedule to the Constitution of India, be deemed to include a registered Homoeopath;

(2) a certificate required under any law 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 Homoeopath;

(3) a registered Homoeopath shall be eligible to hold any appointment as a physician, surgeon or other medical officer in any Homoeopathic dispensary, hospital, infirmary or lying in hospital supported by or receiving a grant from the State Government or in any public establishment, body or institution dealing with the system of Homoeopathic medicine;

(4) a registered Homoeopath shall be entitled-

(a) to sign or authenticate a birth or death certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner,

(b) to sign or authenticate a medical or physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner.

(c) <sup>1</sup>[XXX]

<sup>2</sup>[(5) A registered Homoeopath possessing a recognised medical qualification shall be entitled to appear and give evidence at any inquest or before any Court of Law as an expert under Section 45 of the Indian Evidence Act, 1872 (Central Act 1 of 1872) on any matter relating to the homoeopathic system of medicine].

1. Omitted by Sec. 8(1) of Rajasthan Act No. 24 of 1974, published in the Rajasthan Gazette, Part IV-A, Extraordinary, dated 22.9.1974.

2. Inserted by Sec. 8 (2) of Rajasthan Act No. 24 of 1974, published in Rajasthan Gazette, Part IV-A, Extraordinary, dated 22.9.1974.

#### **46. Exemption from serving on inquests :-**

Notwithstanding anything in any other law for the time being in force, every registered Homoeopath shall be exempted, if he so

desires, from serving on any inquest or as a junior under the Code of Criminal Procedure, 1898 (Central Act V of 1898).

#### **47. Privileges under Rajasthan Act 2 of 1950 :-**

The registered Homoeopaths shall have the same privileges as the medical practitioners registered under the Rajasthan Medical Act, 1952 (Rajasthan Act 13 of 1952) have under the Rajasthan Excise Act, 1950 (Rajasthan Act 2 of 1950).

### **CHAPTER 6 MISCELLANEOUS**

#### **48. Appeals to State Government from decisions of Board :-**

(1) An appeal shall lie to the State Government from every decision of the Board under this Act.

(2) Every appeal under sub-section (1) shall be preferred within three months of the date of communication of the decision sought to be appealed from.

#### **49. Control of Board by State Government :-**

If at any time it shall appear to the State Government that the Board has failed to exercise or has exceeded or abused a power conferred upon it by or under this Act or has failed to perform a duty imposed 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 may be fixed by the State Government in this behalf, the State Government may dissolve the Board and cause all or any of the powers and duties of the Board to be exercised and performed by such agency and for such period as it may think fit:

Provided that a new Board shall be constituted within 1[Tw6 years]



of such dissolution.

1. Substituted by Sec. 9 of Rajasthan Act No. 24 of 1974, published in Rajasthan Gazette, Part IV-A, Extraordinary, dated 22.9.1974.

**50. Penalty on un-registered person representing that he is registered :-**

If a person whose name is not entered in the register of Homoeopaths falsely pretends that it is so entered, or uses in connection with his name or title any word or letters representing that his name is so entered, he shall, whether any person is actually deceived by such representation or not, be punishable, on conviction, with fine which may extend to two hundred rupees;

**51. Conferring, granting or issuing diploma, licence etc, by un- authorised person or institution :-**

(1) No person other than an association or institution recognised or authorised by the Board under this Act shall confer, grant or issue, or hold himself out as entitled to confer, grant or issue, any degree, diploma, licence, certificate or other document stating or implying that the holder, grantee or recipient thereof is qualified to practice the homoeopathic system of medicine.

(2) Whoever contravenes the provisions of this section shall be punishable, on conviction, with fine which may extend to five hundred rupees and, if the person so contravening is an association every member of such association, who knowingly and willfully authorises or permits the contravention, shall be punishable with fine which may extend to two hundred rupees.

**52. False assumption of degree, diploma etc :-**

Whoever voluntarily and falsely assumes or uses any title, description or any addition to his name implying that he holds a degree, diploma, licence or certificate conferred, granted or issued

by any association or institution recognised or authorised by the Board under this Act or that he is qualified to practice the homoeopathic system of medicine under the provisions of this Act, shall, on conviction, be punishable with fine, which may extend to fifty rupees for the first offence under this section and to fine which may extend to two hundred rupees for every subsequent offence.

### **53. Penalty for practicing in contravention of the Act :-**

(1) If after such date as the State Government may by notification in the Official Gazette specify in this behalf any person other than a registered homoeopath or other than a person whose name is entered in the list prepared and kept under Section 62, as practicing or as being prepared to practice, the Homoeopathic system of medicine, he shall be punishable with fine which may extend to two hundred rupees and where the offence is a continuing one, with a further fine which may extend to twenty-five rupees for each day during which the offence continues after the first such conviction.

(2) Nothing contained in sub-section (1) shall be deemed to prohibit any person from practicing the Homoeopathic system of medicine if he practices it for charity and not for livelihood:

Provided that such person shall not be entitled to the privileges of Homoeopaths specified in Chapter V of this Act.

(3) The State Government may, by notification in the Official Gazette, direct that the provisions of this section shall not apply to any class of persons either throughout the State or in any area specified in such notification.

### **54. Court competent to try offences :-**

(1) No Court other than the court of a Magistrate of the 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 of an officer empowered in this behalf by rules made under this Act.

**55. Mode of proof of Boards records :-**

A copy of any proceeding, receipt, application, plan, notice, order, entry in a register or other document in the possession of the Board shall, if duly certified by the Registrar or other person authorised by the Board in this behalf, be received as prima-facie evidence of the existence of the entry or document and shall be admitted as evidence thereof and of all the matters therein recorded in every case where, and to the same extent as the original entry or document would, if produced have been admissible to prove such matters.

**56. Restriction on summoning of Boards servants to produce documents :-**

No member, officer or servant of the Board shall, in any legal proceeding to which the Board is not a party, be required to produce any register or document or to appear as a witness to prove the matters recorded therein, unless ordered by the court for special reasons.

**57. Rules :-**

(1) The State Government may, from time to time make rules consistent with this Act to carry out the purposes thereof.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules for any of the following matters, namely: -

(a) the time and place at which and the manner in which election

shall be held under Section 4;

(b) regulation of elections under this Act;

(c) the privileges, salary and allowances and other conditions of service of the Registrar;

(d) the conduct and maintenance of correct minutes of meetings of the Board;

(e) the manner in which vacancies shall be filled under Section 9;

(f) the accounts to be kept by the Board and the manner in which such accounts shall be audited and published;

(g) the date before which a meeting shall be held for the passing of the budget;

(h) the method and forms to be adopted in the preparation of the budget;

(i) the returns, statements and reports to be submitted by the Board;

(j) the forms of the register of Homoeopaths to be maintained under this Act;

(k) the fees chargeable under this Act and their application;

(l) the manner in which appeals against the decisions of the Registrar shall be heard by the Board under Sec. 30;

(m) allowances payable to members of the Board and its Chairman.

(m) allowances payable to members of the Board and its Chairman;

(n) the remuneration to be paid to the Chairman;

(o) the furtherance of any object of the Board as a teaching or examining body;

(p) maintenance of a patient register by Homoeopaths in the prescribed form;

(q) delegation of powers by the State Government and by the Board;

(r) the form of application for the grant of licence or permit under clause (x) of Sec. 40 and the particulars to be filled therein;

(s) the conditions for the grant of licence, the renewal of licence and the fees payable thereof; and

(t) the furtherance of any other objects of the Act.

(3) All such rules shall be published in the Official Gazette.

(4) All rules finally made under this Act shall be laid as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rules should not be made, such 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 previously done there under.

## **58. Regulations :-**

(1) Subject to the provisions of this Act and the rules made by the State Government there under, the Board may frame regulations for regulating the following matters, namely: -

(a) the conditions on which institutions may be affiliated or recognised for the purpose of registration under Section 30;

(b) the admission of students to the educational or instructional institutions affiliated to the Board;

(c) the conditions under which students shall be admitted to any degree, diploma or certificate course and to the examinations of the Board and shall be eligible for degrees, diplomas and certificates;

(d) the conditions of residence of the students in the educational or instructional institutions affiliated to the Board and the levying of fees for such residence;

(e) the number, qualifications and emoluments of teachers of the educational or instructional institutions affiliated to the Board;

(f) the fees to be charged for courses of study in such institutions and for admission to the examinations, degrees, diplomas and certificates of the Board;

(g) the conditions and mode of appointment and duties of examiners and the conduct of examinations;

(h) the time and place at which meetings of the Board shall be held;

(i) the issue of notice convening such meeting;

(j) the conduct of business thereat;

(k) the asking of questions by members of the Board at its meeting subject to such conditions and restrictions as may be provided in the regulations;

(l) the salary, allowances and other conditions of service of officers and servants of the Board other than the Registrar; and

(m) all other matters which may be necessary for the purposes of carrying out the objects of this Act.

(2) All regulations framed under sub-section (1) shall be published in the Official Gazette.

(3) The State Government may, by notification in the Official Gazette cancel or modify any regulation.

### **59. Previous publication of rules and regulations :-**

The power of the State Government to make rules and of the Board to make regulations is subject to the condition of the rules or regulations being made after previous publication, for objections and of their not taking effect until they have been published in the Official Gazette, and of the regulations not taking effect until they have been confirmed by the State Government.

### **60. Bar to suit and other legal proceedings :-**

(1) No suit or other legal proceeding shall lie against the State Government in respect of an act done in the exercise of the powers conferred by this Act or the rules made there under.

(2) No suit or other proceeding shall be maintainable against the Board or any member or any officer or servant of the Board or any person acting under the direction of the Board or the Chairman or of any officer or servant of the Board in respect of anything done lawfully and in good faith and with reasonable care and attention under this Act or rule or regulations made there under.

### **61. Savings :-**

Unless it is under this Act otherwise expressly provided, no provision of this Act shall affect a medical practitioner other than a Homoeopath registered under this Act.

## **CHAPTER 7 LIST OF PRACTITIONERS**

### **62. List of practitioners :-**

(1) As soon as may be after the commencement of this Act, the Registrar shall prepare and keep a list of persons practicing the Homoeopathic system of medicine on such commencement.

(2) Every person who is not qualified for registration under the Act but who proves in the prescribed manner that he has been, on such commencement, in regular practice of the Homoeopathic system of medicine in the State, shall upon an application made by him in this behalf within <sup>1</sup>[one and a half year] of such commencement be entitled to have his name entered in the aforesaid list on payment of fee of rupees fifty.

(3) The provisions of sub-sections (2) of Section 29, sub-sections (3) to (7) of Section 30, Section 31 and sub-section (1) of Section 36 shall, so far as may be, apply to this list mutates mutinies.

1. Substituted and shall be deemed always to have been substituted by Sec. 4 of Rajasthan Act No. 4 of 1971, Published in Rajasthan Gazette, Part-A, Extra-ordinary, dated 22.4.1971.



## **SCHEDULE 1**

### **SCHEDULE**

#### **THE SCHEDULE**

Persons who are entitled to have their names entered in the register of Homoeopaths.

(see Sections 30, 31, 32, 33, and 34)

1. Homoeopaths who have passed the final examinations held by the Board of Homoeopathic Medicine for Rajasthan.

2. Homoeopaths who have passed an examination from a Homoeopathic Institution in the State or outside it:

Provided that for the purposes of registration such an institution is recognised by the Board subject to such limitations as the Board may consider proper.

3. Homoeopaths who have been entered in the list prepared and kept under section 62 and who have, completed regular practice of the Homoeopathic system of medicine for a period not less than 1[tен years] subject to their passing such examination as the Board may by regulations determine.

<sup>1</sup>[4.xxx)

<sup>2</sup>[5. Homoeopaths who are in possession of any title, degree or qualification recognised by the Board under clause (a) of Section 32 of the Act.]

1. Substituted by Sec. 10 (1) of Rajasthan Act No. 24 of 1974, published in Rajasthan Gazette, Part IV-A. Extraordinary, dated 22.9.1974.

2. Inserted by Sec. 10(3)-ibid