

HOMOEOPATHY CENTRAL COUNCIL ACT, 1973

59 of 1973

[19th December, 1973]

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STATEMENT OF OBJECTS AND REASONS "The India Medicine and Homoeopathy Central Council Bill, 1968 was introduced in the Rajya Sabha on the 27th December, 1968 for the setting up of a composite Central Council for Indian Systems of Medicine and Homoeopathy. The Joint Committee of Parliament considered the Bill. The exponents, not only of Homoeopathy but also of the three systems of Indian Medicine viz., Ayurved, Siddh and Unani asserted before the Committee that the basic concepts of Indian System of Medicine were different from the fundamentals of Homoeopathy and as such a separate Council for Homoeopathy should be provided. For the proper growth and development of all the four systems, the committee recommended two separate Central Councils; one for all the three Indian Systems of Medicine and the other for Homoeopathy. 2. Moreover, minimum standards for admission duration of course of training, details of curricula and syllabi of studies of Homoeopathy and the title of the degree or diploma vary from State to State and even from institution to institution in the same State. The Homoeopathy Advisory Committee which was appointed by the Government of India, have recommended that in order to maintain uniformity, all the courses which are less than 4 years in duration shall have to be brought to the standard of the 4 year course (viz. D.H.M.S.) as prescribed by that Committee. A similar recommendation in this regard has also been made by the Central Council of Health. 3. Further a few States have constituted State Boards or Councils either by legislation or by executive orders, for the purpose of registration of practitioners in Homoeopathy as well as recognition of medical qualifications in Homoeopathy. There is, however, no Central Legislation for the regulation of practice or for minimum standards of training and conduct of examination in this system of medicine on all India basis. A Statutory Central Council on the lines of the Medical Council of India of the modern system of medicine is a

prerequisite for the proper growth or development of Homoeopathy. 4. The main functions of the Central Council of Homoeopathy would be to evolve uniform standards of education in Homoeopathy and the registration of practitioners of Homoeopathy. The registration of practitioners on the Central Register of Homoeopathy will ensure that medicine is not practised by those who are not qualified in this system, and those who practise, observe a code of ethics in the profession. The Bill is intended to achieve these objectives."-Gaz. of Ind., 1-12-1971, Pt. II, S. 2, Ext., p. 837.

CHAPTER 1
PRELIMINARY

1. Short title, extent and commencement :-

- (1) This Act may be called THE HOMOEOPATHYCENTRAL COUNCIL ACT, 1973.
- (2) It extends to the whole of India.
- (3) It shall come into force in a State on such date ² as the Central Government may, by notification in the official Gazette, appoint in this behalf for such State and different dates may be appointed for different States and for different provisions of this Act.

For Homoeopathy Central Council (Election) Rules, 1975 - See Gaz. of India, 17-5-1975, Pt. II-S. 3(i), p. 1483.

2. Definitions :-

- (1) In this Act, unless the context otherwise requires,-
 - (a) "Board" means a Board, Council, Examining Body or Faculty of Homoeopathy (by whatever name called) constituted by the State Government under any law for the time being in force regulating the award of medical qualifications in, and registration of practitioners of. Homoeopathy;
 - (b) "Central Council" means the Central Council of Homoeopathy constituted under section 3 ;
 - (c) "Central Register of Homoeopathy" means the register maintained by Central Council under this Act;
 - (d) "Homoeopathy" means the Homoeopathic system of medicine and includes the use of Biochemic remedies;
 - (e) "medical institution" means any institution within or without India which grants degrees, diplomas or licences in Homoeopathy;
 - (f) "prescribed" means prescribed by regulations;
 - (g) "recognised medical qualification" means any of the medical qualifications in Homoeopathy, included in the Second or the Third Schedule;
 - (h) "regulation" means a regulation made under section 33 ;
 - (i) "State Register of Homoeopathy" means a register or registers maintained under any law for the time being in force in any State regulating the

registration of practitioners of Homoeopathy;

(j) "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.

(2) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

CHAPTER 2

THE CENTRAL COUNCIL AND ITS COMMITTEES

3. Constitution of Central Council :-

(1) The Central Government shall, by notification in the Official Gazette, constitute for the purposes of this Act a Central Council consisting of the following members, namely:-

(a) such number of members not exceeding five as may be determined by the Central Government in accordance with the provisions of the First Schedule from each State in which a State Register of Homoeopathy is maintained, to be elected from amongst themselves by persons enrolled on that register as practitioners of Homoeopathy;

(b) one member from each University to be elected from amongst themselves by the members of the Faculty or Department (by whatever name called) of Homoeopathy of that University: Provided that until any such Faculty or Department of Homoeopathy is started in at least seven Universities, the Central Government may nominate such number of members not exceeding seven as may be determined by the Central Government from amongst the teaching staff of medical institutions within India, so however, that the total number of members so nominated and elected under this clause shall in no case exceed seven;

(c) such number of members, not exceeding forty per cent. of the total number of members elected under clauses (a) and (b), as may be nominated by the Central Government, from amongst persons having special knowledge or practical experience in respect of Homoeopathy or other related disciplines : Provided that until members are elected under clause (a) or clause (b) in accordance with the provisions of this Act and the rules made thereunder, the Central Government shall nominate such number of members, being persons qualified to be chosen as such under the said clause (a) or clause (b), as the case may be, as that Government thinks fit; and reference to elected members in this Act shall be construed as including reference to members so nominated.

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

Provided that for two years from the first constitution of the Central Council, the President and the Vice-President shall be nominated by the Central

Government from amongst the members of the Central Council and the President and the Vice-President so nominated shall, notwithstanding anything contained in sub-section (1) of section 7 , hold office during the pleasure of the Central Government

.

4. Mode of election :-

(1) An election under clause (a) or clause (b) of sub-section (1) of section 3 shall be conducted by the Central Government in accordance with such rules as may be made by it in this behalf.

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

5. Restriction on elections and membership :-

(1) No person shall be eligible for election to the Central Council, unless he possesses any of the medical qualifications included in the Second or the Third Schedule, is enrolled on any State Register of Homoeopathy and resides in the State concerned.

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

.

6. Incorporation of Central Council :-

The Central Council shall be a body corporate by the name of the Central Council of Homoeopathy 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 Central Council :-

(1) The President, Vice-President, or a member of the Central 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, or who has held, office as President or Vice-President of the Central Council shall be eligible for re-election to that office once, but only once.

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

(4) An elected or nominated member shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the Central Council, from three consecutive ordinary meetings of the Central Council or, 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 concerned State Register of Homoeopathy, or in

the case of a member elected under clause (b) of that sub-section, if he ceases to be a member of the Faculty or Department (by whatever name called) of Homoeopathy of the University concerned.

(5) A casual vacancy in the Central 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. Meetings of Central Council :-

(1) The Central Council shall meet at least once in each year at such time and place as may be appointed by the Central Council.

(2) Unless otherwise prescribed, one-third of the total number of members of the Central Council shall form a quorum, and all the acts of the Central Council shall be decided by a majority of the members present and voting.

9. The Executive Committee and other Committee :-

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

(2)

(i) The Executive Committee (hereafter in this section referred to as the Committee), shall consist of the President and Vice-President, who shall be members ex officio, and not less than five and not more than seven members who shall be elected by the Central Council from amongst its members.

(ii) The President and the Vice-President shall be the President and Vice-President respectively of the Committee

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

10. Meetings of committees :-

(1) The committees constituted under section 9 shall meet at least twice in each year at such time and place as may be appointed by the Central Council.

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

11. Officers and other employees of Central Council :-

The Central Council shall-

- (a) appoint a Registrar who shall also act as Secretary;
- (b) employ such other person as it deems necessary to carry out the purposes of this Act;
- (c) require and take from the Registrar or from any other employee, such security for the due performance of his duties as the Central Council deems necessary; and
- (d) with the previous sanction of the Central Government, fix the remuneration and allowances to be paid to the President, Vice-President and members of the Central Council and to the members of the committees thereof and determine the conditions of service of the employees of the Central Council

.

12. Vacancies in the Central Council and Committee thereof not to invalidate acts etc :-

No act or proceeding of the Central 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 Central Council or the committee, as the case may be.

CHAPTER 2A

Chapter 2A

12A. Permission for establishment of new medical institution, new course of study, etc. :-

3

(1) Notwithstanding anything contained in this Act or any other law for the time being in force,

(a) no person shall establish a Homoeopathic Medical College; or

(b) no Homoeopathic Medical College shall

(i) open a new or higher course of study or training (including postgraduate course of study or training) which would enable students of each course or training to qualify himself for the award of any recognized medical qualification; or

(ii) increase its admission capacity in any course of study or training (including the postgraduate course of study or training), except with the previous permission of the Central Government obtained in accordance with the provisions of this section.

Explanation 1. For the purposes of this section, "person" includes any University or a trust, but does not include the Central Government.

Explanation 2. For the purposes of this section, "admission capacity", in relation to any course of study or training (including postgraduate course of

study or training) in a medical institution, means the maximum number of students as may be decided by the Central Council from time to time for being admitted to such course or training.

(2)

(a) Every person or medical institution shall, for the purpose of obtaining permission under sub-section (1) submit to the Central Government a scheme in accordance with the provisions of clause (b) and the Central Government shall refer the scheme to the Central Council for its recommendations.

(b) The scheme referred to in clause (a) shall be in such form and contain such particulars and be preferred in such manner and be accompanied with such fee as may be prescribed.

(3) On receipt of a scheme from the Central Government under sub-section (2), the Central Council may obtain such other particulars as may be considered necessary by it from the person or the medical institution concerned, and thereafter, it may,

(a) if the scheme is defective and does not contain any necessary particulars, give a reasonable opportunity to the person or medical institution concerned for making a written representation and it shall be open to such person or medical institution to rectify the defects, if any, specified by the Central Council;

(b) consider the scheme, having regard to the factors referred to in subsection (7), and submit it to the Central Government together with its recommendations thereon within a period not exceeding six months from the date of receipt of the reference from the Central Government.

(4) The Central Government may, after considering the scheme and the recommendations of the Central Council under sub-section (3) and after obtaining, where necessary, such other particulars as may be considered necessary by it from the person or medical institution concerned, and having regard to the factors referred to in sub-section (7), either approve (with such conditions, if any, as it may consider necessary) or disapprove the scheme and any such approval shall constitute as a permission under sub-section (1) :

Provided that no scheme shall be disapproved by the Central Government except after giving the person or medical institution concerned a reasonable opportunity of being heard :

Provided further that nothing in this sub-section shall prevent any person or medical institution whose scheme has not been approved by the Central Government to submit a fresh scheme and the provisions of this section shall apply to such scheme, as if such scheme had been submitted for the first time under sub-section (2).

(5) Where, within a period of one year from the date of submission of the scheme to the Central Government under sub-section (2), no order is communicated by the Central Government to the person or medical institution

submitting the scheme, such scheme shall be deemed to have been approved by the Central Government in the form in which it was submitted, and, accordingly, the permission of the Central Government required under sub-section (1) shall also be deemed to have been granted.

(6) In computing the time-limit specified in sub-section (5), the time taken by the person or medical institution concerned in submitting the scheme, in furnishing any particulars called for by the Central Council, or by the Central Government, shall be excluded.

(7) The Central Council, while making its recommendations under clause (b) of sub-section (3) and the Central Government, while passing an order, either approving or disapproving the scheme under sub-section (4), shall have due regard to the following factors, namely:

(a) whether the proposed medical institution or the existing medical institution seeking to open a new or higher course of study or training, would be in a position to offer the minimum standards of medical education as prescribed by the Central Council under Section 20;

(b) whether the person seeking to establish a medical institution or the existing medical institution seeking to open a new or higher course of study or training or to increase its admission capacity has adequate financial resources;

(c) whether necessary facilities in respect of staff, equipment, accommodation, training, hospital and other facilities to ensure proper functioning of the medical institution or conducting the new course of study or training or accommodating the increased admission capacity have been provided or would be provided within the time-limit specified in the scheme;

(d) whether adequate hospital facilities, having regard to the number of students likely to attend such medical institution or course of study or training or as a result of the increased admission capacity, have been provided or would be provided within the time-limit specified in the scheme;

(e) whether any arrangement has been made or programme drawn to impart proper training to students likely to attend such medical institution or the course of study or training by the persons having the recognised medical qualifications;

(f) the requirement of manpower in the field of practice of homoeopathic medicine in the medical institution; and

(g) any other factors as may be prescribed.

(8) Where the Central Government passes an order either approving or disapproving a scheme under this section, a copy of the order shall be communicated to the person or medical institution concerned.

Chapter 2A shall be inserted by Homoeopathy Central Council (Amendment) Act, 2002 (51 of 2002), published in the Gazette of India, Extra., Part II. Section 1, dated 9th December, 2002, pp. 1-4, No. 62.

12B. Non-recognition of medical qualifications in certain cases. :-

(1) Where any medical institution is established without the previous permission of the Central Government in accordance with the provisions of Section 12-A, medical qualification granted to any student of such medical institution shall not be deemed to be a recognised medical qualification for the purposes of this Act.

(2) Where any medical institution opens a new or higher course of study or training (including a postgraduate course of study or training) without the previous permission of the Central Government in accordance with the provisions of Section 12-A, medical qualification granted to any student of such institution on the basis of such study or training shall not be deemed to be recognised medical qualification for the purposes of this Act.

(3) Where any medical institution increases its admission capacity in any course of study or training without the previous permission of the Central Government in accordance with the provisions of Section 12-A, medical qualification granted to any student of such medical institution on the basis of the increase in its admission capacity shall not be deemed to be recognised medical qualification for the purposes of this Act.

Chapter 2A shall be inserted by Homoeopathy Central Council (Amendment) Act, 2002 (51 of 2002), published in the Gazette of India, Extra., Part II, Section 1, dated 9th December, 2002, pp. 1-4, No. 62.

CHAPTER 3

RECOGNITION OF MEDICAL QUALIFICATIONS

13. Recognition of medical qualifications granted by certain medical institutions in India :-

(1) The medical qualifications granted by any University, Board or other medical institution in India which are included in the Second Schedule shall be recognised medical qualifications for the purposes of this Act.

(2) Any University, Board or other medical institution in India which grants a medical qualification not included in the Second Schedule may apply to the Central Government to have any such qualification recognized, and the Central Government, after consulting the Central Council, may, by notification in the Official Gazette, amend the Second Schedule so as to include such qualification therein and any such notification may also direct that an entry shall be made in the last column of the Second Schedule against such medical qualification only when granted after a specified date

.

14. Recognition of medical qualifications granted by medical institutions in States or countries outside India :-

(1) The medical qualifications granted by medical institutions outside India which are included in the Third Schedule shall be recognised medical qualifications for the purposes of this Act.

(2)

(a) The Central Council may enter into negotiations with the authority in any State or country outside India, which by the law of such State or country is entrusted with the maintenance of a Register of practitioners of Homoeopathy, for settling of a scheme of reciprocity for the recognition of medical qualifications in Homoeopathy, and in pursuance of any such scheme, the Central Government may, by notification in the Official Gazette, amend the Third Schedule so as to include therein any medical qualification which the Central Council has decided should be recognised, and any such notification may also direct that an entry shall be made in the 1st column of the Third Schedule against such medical qualification declaring that it shall be a recognised medical qualification only when granted after a specified date.

(b) Where the Council has refused to recommend any medical qualification which has been proposed for recognition by any authority referred to in clause (a) and that authority applies to the Central Government in this behalf, the Central Government, after considering such application and after obtaining from the Council a report, if any, as to the reasons for any such refusal, may by notification in the Official Gazette, declare that such qualification shall be recognised medical qualification and the provisions of clause (a) shall apply accordingly.

15. Rights of persons possessing qualifications included in Second or the Third Schedule to be enrolled :-

(1) Subject to the other provisions contained in this Act, any medical qualification included in the Second or the Third Schedule shall be sufficient qualification for enrolment on any State Register of Homoeopathy.

(2) No person, other than a practitioner of Homoeopathy who possesses a recognised medical qualification and is enrolled on a State Register or the Central Register of Homoeopathy,-

(a) shall hold office as Homoeopathic physician or any other office (by whatever designation called) in Government or in any institution maintained by a local or other authority;

(b) shall practise Homoeopathy in any State;

(c) shall be entitled to sign or authenticate a medical or fitness certificate or any other certificate required by any law to be signed or authenticated by a duly qualified medical practitioner;

(d) shall be entitled to give any evidence at any inquest or any Court of law as an expert under S.45 of the Indian Evidence Act, 1872 on any matter relating to Homoeopathy.

(3) Nothing contained in sub-section (2) shall affect-

(a) the right of a practitioner of Homoeopathy enrolled on a State Register of Homoeopathy to practise Homoeopathy in any State merely on the ground that, on the commencement of this Act, he does not possess a recognised

medical qualification;

(b) the privileges (including the right to practise Homoeopathy) conferred by or under any law relating to registration of practitioners of Homoeopathy for the time being in force in any State, on a practitioner of Homoeopathy enrolled on a State Register of Homoeopathy;

(c) the right of a person to practise Homoeopathy in a State in which on the commencement of this Act, a State Register of Homoeopathy is not maintained if, on such commencement, he has been practising Homoeopathy for not less than five years;

(d) the rights conferred by or under the Medical Council Act, 1956 [including the right to practise medicine as defined in clause (f) of section 2 of the said Act] or the Medicine Central Council Act, 1970 of persons possessing any qualifications included in the respective Schedules to the said Act.

(4) Any person who acts in contravention of any provision of sub-section (2) shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

16. Power to require information as to courses of study and examinations. :-

Every University, Board or medical institution in India which grants a recognised medical qualification shall furnish such information as the Central Council may, from time to time, require as to the courses of study and examinations to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and such qualification is conferred and generally as to the requisites for obtaining such qualification.

17. Inspectors at examinations :-

(1) The Central Council shall appoint such number of medical inspectors as it may deem requisite to inspect any medical college, hospital or other institution where education in Homoeopathy is given or to attend any examination held by any University, Board or medical institution for the 'purpose of recommending to the Central Government recognition of medical qualification granted by that University, Board or medical institution.

(2) The medical inspectors shall not interfere with the conduct of any training or examination, but shall report to the Central Council on the adequacy of the standards of education including staff, equipment, accommodation, training and other facilities prescribed for giving education in Homoeopathy, as the case may be, or on the sufficiency of every examination which they attend.

(3) The Central Council shall forward a copy of any such report to the University, Board or medical institution concerned, and shall also forward a copy with the remarks of the University, Board or medical institution thereon, to the Central Government

18. Visitors at examinations :-

(1) The Central Council may appoint such number of visitors as it may deem requisite to inspect any medical college, hospital or other institution where education in Homoeopathy is given or to attend any examination for the purpose of granting recognised medical qualification.

(2) Any person, whether he is a member of the Central Council or not, may be appointed as a visitor under this section but a person who is appointed as an inspector under section 17 for any inspection or examination shall not be appointed as a visitor for the same inspection or examination.

(3) The visitors shall not interfere with the conduct of any training or examination, but shall report to the President of the Central Council on the adequacy of the standards of education including staff, equipment, accommodation, training and other facilities prescribed for giving education in Homoeopathy or on the sufficiency of every examination which they attend.

(4) The report of a visitor shall be treated as confidential unless in any particular case the President of the Central Council otherwise directs : Provided that if the Central Government requires a copy of the report of a visitor, the Central Council shall furnish the same.

19. Withdrawal of recognition :-

(1) When upon report by the inspector or the visitor, it appears to the Central Council -

(a) that the courses of study and examination to be undergone in, or the proficiency required from candidates at any examination held by, any University, Board or medical institution, or

(b) that the staff, equipment, accommodation, training and other facilities for instruction and training provided in such University, Board or medical institution or in any college or other institution affiliated to the University, do not conform to the standard prescribed by the Central Council, the Central Council shall make a representation to that effect to the Central Government.

(2) After considering such representation, the Central Government may send it to the Government of the State in which the University, Board or medical institution is situated and the State Government shall forward it along with such remarks as it may choose to make to the University, Board or medical institution, with an intimation of the period within which the University, Board or medical institution may submit its explanation to the State Government.

(3) On the receipt of the explanation, or, where no explanation is submitted within the period fixed, then, on the expiry of that period, the State Government shall make its recommendations to the Central Government

.

(4) The Central Government, after making such further inquiry, if any, as it may think fit, may, by notification in the Official Gazette, direct that an entry

shall be made in the Second Schedule against the said medical qualification declaring that it shall be a recognised medical qualification only when granted before a specified date, or that the said medical qualification if granted to students of a specified college or institution affiliated to any University shall be recognised medical qualification only when granted before a specified date or, as the case may be, that the said medical qualification shall be recognised medical qualification in relation to a specified college or institution affiliated to any University only when granted after a specified date

.

20. Minimum standards of education in Homoeopathy. :-

(1) The Central Council may prescribe the minimum standards of education in Homoeopathy, required for granting recognised medical qualifications by Universities, Boards or medical institutions in India.

(2) Copies of the draft regulations and of all subsequent amendments thereof shall be furnished by the Central Council to all State Governments and the Central Council shall before submitting the regulations or any amendment thereof, as the case may be, to the Central Government for sanction, take into consideration the comments of any State Government received within three months from the furnishing of the copies as aforesaid.

CHAPTER 4

THE CENTRAL REGISTER OF HOMOEOPATHY

21. The Central Register of Homoeopathy :-

(1) The Central Council shall cause to be maintained in the prescribed manner, a register of practitioners of Homoeopathy to be known as the Central Register of Homoeopathy which shall contain -

(a) in Part I, the names of all persons who are for the time being enrolled on any State Register of Homoeopathy and possess any of the recognised medical qualifications;

(b) in Part II, the names of all persons, other than those included in Part I, who are for the time being enrolled on any State Register of Homoeopathy.

(2) It shall be the duty of the Registrar of the Central Council to keep and maintain the Central Register of Homoeopathy in accordance with the provisions of this Act and of any orders made by the Central Council, and from time to time to revise the register and publish it in the Gazette of India 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 Evidence Act, 1872, and may be proved by a copy published in the Gazette of India.

23. Registration in the Central Register of Homoeopathy :-

The Registrar of the Central Council may on receipt of the report of registration of a person in a State Register of Homoeopathy or an application made in the prescribed manner by any person, enter his name in the Central Register of

Homoeopathy, provided that the Registrar is satisfied that the person concerned is eligible under this Act for such registration.

24. Professional conduct :-

(1) The Central Council may prescribe standards of professional conduct and etiquette and a code of ethice for practitioners of Homoeopathy.

(2) Regulation made by the Central Council under sub-section (1) may specify which violations thereof shall constitute infamous conduct in any professional respect, that is to say, professional misconduct, and such provision shall have effect notwithstanding anything contained in any law for the time being in force

25. Removal of names from the Central Register of Homoeopathy :-

(1) If the name of any person enrolled on a State Register of Homoeopathy is removed therefrom in pursuance of any power conferred by or under any law relating to registration of practitioners of Homoeopathy for the time being in force in any State, the Central Council shall direct the removal of the name of such person from the Central Register of Homoeopathy.

(2) Where the name of any person has been removed from a State Register of Homoeopathy on any ground other than that he is not possessed of the requisite medical qualifications or where any application by the said person for restoration of his name to the State Register of Homoeopathy has been rejected, he may appeal, in the prescribed manner and subject to such conditions, including conditions as to the payment of a fee, as may be prescribed, to the Central Government whose decision, which shall be given after consulting the Central Council, shall be binding on the State Government and on the authorities concerned with the preparation of the State Register of Homoeopathy.

25A. Provisional registration for practice. :-

⁵ If the courses of study to be undergone for obtaining a recognised medical qualification in homoeopathy include a period of training after a person has passed the qualifying examination and before such qualification is conferred on him, any such person shall, on application made by him in this behalf, be granted provisional registration in a State Register of Homoeopathy by the Board concerned in order to enable him to practice homoeopathy in an approved institution for the purpose of such training and for no other purpose for the period aforesaid.

Section 25A shall be inserted by Homoeopathy Central Council (Amendment) Act, 2002 (51 of 2002), published in the Gazette of India, Extra., Part II. Section 1, dated 9th December, 2002, pp. 1-4, No. 62.

26. Privileges of persons who are enrolled on the Central Register of Homoeopathy :-

(1) Subject to the conditions and restrictions laid down in this Act regarding

practice of Homoeopathy by person possessing certain recognised medical qualifications, every person whose name is for the time being borne on Part I of the Central Register of Homoeopathy shall be entitled according to his qualifications to practise Homoeopathy, in any part of India and to recover in due course of law in respect of such practice any expenses, charges in respect of medicaments or other appliances or any fees to which he may be entitled.

(2) Subject to the provisions of sub-section (3) of section 15 , any person whose name is for the time being borne on Part II of the Central Register of Homoeopathy, may practise Homoeopathy in any State, other than the State where he is enrolled on the State Register of Homoeopathy, with the previous approval of the Government of the State where he intends to practise

27. Registration of additional qualifications :-

(1) If any person whose name is entered in the Central Register of Homoeopathy obtains any title, diploma or other qualification for proficiency in Homoeopathy, which is a recognised medical qualification, he shall, on application made in this behalf in the prescribed manner, be entitled to have an entry stating such other title, diploma or other qualification made against his name in the Central Register of Homoeopathy either in substitution for or in addition to any entry previously made.

(2) The entries in respect of any such person in a State Register of Homoeopathy shall be altered in accordance with the alterations made in the Central Register of Homoeopathy.

28. Persons enrolled on Central Register of Homoeopathy, to notify change of place of residence or practice :-

Every person registered in the Central Register of Homoeopathy shall notify any transfer of the place of his residence or practice to the Central Council and to the Board concerned, within ninety days of such transfer, failing which his right to participate in the election of members to the Central Council or a Board shall be liable to be forfeited by order of the Central Government either permanently or for such period as may be specified therein.

CHAPTER 5 MISCELLANEOUS

29. Information to be furnished by Central Council and publication thereof :-

(1) The Central Council shall furnish such reports, copies of its minutes, abstracts of its accounts, and other information to the Central Government as that Government may require.

(2) The Central Government may publish in such manner as it may think fit, any report, copy, abstract or other information furnished to it under this section or under section 18 .

30. Commission of inquiry :-

(1) Whenever it is made to appear to the Central Government that the Central Council is not complying with any of the provisions of this Act, the Central Government may refer the particulars of the complaint to a commission of inquiry consisting of three persons, two of whom shall be appointed by the Central Government, one being a Judge of a High Court, and one by the Central Council, and such commission shall proceed to inquire in a summary manner and to report to the Central Government as to the truth of the matters charged in the complaint, and in case of any charge of default or of improper action being found by the commission to have been established, the commission shall recommend the remedies, if any, which are in its opinion necessary.

(2) The Central Government may require the Central Council to adopt the remedies so recommended within such time as, having regard to the report of the commission, it may think fit, and if the Central Council, fails to comply with any such requirement, the Central Government may amend the regulations of the Central Council, or make such provision or order or take such other steps as may seem necessary to give effect to the recommendations of the commission.

(3) A commission of inquiry shall have power to administer oaths, to enforce the attendance of witnesses and the production of documents, and shall have all such other necessary powers for the purpose of any inquiry conducted by it as are exercised by a Civil Court under Code of Civil Procedure, 1908 .

31. Protection of action taken in good faith :-

No suit, prosecution or other legal proceeding shall lie against the Government, the Central Council or a Board or any committee thereof or any officer or servant of the Government or the Central Council or the Board or the committee aforesaid for anything which is in good faith done or intended to be done under this Act.

32. Power to make rules :-

(1) The Central Government may, by notification in the Official Gazette, make rules ⁶ to carry out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

[a] Section 33, renumbered as sub-section (1) thereof and in sub-section (1) as so renumbered, for the words "make regulations" the words "make, by notification in the Official Gazette, regulations" substituted by the Delegated

Legislation Provisions (Amendment) Act (20 of 1983), S. 2 and the Schedule Item 49 (15-3-1984).

33. Power to make regulations c :-

¹[(1)] The Central Council may, with the previous sanction of the Central government, ^{2/FNR>}[make, by notification in the Official Gazette, 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 manner of election of the President and the Vice-President of the Central Council;

(b) the management of the property of the Central Council and the maintenance and audit of its accounts;

(c) the resignation of members of the Central Council;

(d) the powers and duties of the President and Vice-President;

(e) the summoning and holding of meetings of the Central Council and the committee thereof, the time and places where such meetings are to be held, and the conduct of business thereat and the number of members necessary to constitute a quorum;

(f) the functions of the committees constituted under section 9 ;

(g) the tenure of office, and the powers and duties of the Registrar and other officers and servants of the Central Council;

9(ga) the form of the scheme, the particulars to be given in such scheme, the manner in which the scheme is to be preferred and the fee payable with the scheme under clause (b) of sub-section (2) of Section 12-A;

10(gb) any other factor under clause (g) of sub-section (7) of Section 12-A

(h) the qualifications, appointment, powers and duties of, and procedure to be followed by, inspectors and visitors;

(i) the courses and period of study of practical training to be undertaken, the subjects of examination and the standards of proficiency therein to be obtained, in any University, Board or medical institution for grant of recognised medical qualification

(j) the standards of staff, equipment, accommodation, training and other facilities for education in Homoeopathy;

(k) the conduct of professional examinations, qualifications of examiners and the conditions of admissions to such examinations;

(1) the standards of professional conduct and etiquette and code of ethics to be observed by practitioners of Homoeopathy;

(m) the particulars to be stated, and the proof of qualifications to be given in applications for registration under this Act;

(n) the manner in which and the conditions subject to which an appeal under section 25 may be preferred;

(o) the fees to be paid on application and appeals under this Act; and (p) any matter for which under this Act provision may be made by regulations.

¹¹ [(2) The Central Government shall cause every regulation made under this

Act to be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation 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 under that regulation.]

[a] Section 33, renumbered as sub-section (1) thereof and in sub-section (1) as so so renumbered, for the words "make regulations" the words "make, by notification in the Official Gazette, regulations" substituted by the Delegated Legislation Provisions (Amendment) Act (20 of 1983), S. 2 and the Schedule Item 49 (15-3-1984).

In Section 33, sub-section (1) clause (ga) and (gb) shall be inserted by Homoeopathy Central Council (Amendment) Act, 2002 (51 of 2002), published in the Gazette of India, Extra., Part II. Section 1, dated 9th December, 2002, pp. 1-4, No. 62.

[b] Inserted the Delegated Legislation Provisions (Amendment) Act (20 of 1983), S. 2 and the Schedule Item 49 (15-3-1984).

SCHEDULE 1

1

[See section 3 (l)(a)] 1. The Central Government shall, by notification in the Official Gazette, determine the number of seats allocated -in the Central Council of Homoeopathy in each State on the following basis, namely :- (a) Where the number of persons enrolled on a State Register of Homoeopathy system exceeds ... 1 seat. 100 but does not exceed 10,000 (b) Where the number of persons enrolled on a State Register of Homoeopathy system exceeds ... 2 seats. 10,000 but does not exceed Rs. 20,000 (c) Where the number of persons enrolled on a State Register of Homoeopathy system exceeds ... 3 seats. 20,000 but does not exceed 30,000 (d) Where the number of persons enrolled on a State Register of Homoeopathy system exceeds ... 4 seats. 30,000 but does not exceed 40,000 (c) Where the number of persons enrolled on a State Register of Homoeopathy system exceeds ... 5 seats. 40,000 2. For every subsequent election to the Central Council under clause (a) of sub-section (1) of section 3 , the Central Government shall, by notification in the Official Gazette, determine the number of seats allocated in the Central Council of Homoeopathy on the basis laid down in paragraph I above.

SCHEDULE 2

2

SCHEDULE 3

3

[See section 14] Qualifications Granted by Medical Institutions Outside India			
Name of University, Board or Recognised medical Institution	Abbreviation	for registration	Remarks
1	2	3	4
1. Faculty of Homoeopathy, Diploma of the Faculty of D.F.Horn. ... London.			Homoeopathy. 2.
Faculty of Homoeopathy, Member of the Faculty of M.F.Horn. ... London.			Homoeopathy. 3.
Faculty of Homoeopathy, Fellow of the Faculty of F.F.Hom. ...			