

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

J u l l . SECTION

NOTES/CORRESPONDENCE

File No. 14/80/73-Jull.

Volume

INDEXED

Indexed on

Initials

Subject

THE MADHYA PRADESH HOMOEOPATHIC AND BIOCHEMIC PRACTITIONERS
(AMENDMENT) ORDINANCE, 1973 - for approval. before 15-8-73

Record A/B keep

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To be noted in Sectional Note Book
Not to be noted

Initials of S. O/Suptd

Initials of Clerk

Previous References

Later References

14/80/73-Jull.

Serial No. 1 (Receipt) P.U.C.

The Government of Madhya Pradesh have forwarded the Madhya Pradesh Homoeopathic and Biochemic Practitioners (Amendment) Ordinance, 1973, for instructions of the President under article 213(1) of the Constitution before its promulgation. *Approval is required before 15.9.73*

2. We may invite the comments of the Department of Health on the Ordinance. Fair draft O.M. is put up for signature. A draft acknowledgment is also put up for signature.

SS
13-9-73

KRM
13.9.73

JS (J)

SN 2 Issue

S.No. 4 Receipt

The Government of Madhya Pradesh have forwarded the Madhya Pradesh Homoeopathic and Biochemic Practitioners (Amendment) Ordinance, 1973, for prior instructions of the President under article 213(1) of the Constitution before its promulgation by the State Governor. The draft Ordinance seeks to amend section 30 of the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951. This section authorises the State Government to entrust the powers of the Board of Homoeopathic and Biochemic system of medicines in any other persons for three years. The term of the present administrator expires on 16-9-1973 as the administrator was appointed on 17-9-1970. As the State Government will take some time before the new Homoeopathic Act is finalised, they feel it necessary that section 30 of the present Act of 1951 is amended by an Ordinance so as to authorise the State Government to entrust the power of the Board in any other person for a period of 5 years instead of 3 years. Hence the present draft Ordinance. The Department of Health who were consulted have no objection to the draft Ordinance being promulgated by the State Governor. The draft Ordinance may now be referred to the Ministry of Law for their advice as to whether there is any objection to the President's sanction being accorded to the promulgation of the draft Ordinance by the State Governor from the legal and constitutional point of view.

JS
14/9/73
SS (J)

JS
14.9.73

Min. of Law (Shri P.V. Swardan, J.S.).

-2-

11c-9.73

W H A

Min. of Law U.O. No. 3532/73 Adv.(B) 14-a-73

Ministry of Home Affairs.

The Government of Madhya Pradesh have forwarded the draft of the Madhya Pradesh Homoeopathic and Biochemic Practitioners (Amendment) Ordinance 1973, for prior instructions of the President before its promulgation by the State Governor.

2. The draft Ordinance seeks to amend section 30 of the Principal Act; viz the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951. This section provides that if at any time it appears to the State Government that the Board has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Act or has failed to perform any of the duties conferred upon it by or under this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Board, and if the Board fails to remedy such failure, excess or abuse within such time as the State Govt. may fix 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 person and for such period not exceeding three years as it may think fit and shall take steps to bring into existence a new Board. As the Board of Homoeopathic and Biochemic systems of medicines, Madhya Pradesh, was not functioning satisfactorily and there were several complaints against it, the State Government dissolved it and appointed an administrator on 17-9-1970 to look after the work of the Board. The term of the present Administrator expires on 16th September, 1973.

3. It has been stated that the State Government are taking steps to revise the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951. It has not, therefore, been possible for the State Government to constitute a new Board. As it is likely to take some time before the new Act is finalised, the State Government feel it necessary to amend section 30 of the Act of 1951 by an Ordinance so as to authorise the State Government to entrust the power of the Board in any other person for a period of 5 years instead of 3 years as at present. The draft Ordinance seeks to achieve this object. The present term of three years of the present Administrator expires on 16th September, 1973. Hence the approval for the promulgation of the draft Ordinance is required by 15th September, 1973.

4. The Department of Health who were consulted have no objection to the approval being given to the promulgation of the draft Ordinance by the State Governor. The Ministry of Law who were consulted do not see any objection to the approval being given to the draft Ordinance from the legal and constitutional point of view. Accordingly, if the Minister approves, approval for the promulgation of the draft Ordinance by the State Governor may be conveyed to the State Government. Usual drafts are put up for approval.

[Signature]
14. 9. 73

[Signature]
14/9/73

M. (J.M)

[Signature]

14/9

724-25/cor

8465 Issue

✓ p4/cor

⊕ p6-18/cor

✓ p22/cor

⊕ p2/anti

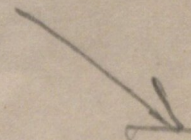
3295/ps(w)/22
14/5/73

[Signature]
14/9/73
22/5

J.S. (OL)

Approval
reqd. by
15-9-73

2960/78MMW
14/9



(3)

may be recorded - B. K. P.

The Government of Madhya Pradesh have forwarded the draft of the Madhya Pradesh Homoeopathic and Biochemical Practitioners (Amendment) Ordinance, 1973, for prior instructions of the President before its promulgation by the State Government.

19/1/74

19/1/74

19.1.74

2. The draft Ordinance seeks to amend section 30 of the Principal Act; viz the Madhya Pradesh Homoeopathic and Biochemical Practitioners Act, 1951. This section provides that if at any time it appears to the State Government that the Board has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Act or has failed to perform any of the duties conferred upon it by or under this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the practitioners thereof to the Board, and if the Board fails to remedy such failure, excess or abuse within such time as the State Government may fix in this behalf the State Government may dissolve the Board and cause all or any of the powers and duties of the Board to be exercised and performed by such person and for such period not exceeding three years as it may think fit and shall take steps to bring into existence a new Board. As the Board of Homoeopathic and Biochemical systems of medicine, Madhya Pradesh, was not functioning satisfactorily and there were several complaints against it, the State Government dissolved it and appointed an administrator on 17-9-1973 to look after the work of the Board. The term of the present administrator expires on 10th September, 1973.

3. It has been stated that the State Government are taking steps to revise the Madhya Pradesh Homoeopathic and Biochemical Practitioners Act, 1951. It has not, therefore, been possible for the State Government to constitute a new Board. As it is likely to take some time before the new Act is finished, the State Government feel it necessary to amend section 30 of the Act of 1951 by an Ordinance so as to authorise the State Government to exercise the power of the Board in any other form for a period of 5 years instead of 3 years as present. The draft Ordinance seeks to achieve this object. The present term of three years of the present administrator expires on 10th September, 1973. Hence the approval for the promulgation of the draft Ordinance is required by 10th September, 1973.

4. The Department of Health who were consulted have no objection to the approval being given to the promulgation of the draft Ordinance by the State Government. The Ministry of Law who were consulted do not see any objection to the approval being given to the draft Ordinance from the legal and constitutional point of view. Accordingly, if the Minister approves, approval for the promulgation of the draft Ordinance by the State Government may be conveyed to the State Government. Usual drafts are put up for approval.

NATIONAL

6
CORRESPONDENCE

(1) 5409/73-3401
13/9
No. 5224/5193/XVII/Med-IV/73
Government of Madhya Pradesh
Public Health and Family Planning Department
.....

Bhopal, dated 12 Sept., '73.

From

Pethia Permanand,
Deputy Secretary to Govt.

To

22
13/9/73
The Secretary to the Govt. of India,
Ministry of Home Affairs,
New Delhi.

Subject:- The Madhya Pradesh Homoeopathic and Biochemic
Practitioners (Amendment) Ordinance, 1973.
.....

Sir,

7/26-18/cor.
I am directed to say that the State Government have decided to promulgate an Ordinance to amend section 30 of the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act 1951. In this section, the State Government have been authorised to entrust the power of the Board of Homoeopathic and Biochemic systems of medicines in any other person for three years.

2- As the Board of Homoeopathic and Biochemic systems of medicines, Madhya Pradesh, was not functioning satisfactorily and there were several complaints against it, the State Government dissolved it and appointed an administrator on 17-9-1970 to look after the work of the Board. The term of the present Administrator expires on 16-9-1973.

3- The State Government are revising the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951. The new Board could not, therefore, be constituted. As it will take some time before the new Homoeopathic Act is finalised, it is necessary that section 30 of the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951

Contd...2.

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be amended by an Ordinance so as to authorize the State Government to entrust the power of the Board in any other person for a period of 5 years instead of 3 years. The period of three years expires on 16th September, 1973 and the State Legislature is not in session.

4- The subject matter of the ordinance falls under entry 26 in list III of the Seventh Schedule to the Constitution of India. Since the assent of the President was obtained in respect of the original Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951, prior assent of the President of India is necessary before the proposed Ordinance is promulgated.

5- I am, therefore, to request that, if there be no objection, the assent of the President may kindly be obtained and communicated to the State Government so as to reach here before 15-9-1973.

6- The certificate as required vide Government of India, Ministry of Home Affairs letter No. 17/23/72-Judl dated 3rd August 1972, along with copies of necessary documents is enclosed.

Encl:- Certificate
alongwith six
copies of
documents
mentioned therein.

Yours faithfully,

Pethia Permaand
(Pethia Permaand)
Deputy Secretary to Government.

PROFORMA

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Certificate in the case of Bill/Ordinance sent for approval and Bill sent for previous sanction of the President.

Sub:- The Madhya Pradesh Homoeopathic and Biochemic Practitioners (Amendment) Ordinance 1973.
.....

Certified that the following documents in connection with the above mentioned legislative proposal have been attached herewith :-

1. Six copies of the letter of State Government forwarding the proposed draft legislation.
2. Six copies of the proposed legislation.
3. The proposed legislation is an amending one. Six upto date copies of the Principal Act. A comparative statement showing the clause as it exists, and as it would read after the proposed amendment are also therefor attached.

Pethia
(Pethia Permanand)
Deputy Secretary to Government.

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MADHYA PRADESH ORDINANCE
NO. OF 1973

THE MADHYA PRADESH HOMOEOPATHIC AND BIOCHEMIC
PRACTITIONERS (AMENDMENT) ORDINANCE, 1973.

....

An Ordinance further to amend the Madhya Pradesh
Homoeopathic and Biochemic Practitioners Act, 1951.

Whereas the State Legislature is not in session and
the Governor of Madhya Pradesh is satisfied that circumstances
exist which render it necessary for him to take immediate
action;

And whereas the previous instructions of the
President have been obtained as required by the proviso to
clause (1) of Article 213 of the Constitution of India;

Now, therefore, in exercise of the powers conferred
by clause (1) of Article 213 of the Constitution of India,
the Governor of Madhya Pradesh is pleased to promulgate
the following Ordinance :-

1. This Ordinance may be called the Madhya Pradesh
Short title. Homoeopathic and Biochemic Practitioners
(Amendment) Ordinance, 1973.

2- During the period of operation of this Ordinance, the
Temporary amendment of Madhya Pradesh
Act No. 26 of 1951. Madhya Pradesh Homoeopathic and
Biochemic Practitioners Act, 1951
(No. 26 of 1951) hereinafter referred
to as the Principal Act) shall have effect subject to the
amendment specified in section 3.

3. To section 30 of the Principal Act, the following
proviso shall be added, namely :-

Amendment of
section 30.

" Provided that the State Government may,
by notification, for reasons to be stated
therein, extend the period of three years
so however that the total period does
not exceed five years."

BHOPAL :
Dated the _____ 1973.

GOVERNOR
MADHYA PRADESH

मध्यप्रदेश अध्यादेश

क्रमांक सन् 1973.

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मध्यप्रदेश समचिकित्सक तथा जीवरसायनिक चिकित्सक (संशोधन) अध्यादेश, 1973.

भारत गणराज्य के चौबोसवें वर्ष में राज्यपाल द्वारा प्रख्यापित किया गया.

मध्यप्रदेश होमियोपैथिक एण्ड बायोकेमिक प्रेक्टिशनर्स एक्ट,
1951 को और संशोधित करने के हेतु
अध्यादेश.

यतः राज्य के विधान मण्डल का सत्र चालू नहीं है और मध्यप्रदेश के राज्यपाल का समाधान हो गया है कि ऐसी परिस्थितियाँ विद्यमान हैं जिनके कारण यह आवश्यक हो गया है कि वे तत्काल कार्यवाही करें ;

और यतः भारत के संविधान के अनुच्छेद 213 के खण्ड (1) के परन्तुक द्वारा अपेक्षित किये गये अनुसार राष्ट्रपति के पूर्व अनुदेश प्राप्त हो चुके हैं ;

अतएव, भारत के संविधान के अनुच्छेद 213 के खण्ड (1) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, मध्यप्रदेश के राज्यपाल निम्नलिखित अध्यादेश प्रख्यापित करते हैं :-

1. इस अध्यादेश का संक्षिप्त नाम मध्यप्रदेश समचिकित्सक तथा जीवरसायनिक चिकित्सक (संशोधन) संक्षिप्त नाम अध्यादेश, 1973 है ।
2. इस अध्यादेश के प्रवर्तन में रहने की कालावधि के दौरान, मध्यप्रदेश अधिनियम क्रमांक 26 सन् 1951 का अस्थायी संशोधन. मध्यप्रदेश होमियोपैथिक एण्ड बायोकेमिक प्रेक्टिशनर्स एक्ट, 1951 (क्रमांक 26 सन् 1951) (जो इससे/पश्चात् मूल अधिनियम के नाम से निर्दिष्ट है) धारा 3 में विनिर्दिष्ट किये गये संशोधन के अधीन रहते हुए प्रभावी होगा ।
3. मूल अधिनियम की धारा 30 में, निम्नलिखित परन्तुक जोड़ा जाय, अर्थात् :-
धारा 30 का संशोधन.

“ परन्तु राज्य सरकार, अधिसूचना द्वारा, उसमें वर्णित किये जाने वाले कारणों से, तीन वर्ष की कालावधि को इस प्रकार बढ़ा सकेगी कि जिससे कुल कालावधि पांच वर्ष से अधिक न हो जाय. ”

भोपाल :

तारीख , सन् 1973.

राज्यपाल
मध्यप्रदेश

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corrected aptitude

MADHYA PRADESH ACT
No. XXVI OF 1951
**THE MADHYA PRADESH HOMOEOPATHIC AND
BIOCHEMIC PRACTITIONERS ACT, 1951**

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10. Disqualifications.
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[Price—Annas Four]

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32. Prohibition for conferring, granting, or issuing colourable imitations of degree, diploma or licence.
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MADHYA PRADESH ACT

No. XXVI OF 1951

THE MADHYA PRADESH HOMOEOPATHIC AND
BIOCHEMIC PRACTITIONERS ACT, 1951

[Received the assent of the President on the 24th September 1951; assent first published in the *Madhya Pradesh Gazette* on the 5th October 1951.]

An Act to regulate the qualifications and to provide for the registration of practitioners of the Homoeopathic and Biochemic systems of medicine with a view to encourage the study and spread of these systems.

Preamble,

Whereas it is expedient to regulate the qualifications and to provide for the registration of practitioners of the Homoeopathic and Biochemic systems of medicine with a view to encourage the study and spread of these systems;

It is hereby enacted as follows:—

PART I.—PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be cited as the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951.

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

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

Definitions.

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

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

(2) "Board" means the Board of Homoeopathic and Biochemic systems of medicine, Madhya Pradesh, established under section 3;

PART I. - PRELIMINARY.

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1. (1) This Act may be cited as the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951.

(2) It extends to the whole of Madhya Pradesh

(3) It shall be in force in Mahakoshal region and shall come into force in all other regions of the state on such date as the State Government may, by notification, in the official Gazette appoint.

(4) On the date appointed under sub-section (3), the Madhya Pradesh Statutory Bodies (Regional Constitution) Act, 1956 (XXII of 1956) shall, so far as it relates to this Act, stand repealed.

(5) As from the date appointed under sub-section (3), the following provisions shall have effect, namely :-

- (a) the Mahakoshal Board of Homoeopathic and Biochemic systems of Medicine shall stand dissolved.
- (b) all assets and liabilities of the Mahakoshal Board of Homoeopathic and Biochemic Systems of Medicine shall belong to and be deemed to be the assets and liabilities of the Board established under section 3;
- (c) all employees belonging to and under the control of the Mahakoshal Board of Homoeopathic and Biochemic Systems of Medicine shall be deemed to be the employees of the Board established under section 3 :

Provided that the terms and conditions of service of such employees shall not, until altered by a competent authority, be less favourable than those admissible to them before such date ;

- (d) all regulations and bye-laws of the Mahakoshal Board of Homoeopathic and Biochemic Systems of Medicine, and in force immediately before such date shall, unless modified in accordance with the provisions of this Act, be deemed to be the regulations and bye-law of the Board established under section 3 and the said regulations and bye-laws shall be construed with such

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PART I. - PRELIMINARY.

Short title
extent and com-

1. (1) This Act may be cited as the Madhya Pradesh Homoeopathic
Short Title: 1. This Act may be called the Madhya Pradesh
Homoeopathic and Biochemic Practitioners (Amendment)
Act, 1964.

come into force in all other parts of the State as
as the State Government may, by notification, in the official
Gazette appoint.

(4) On the date appointed under sub-section (3), the
Madhya Pradesh Statutory Bodies (Regional Constitution)
Act, 1956 (XXII of 1956) shall, so far as it relates to this
Act, stand repealed.

(5) As from the date appointed under sub-section (3), the
following provisions shall have effect, namely :-

- (a) the Mahakoshal Board of Homoeopathic and Biochemic
systems of Medicine shall stand dissolved.
- (b) all assets and liabilities of the Mahakoshal Board of
Homoeopathic and Biochemic Systems of Medicine shall
belong to and be deemed to be the assets and liabilities
of the Board established under section 3;
- (c) all employees belonging to and under the control of the
Mahakoshal Board of Homoeopathic and Biochemic Systems
of Medicine shall be deemed to be the employees of the
Board established under section 3 :

Provided that the terms and conditions of service of such
employees shall not, until altered by a competent
authority, be less favourable than those admissible to
them before such date ;

- (d) all regulations and bye-laws of the Mahakoshal Board
of Homoeopathic and Biochemic Systems of Medicine, and
in force immediately before such date shall, unless
modified in accordance with the provisions of this Act,
be deemed to be the regulations and bye-law of the
Board established under section 3 and the said
regulations and bye-laws shall be construed with such

Amended
to

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alterations be affecting the substance as may be necessary or proper in the context of the Board established under section 3;

- (e) all things done and action taken by the Mahakoshal Board of Homoeopathic and Biochemic Systems of Medicine in relation to the jurisdiction or business of that Board shall, so far as may be, deemed to be things done or action taken by the Board established under section 3 all such things done and action shall be construed with such alterations as if they were done or taken under a repealed Act.
- (f) all Homoeopathic and Biochemic practitioners registered under the Medical Practitioners Act, 1935 (Bhopal Act No. VII of 1935) prior to such date shall be deemed to be registered under this Act."

Amendment
to

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alterations be affecting the substance as may be necessary or proper in the context of the Board established under section 3;

(e) all things done and action taken by the Mahakoshal Board of Homoeopathic and Biochemic Systems of Medicine in relation to the jurisdiction or business of that Board shall, so far as may be, deemed to be things done or action taken by the Board established under section 3 all such things done and action shall be construed with such alterations as if they were done or taken under a repealed Act.

Amendment of
Section 1.

(f) all Homoeopathic and Biochemic practitioners registered

2. On sub-section (5) of section 1 of the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951 (No. XXVI of 1951) (hereinafter referred to as the Principal Act), after clause (e) the following clause shall be added, namely:-

"All Homoeopathic and Biochemic Practitioners registered under the Medical Practitioners Act, 1935 (Bhopal Act No. VII of 1935) prior to such date shall be deemed to be registered under this Act."

15-A

- (3) "Homoeopathy" means the system of medicine founded by Dr. Hahnemann and the expression "homoeopathic" shall be construed accordingly;
- (4) "Inspector" means an inspector appointed by the Board under section 21;
- (5) "member" means a member of the Board;
- (6) "practitioner" means a practitioner of the Homoeopathic or Biochemic system of medicine;
- (7) "prescribed" means prescribed by rules made under this Act;
- (8) "President" means the President of the Board.
- (9) "qualifying examination" means an examination in Homoeopathic or Biochemic medicine (which expression shall not include surgery or midwifery) instituted by the Board and held for the purpose of granting a diploma conferring a right of registration under this Act, or any other examination recognized by the Board as equivalent to an examination instituted and held by it;
- (10) "register" means a register of practitioners maintained under section 15;
- (11) "registered practitioner" means a practitioner whose name is for the time being entered in the register under section 16;
- (12) "Registrar" means the Registrar appointed under section 14;
- (13) "regulations" means regulations made under section 29.

PART II.—ESTABLISHMENT OF BOARD AND ITS FUNCTIONS, ETC.

3. (1) The State Government may, by notification, establish a Board to be called the Board of Homoeopathic and Biochemic Systems of Medicine, Madhya Pradesh. Such Board shall be a body corporate, and have perpetual succession, and a common seal, and may by the said name sue and be sued.

Establishment, constitution and incorporation of the Board.

(2) The Board shall consist of—

- (a) four registered practitioners nominated by the State Government; and
- (b) nine registered practitioners elected by the registered practitioners from amongst themselves:

Provided that when the Board is established for the first time, the practitioners to be nominated under clause (a) and elected under clause (b) shall be appointed by the State Government from practitioners who, in its opinion, may be eligible for registration under section 16.

(3) The President of the Board shall be elected by the members of the Board from amongst themselves or from other registered practitioners:

- (3) "Homoeopathy" means the system of medicine founded by Dr. Hahnemann and the expression "homoeopathic" shall be construed accordingly;
- (4) "Inspector" means an inspector appointed by the Board under section 21;
- (5) "member" means a member of the Board;
- (6) "practitioner" means a practitioner of the Homoeopathic or Biochemic system of medicine;
- (7) "prescribed" means prescribed by rules made under this Act;
- (8) "President" means the President of the Board.
- (9) "qualifying examination" means an examination in Homoeopathic or Biochemic medicine (which expression shall not include surgery or midwifery) instituted by the Board and held for the purpose of granting a diploma conferring a right of registration under this Act, or any other examination recognized by the Board as equivalent to an examination instituted and held by it;
- (10) "register" means a register of practitioners maintained under section 15;
- (11) "registered practitioner" means a practitioner whose name is for the time being entered in the register under section 16;
- (12) "Registrar" means the Registrar appointed under section 14;
- (13) "regulations" means regulations made under section 29.

PART II.—ESTABLISHMENT OF BOARD AND ITS FUNCTIONS, ETC.

3. (1) The State Government may, by notification, establish a Board to be called the Board of Homoeopathic and Biochemic Medicine Madhya Pradesh. Such Board shall be constituted and incorporated of the Board.

Amendment of section 3. In section 3 of the Principal Act; 16-A

3. (1) For sub-section (2) the following sub-section shall be substituted, namely:

(2) The Board shall consist of—

(a) nine members to be elected by the registered Practitioners residing in the state of Madhya Pradesh from amongst themselves; and

(b) four members to be nominated by the State Government, " and

(11) In sub-section (3) for the words "registered Practitioners" the words "registered practitioners residing in the State of Madhya Pradesh" shall be substituted.

Provided that in the case of the Board first established, the President shall be appointed by the State Government from amongst the members nominated or appointed by the State Government.

(4) If any person, not being a member, is elected President, he shall during his term as President be deemed to be a member for all purposes of the Act.

Nomination of members in default of election.

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

Election of members.

5. The election of practitioners under section 3 shall be held at such time and place and in such manner as may be prescribed.

Term of office.

6. (1) Save as otherwise provided by this Act the term of the office of elected and nominated members shall be for a period of five years, commencing from the date on which the first meeting of the Board is held, after the members are nominated and elected under section 3:

Provided that the term of office of members of the Board, constituted immediately after this Act comes into force, shall be for a period of three years from the date on which the first meeting of the Board is held.

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

(3) An outgoing member shall be eligible for renomination or re-election.

Vacancies.

7. In the event of the death, disqualification, removal or resignation of a member or the President, the vacancy shall be filled in the prescribed manner and the practitioner elected or nominated, as the case may be, shall hold office for the remainder of the current term of the Board:

Provided that if the vacancy occurs within a period of three years of the first establishment of the Board the State Government shall nominate a practitioner for the remainder of that period.

Resignation of a member.

8. (1) Any member may at any time resign his office by a letter addressed to the President. Such resignation shall take effect from the date on which it is accepted by the Board.

(2) The President may at any time resign his office by a letter addressed to the Registrar. The resignation shall take effect from the date on which it is accepted by the Board.

Disabilities for continuing as member.

9. If any member—

(a) absents himself from three consecutive meetings of the Board without such reasons as may, in the opinion of the Board, be sufficient; or

MADHYA PRADESH ACT

No. XIV of 1955

THE MADHYA PRADESH HOMOEOPATHIC AND
BIOCHEMIC PRACTITIONERS (AMENDMENT) ACT, 1955[Received the assent of the President on the 4th August 1955; assent first published in the *Madhya Pradesh Gazette* Extraordinary on the 7th August 1955.]An Act further to amend the Madhya Pradesh Homoeopathic and
Biochemic Practitioners Act, 1951.

WHEREAS it is expedient further to amend the Madhya Pradesh Preamble, XXVI of Pradesh Homoeopathic and Biochemic Practitioners Act, 1951, for 1951. the purposes hereinafter appearing;

It is hereby enacted in the Sixth Year of the Republic of India as follows:—

1. This Act may be cited as the Madhya Pradesh Homoeopathic and Biochemic Practitioners (Amendment) Act, 1955. Short title.
2. In sub-section (2) of section 16 of the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951 (hereinafter referred to as the said Act),— Amendment of section 16, Act XXVI of 1951.
 - (1) in clause (a), for the words "within two years from the date on which this Act comes into force", the words and figures "before the first day of January 1956" shall be substituted; and
 - (2) in clause (b), for the words and figures "the first day of January 1954" occurring for the second time, the words and figures "the first day of January 1956" shall be substituted.
3. In sub-section (2) of section 18 of the said Act, for the words "within two years from the date on which this Act comes into force", the words and figures "before the first day of January 1956" shall be substituted. Amendment of section 18, Act XXVI of 1951.
4. The amendments made by this Act shall be deemed to have come into force on the 14th December 1951. Amendments made by this Act to have retrospective effect.

[Price—One Anna]

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(b) becomes subject to any of the disqualifications mentioned in section 10,
the Board may declare his office to be vacant.

10. No person—

- (a) who is an undischarged insolvent,
- (b) who has been adjudged to be of unsound mind by a competent Court, or
- (c) whose name has been removed from the register,

shall be eligible as a candidate for the membership of the Board or shall continue as a member.

Disqualifications.

11. No disqualification of or defect in the election or nomination of any person acting as a member or as the President or presiding authority of a meeting shall of itself invalidate any act or proceeding of the Board in which such person has taken part.

Validity of proceedings.

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

Time and place of meeting of the Board.

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

Provided also that the meeting of the Board first established for electing the President shall be summoned by the State Government on such date, at such place and in such manner as it deems expedient.

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

Procedure at meetings of the Board.

(2) All questions at a meeting of the Board shall be decided by the votes of the majority of the members present and voting at the meeting.

(3) Seven members shall form a quorum. No quorum shall be necessary for a meeting adjourned for want of a quorum.

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

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

Registrar and other employees of the Board.

(2) The Board may, from time to time, grant him leave and may appoint a person to act in his place during his leave. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for the purposes of this Act.

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

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

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

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(6) The Registrar shall be the Secretary of the Board and shall act as the executive officer of the Board.

Register of
Homoeopathic
and Biochemic
Practitioners.

15. (1) There shall be a register to be known as the Register of Homoeopathic and Biochemic Practitioners.

(2) It shall be in such form as may be prescribed and shall contain the name, address and qualifications of every registered practitioner together with the date on which such qualifications were acquired.

(3) It shall be the duty of the Registrar to maintain the register of registered practitioners and from time to time to revise the same.

(4) The names of registered practitioners who die or whose names are directed to be removed from the register under sub-section (4) of section 16 shall be removed therefrom.

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

Registration.

16. (1) Every person, who passes a qualifying examination shall be entitled to have his name entered in the register.

(2) Notwithstanding anything contained in sub-section (1), every person who has applied for the incorporation of his name in the list required to be prepared under and in accordance with section 18 and who proves to the satisfaction of the Registrar that he—

(a) has been in regular practice as a practitioner of homoeopathic or biochemic system of medicine for a period of not less than ten years ending on the first day of January 1951, and has applied for the registration of his name in the register within one year from the date on which this Act comes into force, or

(b) has been in regular practice as a practitioner of homoeopathic or biochemic system of medicine and has completed as such practitioner a period of ten years ending on any date after the first day of January 1951, but before the first day of January 1954, and who has applied for registration of his name in the register before such latter date,

shall be entitled to have his name entered in the register.

(3) Every person who is entitled to be registered under sub-section (1) or (2) and who applies for the registration of his name shall be liable to pay rupees ten as registration fee.

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

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

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(6) The Registrar shall be the Secretary of the Board and shall act as the executive officer of the Board.

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(3) It shall be the duty of the Registrar to maintain the register of registered practitioners and from time to time to revise the same.

(4) The names of registered practitioners who die or whose names are directed to be removed from the register under sub-section (4) of section 16 shall be removed therefrom.

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

Registration.

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(2) Notwithstanding anything contained in sub-section (1), every person who has applied for the incorporation of his name in the list required to be prepared under and in accordance with section 18 and who proves to the satisfaction of the Registrar that he—

(a) has been in regular practice as a practitioner of homoeopathic or biochemic system of medicine for a period of not less than ten years ending on the first day of January 1951, and has applied for the registration of his name in the register within one year from the date on which this Act comes into force, or

(b) has been in regular practice as a practitioner of homoeopathic or biochemic system of medicine and has completed as such practitioner a period of ten years ending on any date after the 1st day of January 1951.

Amendment of
section 16.

4. In section 16 of the principal Act;—

(a) in item (b) in sub-section (2) for the word and figures "January, 1962" the words and figures "January, 1966" shall be substituted; and

(b) in sub-section (3) for the word "ten" the word "twenty five" shall be substituted.

(4) The Board may direct that the name of any practitioner, who has been convicted of a cognizable offence which discloses such defect of moral character as is in the opinion of the Board sufficient to make him unfit to practise his profession or who after due enquiry has been found guilty of conduct which is in the opinion of the Board infamous in any professional respect shall be removed from the register. The Board may on sufficient cause being shown also direct that the name of the practitioner so removed shall be re-entered in the register.

Amendment of
Section 16-A

After section 16 of the principal Act, the following section shall be inserted, namely:-

Renewal fee.

"16-A(1) notwithstanding anything contained in section 16, the Board may direct that a renewal fee of such amount as may be approved by the State Government shall be paid by each practitioner for the continuation of his name in the register.

Amendment of
section 18.

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

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

(4) The Board may direct that the name of any practitioner, who has been convicted of a cognizable offence which discloses such defect of moral character as is in the opinion of the Board sufficient to make him unfit to practise his profession or who after due enquiry has been found guilty of conduct which is in the opinion of the Board infamous in any professional respect shall be removed from the register. The Board may on sufficient cause being shown also direct that the name of the practitioner so removed shall be re-entered in the register.

17. (1) Any person aggrieved by any decision of the Registrar refusing to register any person or any entry made in the register in respect of such person, may appeal to the Board. Appeal to the Board from the decision of the Registrar.

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

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

18. (1) The Registrar, shall prepare a list of persons practising in the State the Homoeopathic or Biochemic system of medicine on the first day of January 1951. Maintenance of list of persons in practice on the first day of January 1951.

(2) Any person desirous of getting his name incorporated in the list referred to in sub-section (1) shall submit an application in the prescribed form together with the prescribed fee to the Registrar within one year from the date on which this Act comes into force.

(3) The Registrar, after making such enquiry as he deems fit make, may either incorporate the name of the applicant in the list or reject the application.

(4) The provisions of section 17 shall apply to any order passed by the Registrar under sub-section (3) as it applies to the refusal of registration.

19. Notwithstanding anything contained in any law for the time being in force,— Qualified practitioner's certificate.

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

(4) The Board may direct that the name of any practitioner, who has been convicted of a cognizable offence which discloses such defect of moral character as is in the opinion of the Board sufficient to make him unfit to practise his profession or who after due enquiry has been found guilty of conduct which is in the opinion of the Board infamous in any professional respect shall be removed from the register. The Board may on sufficient cause being shown also direct that the name of the practitioner so removed shall be re-entered in the register.

17. (1) Any person aggrieved by any decision of the Registrar refusing to register any person or any entry made in the register in respect of such person, may appeal to the Board.

Appeal to the Board from the decision of the Registrar.

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

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

18. (1) The Registrar, shall prepare a list of persons practising in the State the Homoeopathic or Biochemic system of medicine on the first day of January 1951.

Maintenance of list of persons in practice on the first day of January 1951.

(2) Any person desirous of getting his name incorporated in

Amendment of section 18.

In sub-section (2) of section 18 of the Principal Act, for the words "four years" the words "six years" be substituted.

22-A

ed by the Registrar under sub-section (3) as it applies to the refusal of registration.

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

Qualified practitioner's certificate.

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

- (2) a certificate required by any Act 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 practitioner;
- (3) a registered practitioner shall be eligible to hold any appointment as a physician or a surgeon in any dispensary, hospital, infirmary or lying-in-hospital supported by or receiving a grant from the State Government or any local authority and treating patients according to the Homoeopathic or Biochemic system of medicine or in any public establishment, body or institution dealing with Homoeopathic or Biochemic system of medicine.

Qualifying examinations.

20. (1) The Board shall, by regulations, lay down the qualifications required for admission to a course of training in the Homoeopathic and Biochemic systems of medicine, the course of such training, and the qualifying examinations and may establish the necessary institutions to give such training and may hold such examination and confer diplomas and such regulations shall provide that instruction and examination shall, as far as possible, be in any of the State languages.

(2) The Board may prescribe additional courses of study in branches of medical science including surgery and midwifery.

(3) It shall be the duty of the Board to secure the maintenance of an adequate standard of proficiency for the practice of the Homoeopathic and Biochemic systems of medicine and for the purpose of securing such standard the Board shall have authority to call on the governing body or the authorities of any institution giving instruction in such system and authorised to hold a qualifying examination—

- (a) to furnish such particulars as the Board may require of any course of study prescribed by regulations or of any examination held by such body or authorities or in such institution with reference to the grant of any qualifications, and
- (b) to permit inspectors appointed by the Board to inspect the institution.

Appointment of Inspectors.

21. (1) The Board may appoint such number of inspectors as it may deem fit on such salary as the Board may, with the previous sanction of the State Government, determine.

(2) Such inspectors shall, in accordance with any general or special directions of the Board given from time to time, inspect the institutions established by or affiliated to the Board, and they shall report to the Board in regard to the courses of study pursued and training imparted at every institution which they inspect and on any other matters with regard to which the Board may require them to report.

- (2) a certificate required by any Act 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 practitioner;
- (3) a registered practitioner shall be eligible to hold any appointment as a physician or a surgeon in any dispensary, hospital, infirmary or lying-in-hospital supported by or receiving a grant from the State Government or any local authority and treating patients according to the Homoeopathic or Biochemic system of medicine or in any public establishment, body or institution dealing with Homoeopathic or Biochemic system of medicine.

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20. (1) The Board shall, by regulations, lay down the qualifications required for admission to a course of training in the Homoeopathic and Biochemic systems of medicine, the course of such training, and the qualifying examinations and may establish the necessary institutions to give such training and may hold such examination and confer diplomas and such regulations shall provide that instruction and examination shall, as far as possible, be in any of the State languages.

(2) The Board may prescribe additional courses of study in branches of medical science including surgery and midwifery.

(3) It shall be the duty of the Board to secure the maintenance of an adequate standard of proficiency for the practice of the Homoeopathic and Biochemic systems of medicine and for the purpose of securing such standard the Board shall have authority to call on the governing body or the authorities of any institution giving instruction in such system and authorised to hold a qualifying examination—

- (a) to furnish such particulars as the Board may require of any course of study prescribed by regulations or of any examination held by such body or authorities or in such institution with reference to the grant of any qualifications, and
- (b) to permit inspectors appointed by the Board to inspect the institution.

Appointment of Inspectors.

21. (1) The Board may appoint such number of inspectors as it may deem fit on such salary as the Board may, with the

Amendment of section 21.

In sub-section (1) of section 21 of the Principal Act, for the words "salary" the words "terms and conditions" shall be substituted.

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Amendment of
section 26.

In sub-section (1) of section 26 of the
Principal Act, for the words "on or before a date
to be fixed by the Board" the words "on or before
such date as may be prescribed" shall be substituted.

24-25

Amendment of
section 27.

In section 27 of the Principal Act, for the
words "with fine which may extend to two hundred and
sixty rupees for the first offence under this section
and to five hundred rupees for every subsequent offence"
the words "with fine which may extend to one thousand
rupees" shall be substituted.

22. (1) The Board may grant recognition to any institution imparting instructions to students for preparing them for the qualifying examination if it is satisfied that the instruction imparted in such institution comes up to the standard requisite for such recognition and may at any time withdraw such recognition if in the opinion of the Board the institution is unable to impart instruction of the requisite standard. Granting recognition and withdrawing it.

(2) An appeal shall lie to the State Government from the decision of the Board withdrawing the recognition within thirty days from such decision.

23. Notwithstanding anything in any other law for the time being in force, every registered practitioner shall be exempt from serving on any inquest or as a juror or assessor under the Code of Criminal Procedure, 1898. Exemption from serving on inquests, etc.

V of
1898.

24. There shall be paid to the members of the Board such fees and allowances for attendance and such reasonable travelling allowances as may be prescribed. Fees payable to members of the Board.

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

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

Income and expenses of the Board.

(2) The expenses of the Board shall include the salaries of the Registrar and his staff appointed by the Board, the salaries of the inspectors, the allowances and fees paid to the members of the Board under section 24 and such other expenses that are necessary for carrying out the purposes of this Act.

26. (1) The Registrar shall in every year, on or before a date to be fixed by the Board, cause to be printed and published a correct list of the names and qualifications of all practitioners for the time being entered in the register and the dates when such qualifications were acquired. Annual list of practitioners.

(2) In any proceeding whether before a Court or otherwise it shall be presumed that every person entered in such list is a registered practitioner and that any person not so entered is not a registered practitioner.

27. Whosoever wilfully or falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, licence or certificate conferred, granted or issued by the Board or that he is a registered practitioner or that he is entered in the list maintained under section 18 shall on conviction be punishable with fine which may extend to two hundred and fifty rupees for the first offence under this section and to fine which may extend to five hundred rupees for every subsequent offence. False assumption of degrees or diploma to be an offence.

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

(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:—

- (a) the time at which and the place and manner in which election shall be held under section 5;
- (b) the manner in which vacancies shall be filled under section 7;
- (c) the manner in which the meetings of the Board shall be convened and held;
- (d) the salary, allowances and other conditions of service of the Registrar under section 14;
- (e) the form of the register and the particulars to be entered therein under section 15;
- (f) fees chargeable for the alteration of entries in the register under section 15;
- (g) the manner in which appeals against the decision of the Registrar shall be filed before and heard by the Board under section 17 or any other section and the manner in which appeals to the State Government shall be filed and heard;
- (h) the form of application and the fee to be paid under section 18;
- (i) fees and other allowances payable to members of the Board under section 24;
- (j) the furtherance of any of the objects of the Board.

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

- (a) the time and place at which the Board shall hold its meetings under section 12;
- (b) the salary, allowances and other conditions of service of officers and servants of the Board other than the Registrar under section 14;
- (c) the procedure to be followed by the Registrar in making an enquiry under the provisions of sections 16 and 18;
- (d) the course of study for training and qualifying examinations;
- (e) the language in which the examinations shall be conducted and instructions shall be given;
- (f) the admission of students to the bodies or institutions recognised under section 22;
- (g) the conditions under which students shall be admitted to the courses for the degree, diploma, licence or certificate, and to the qualifying and prior examinations;

(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:—

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

Amendment of
section 28.

In sub-section (2) of section 28 of the Principal Act, (a) after clause (e) the following clause shall be inserted, namely:—

(e) the manner in which and the conditions subject to which a name removed from the register under section (2) of section 16-A may be re-entered therein" and

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

(ii) the date on or before which the list referred to in section 26 shall be published every year."

Regulations.

State Government make regulations not inconsistent with this Act or the rules made thereunder for any of the following matters, namely:—

- (a) the time and place at which the Board shall hold its meetings under section 12;
- (b) the salary, allowances and other conditions of service of officers and servants of the Board other than the Registrar under section 14;
- (c) the procedure to be followed by the Registrar in making an enquiry under the provisions of sections 16 and 18;
- (d) the course of study for training and qualifying examinations;
- (e) the language in which the examinations shall be conducted and instructions shall be given;
- (f) the admission of students to the bodies or institutions recognised under section 22;
- (g) the conditions under which students shall be admitted to the courses for the degree, diploma, licence or certificate, and to the qualifying and prior examinations;

(h) the conditions of appointment of examiners and the conduct of examinations;

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

(2) The State Government, on receiving regulations for sanction, may sanction or refuse to sanction the same, or sanction them subject to such modifications as it may think fit, or return them to the Board for further consideration.

(3) All regulations shall be published in the Gazette.

(4) The State Government may by notification cancel any regulation.

30. If at any time it appears to the State Government that the Board has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Act or has failed to perform any of the duties conferred upon it by or under this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Board, and if the Board fails to remedy such failure, excess or abuse within such time as the State Government may fix in this behalf the State Government may dissolve the Board and cause all or any of the powers and duties of the Board to be exercised and performed by such person and for such period not exceeding two years as it may think fit and shall take steps to bring into existence a new Board.

PART III.—MEDICAL PRACTITIONERS GENERALLY

21. Notwithstanding anything in any law for the time being in force no person practising the Homoeopathic or Biochemic system of medicine other than a practitioner registered under section 16—

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

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

(c) shall be qualified to give evidence at any inquest or in any Court of law as an expert under section 45 of the Indian Evidence Act, 1872.

(h) the conditions of appointment of examiners and the conduct of examinations;

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

(2) The State Government, on receiving regulations for sanction, may sanction or refuse to sanction the same, or sanction them subject to such modifications as it may think fit, or return them to the Board for further consideration.

(3) All regulations shall be published in the Gazette.

(4) The State Government may by notification cancel any regulation.

30. If at any time it appears to the State Government that the Board has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Act or any of the duties conferred upon it by or

Amendment of
section 30.

28-A

In section 30 of the Principal Act, for the word "three" shall be substituted.

powers and duties of the Board to be exercised and for such person and for such period not exceeding two years as it may think fit and shall take steps to bring into existence a new Board.

PART III.—MEDICAL PRACTITIONERS GENERALLY

21. Notwithstanding anything in any law for the time being in force no person practising the Homoeopathic or Biochemic system of medicine other than a practitioner registered under this Act, not to sign birth or

Medical practitioners not registered under this Act, not to sign birth or

Insertion of
Section 31-A.

After section 31 of the Principal Act, the following section shall be inserted, namely:—

28-B

Persons other than registered practitioners not to practice medicine.

"31-A. No person other than a practitioner registered under section 16 of born on the list prepared under section 18 shall practice or gain or hold himself out whether directly or indirectly as practising for gain Homoeopathic or Biochemic System of Medicine within the State."

18)

29

Prohibition for
conferring,
granting, or
issuing
colourable
imitations of
degree,
diploma or
licence.

Penalty.

12

32. No person other than a body or institution authorised under section 20 shall confer, grant or issue or hold himself out as entitled to confer, grant or issue any degree, diploma or licence which is identical with or is a colourable imitation of any degree, diploma or licence granted by the Board.

33. Whoever contravenes the provisions of section 31 or 32 conviction be punishable with fine which may extend to sand rupees and if the person so contravening is an asso-very member of such association who knowingly or wil-horises or permits the contravention, shall on conviction hable with fine which may extend to one thousand

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

No Court shall take cognizance of any offence under this except on a complaint in writing by an officer empowered by the State Government in this behalf.

Indemnity to
persons acting
under the Act.

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

Substitution
of section 33.

29-A

Indemnity to
persons acting
under the Act.

For section 33 of the Principal Act, the following
section shall be substituted, namely:-

"33. Any person who contravenes the provisions of
section 31 or section 31-A or section 32 shall, on
conviction, be punishable with fine which may extend to
two thousand rupees if the person so contravening is an
association, every ~~person~~ member of such association who
knowingly or willingly authorise or permits the contra-
vention shall on conviction be punishable with fine which
may extend to two thousand rupees."

Amendment of
section 34.

(29-B)

In sub-section (2) of section 34 of the Principal Act for the words "by an officer empowered by the State Government in this behalf" the words "by the Registrar or such other officer as the Board may, by general or special order, authorise in this behalf" shall be substituted.

Comparative Statement showing the clause as it would read after the proposed amendment

Existing Clause

Control (30) If at any time it appears to the State Government that the Board has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this act or has failed to perform any of the duties conferred upon it by or under this act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Board, and if the Board fails to remedy such failure, excess or abuse within such time as the State Government may fix in this behalf the State Government may dissolve the Board and cause all or any of the powers and duties of the Board to be exercised and performed by such person and for such period not exceeding three years as it may think fit and shall take steps to bring into existence a new Board.

Proposed Clause

Control (30) If at any time it appears to the State Government that the Board has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this act or has failed to perform any of the duties conferred upon it by or under this act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Board, and if the Board fails to remedy such failure, excess or abuse within such time as the State Government may fix in this behalf the State Government may dissolve the Board and cause all or any of the powers and duties of the Board to be exercised and performed by such person and for such period not exceeding three years as it may think fit and shall take steps to bring into existence a new Board.

Provided that the State Government may, by notification, for reasons to be stated therein, extend the period of three years so however that the total period does not exceed five years.

31
20
MOST IMMEDIATE
STATE LEGISLATION

Ex 2
No. 14/ 30 /72-Judl.
Government of India
(Bharat Sarkar)
Ministry of Home Affairs
(GHH Mantaralaya)

New Delhi, the 13th September '73

OFFICE MEMORANDUM

Subject:- The Madhya Pradesh Homoeopathic and Biochemic
Practitioners (Amendment) Ordinance, 1973.

Copies of the above Ordinance, and of the forwarding letter are enclosed. It is requested that comments on the Ordinance, if any, may please be offered urgently and this Ministry advised by 15-9-73, whether the President's approval may be accorded to the promulgation of the Ordinance under the proviso to Article 213(1) of the Constitution.

2. The Ministry of Law will be consulted by this Ministry after receipt of advice from the other Ministries concerned: ~~Department of Health.~~ Department of Health.

scd (K.P. Singh)
Deputy Secretary to the Government of India

To
The Ministry of Health and Family Planning,
(Department of Health, Shri J.A. Samad, Under Secy.),
New Delhi.

Copy to the Ministry of Law (Shri P.V. Svarit, Joint Secretary for advance examination.)

sc (K.P. Singh)
Deputy Secretary to the Government of India.

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13-9-73

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MOST IMMEDIATE
STATE LEGISLATION

No. 14/80/73-Judl.

Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya



New Delhi 110001, the 18th Sept. '73

The Deputy Secy. to the Govt. of Madhya Pradesh,
Public Health and Family Planning Department,
Bhopal.

Subject:- The Madhya Pradesh Homoeopathic and Biochemic
Practitioners (Amendment) Ordinance, 1973.

Subject:-

Sir,

I am directed to acknowledge receipt of your letter No. 5224/5193/
XVII/Med-IV/73, dated the 12-9-73 (received 13-9-73) on the
subject mentioned above and to say that the Bill is being
examined in consultation with the administratively concerned
Ministries.

2. I am to request that views of the Government of India
on the Bill may be awaited before it is proceeded with further.

Yours faithfully,

(K.P. Singh) ~~XXXXXXXXXX~~
(B. Shukla)

Deputy Secretary to the Government of India.

33

SNL 4

No. R.14011/5/73-RISM
Government of India,
Ministry of Health & Family Planning,
(Department of Health)

-.-.-.-

New Delhi, dated the 13th September 1973.

OFFICE MEMORANDUM

Subject:- The Madhya Pradesh Homoeopathic and Biochemic Practitioners (Amendment) Ordinance, 1973.

The undersigned is directed to invite attention to the Ministry of Home Affairs O.M.O.No.14/80/72-Judl. dated the 13th September 1973 on the subject mentioned above and to say that the Department of Health has no objection to the President's approval being accorded to the promulgation of the proposed Ordinance.

P.C. Arora
(P.C. Arora)
Under Secretary

To

The Ministry of Home Affairs,
(Shri K.P. Singh, Deputy Secretary),
New Delhi.

30
14/9/73

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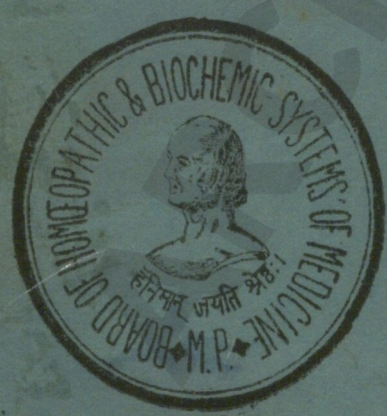
23

Medical IV
Public Health Dept

MANUAL OF
The Board of Homoeopathic & Biochemic Systems of
Medicine, Madhya Pradesh.

Containing the M. P. Homoeopathic & Biochemic Practitioners Act XXVI
of 1951 and rules and regulations made thereunder.

(Corrected up to ~~20-2-1952~~ date)



Published by Authority

Price Rs. 2-00

MADHYA PRADESH ACT
No. XXVI of 1951

THE MADHYA PRADESH HOMOEOPATHIC AND
BIOCHEMIC PRACTITIONERS ACT, 1951

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MADHYA PRADESH ACT

No XXVI OF 1951

THE MADHYA PRADESH HOMOEOPATHIC AND
BIOCHEMIC PRACTITIONERS ACT, 1951

(Received the assent of the President on the 24th September 1951; assent first published in the *Madhya Pradesh Gazette* on the 5th October 1951.)

An Act to regulate the qualifications and to provide for the registration of practitioners of the Homoeopathic and Biochemic systems of medicine with a view to encourage the study and spread of these systems,

Preamble.

Whereas it is expedient to regulate the qualifications and to provide for the registration of practitioners of the Homoeopathic and Biochemic systems of medicine with a view to encourage the study and spread of these systems;

It is hereby enacted as follows :—

PART I.-PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be cited as the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951.

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

(3) It shall be in force in Mahakoshal region and shall come into force in all other regions of the state on such date as the State Government may, by notification, in the official Gazette appoint.

(4) On the date appointed under sub-section (3), the Madhya Pradesh Statutory Bodies (Regional Constitution) Act, 1956 (XXII of 1956) shall, so far as it relates to this Act, stand repealed.

(5) As from the date appointed under sub-section (3), the following provisions shall have effect, namely :-

- [a] the Mahakoshal Board of Homoeopathic and Biochemic systems of Medicine shall stand dissolved;
- [b] all assets and liabilities of the Mahakoshal Board of Homoeopathic and Biochemic Systems of Medicine shall belong to and be deemed to be the assets and liabilities of the Board established under section 3;
- [c] all employees belonging to and under the control of the Mahakoshal Board of Homoeopathic and Biochemic Systems of Medicine shall be deemed to be the employees of the Board established under section 3 :

Provided that the terms and conditions of service of such employees shall not, until altered by a competent authority, be less favourable than those admissible to them before such date;

- [d] all regulations and bye-laws of the Mahakoshal Board of Homoeopathic and Biochemic Systems of Medicine, and in force immediately before such date shall, unless modified in accordance with the provisions of this Act, be deemed to be the regulations and bye-laws of the Board established under section 3 and the said regulations and bye-laws shall be construed with such alterations be affecting the substance as may be necessary or proper in the context of the Board established under section 3;

- [e] all things done and action taken by the Mahakoshal Board of Homoeopathic and Biochemic Systems of Medicine in relation to the jurisdiction or business of that Board shall, so far as may be, deemed to be things done or action taken by the Board established under section 3 all such things done and action shall be construed with such alterations as if they were done or taken under a repealed Act.

+ (7)

Approved M.P. Act No - 26 of 1964.

(4) On the date appointed under sub-section (3), the Madhya Pradesh Statutory Bodies (Regional Constitution) Act, 1956 (XXII of 1956) shall, so far as it relates to this Act, stand repealed.

(5) As from the date appointed under sub-section (3), the following provisions shall have effect, namely :-

- [a] the Mahakoshal Board of Homoeopathic and Biochemic systems of Medicine shall stand dissolved;
- [b] all assets and liabilities of the Mahakoshal Board of Homoeopathic and Biochemic Systems of Medicine shall belong to and be deemed to be the assets and liabilities of the Board established under section 3;
- [c] all employees belonging to and under the control of the Mahakoshal Board of Homoeopathic and Biochemic Systems of Medicine shall be deemed to be the employees of the Board established under section 3 :

Provided that the terms and conditions of service of such employees shall not, until altered by a competent authority, be less favourable than those admissible to them before such date;

- [d] all regulations and bye-laws of the Mahakoshal Board of Homoeopathic and Biochemic Systems of Medicine, and in force immediately before such date shall, unless modified in accordance with the provisions of this Act, be deemed to be the regulations and bye-laws of the Board established under section 3 and the said regulations and bye-laws shall be construed with such alterations be affecting the substance as may be necessary or proper in the context of the Board established under section 3;

- [e] all things done and action taken by the Mahakoshal Board of Homoeopathic and Biochemic Systems of Medicine in relation to the jurisdiction or business of

+ "(f) all Homoeopathic and Biochemic practitioners registered under the Medical Practitioners Act, 1935 (Bhopal Act No. VII of 1935) prior to such date shall be deemed to be registered under this Act."

or taken under a repealed Act.

(7)

Reserve M.P. Act No - 26 of 1964.

Definitions.

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

- (1) "Biochemistry" means the system of medicine founded by Dr. Schussler and the expression "biochemic" shall be construed accordingly.
- (2) "Board" means the Board of Homoeopathic and Biochemic systems of medicine, Madhya Pradesh, established under section 3;
- (3) "Homoeopathy" means the system of medicine founded by Dr. Hahnemann and the expression "homoeopathic" shall be construed accordingly;
- (4) "Inspector" means an inspector appointed by the Board under section 21;
- (5) "member" means a member of the Board;
- (6) "practitioner" means a practitioner of the Homoeopathic or Biochemic system of medicine;
- (7) "prescribed" means prescribed by rules made under this Act;
- (8) "President" means the President of the Board.
- (9) "qualifying examination" means an examination in Homoeopathic or Biochemic medicine (which expression shall not include surgery or midwifery) instituted by the Board and held for the purpose of granting a diploma conferring a right of registration under this Act, or any other examination recognized by the Board as equivalent to an examination instituted and held by it;
- (10) "register" means a register of practitioners maintained under section 15;
- (11) "registered practitioner" means a practitioner whose name is for the time being entered in the register under section 16;
- (12) "Registrar" means the Registrar appointed under section 14;
- (13) "regulations" means regulations made under section 29;

PART II.—ESTABLISHMENT OF BOARD AND ITS FUNCTIONS, ETC.

Establishment,
constitution and
incorporation
of the Board

3. (1) The State Government may, by notification, establish a Board to be called the Board of Homoeopathic and Biochemic Systems of Medicine, Madhya Pradesh. Such Board shall be a body corporate, and have perpetual succe-

sion, and a common seal, and may by the said name sue and be sued.

scribed" shall

words "with
rupees for the
may extend to
ce", the words
rupees" shall be

X (2) The Board shall consist of—

(a) four registered practitioners nominated by the Government; and

(b) nine registered practitioners elected by the registered practitioners from amongst themselves:

Provided that when the Board is established for the first time after the date appointed under Sub section (3) of section 1, the practitioners to be nominated under clause (a) and elected under clause (b) shall be appointed by the State Government from practitioners in the Mahakoshal region registered under the Act and from practitioners in other regions in the state who, in its opinion, may be eligible for registration under section 16.

(3) The President of the Board shall be elected by the members of the Board from amongst themselves or from other registered practitioners. *residing in the State of Madhya Pradesh.*

Provided that in the case of the Board first established, the President shall be appointed by the State Government from amongst the members nominated or appointed by the State Government.

(4) If any person, not being a member, is elected President, he shall during his term as President be deemed to be a member for all purposes of the Act.

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

Nomination of
members in
default of
election.

5. The election of practitioners under section 3 shall be held at such time and place and in such manner as may be prescribed.

Election of
members.

6. (1) Save as otherwise provided by this Act the term of the office of elected and nominated members shall be for a

Term of office.

* Subs-Vide M.P. Act No-26 of 1964.

X Subs-Vide
Act No-26 of
1964-

change

sion, and a common seal, and may by the said name sue and be sued.

3. In section 3 of the principal Act,—

X (i) for sub-section (2), the following sub-section shall be substituted, namely:—

Amendment of
section 3.

vide
No. 26 of

“(2) The Board shall consist of—

(a) nine members to be elected by the registered practitioners residing in the State of Madhya Pradesh from amongst themselves; and

(b) four members to be nominated by the State Government.”; and

section 1, the practitioners to be nominated under clause (a) and elected under clause (b) shall be appointed by the State Government from practitioners in the Mahakoshal region registered under the Act and from practitioners in other regions in the state who, in its opinion, may be eligible for registration under section 16.

(3) The President of the Board shall be elected by the members of the Board from amongst themselves or from other registered practitioners. *residing in the State of Madhya Pradesh.*

Provided that in the case of the Board first established, the President shall be appointed by the State Government from amongst the members nominated or appointed by the State Government.

(4) If any person, not being a member, is elected President, he shall during his term as President be deemed to be a member for all purposes of the Act.

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

Nomination of
members in
default of
election.

5. The election of practitioners under section 3 shall be held at such time and place and in such manner as may be prescribed.

Election of
members.

6. (1) Save as otherwise provided by this Act the term of the office of elected and nominated members shall be for a

Term of office.

* Subs-vide M.P. Act No-26 of 1964.

period of five years, commencing from the date on which the first meeting of the Board is held, after the members are nominated and elected under section 3;

Provided that the term of office of members of the Board, constituted immediately after Act comes into force, shall be for a period of three years from the date on which the first meeting of the Board is held.

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

(3) An outgoing member shall be eligible for renomination or re-election.

Vacancies

7. In the event of the death, disqualification, removal or resignation of a member or the President, the vacancy shall be filled in the prescribed manner and the practitioner elected or nominated, as the case may be, shall hold office for the remainder of the current term of the Board.

Provided that if the vacancy occurs within a period of three years of the first establishment of the Board the State Government shall nominate a practitioner for the remainder of that period.

Resignation of a member.

8. (1) Any member may at any time resign his office by a letter addressed to the President. Such resignation shall take effect from the date on which it is accepted by the Board.

(2) The President may at any time resign his office by a letter addressed to the Registrar. The resignation shall take effect from the date on which it is accepted by the Board.

Disabilities for continuing as member

9. If any member—

- (a) absents himself from three consecutive meetings of the Board without such reasons as may, in the opinion of the Board, be sufficient; or.
- (b) becomes subject to any of the disqualifications mentioned in section 10.

the Board may declare his office to be vacant.

10. No person—

- (a) who is an undischarged insolvent,
- (b) who has been adjudged to be of unsound mind by a competent Court, or
- (c) whose name has been removed from the register, shall be eligible as a candidate for the membership of the Board or shall continue as a member.

Disqualifications

11. No disqualification of or defect in the election or nomination of any person acting as member or as the President or presiding authority of a meeting shall of itself invalidate any act or proceeding of the Board in which such person has taken part.

Validity of proceedings

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

Time and place of meeting of the Board

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

Provided also that the meeting of the Board first established for electing the President shall be summoned by the State Government on such date, at such place and in such manner as it deems expedient.

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

Procedure at meetings of the Board

(2) All questions at a meeting of the Board shall be decided by the votes of the majority of the members present and voting at the meeting.

(3) Seven members shall form a quorum. No quorum shall be necessary for a meeting adjourned for want of a quorum.

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

Registrar and
other employees
of the Board,

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

(2) The Board may, from time to time, grant him leave and may appoint a person to act in his place during his leave. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for the purposes of this Act.

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

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

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

(6) The Registrar shall be the Secretary of the Board and shall act as the executive officer of the Board.

Register of
Homoeopathic
and Biochemic
Practitioners

15. (1) There shall be a register to be known as the Register of Homoeopathic and Biochemic Practitioners.

(2) It shall be in such form as may be prescribed and shall contain the name, address and qualifications of every registered practitioner together with the date on which such qualifications were acquired.

(3) It shall be the duty of the Registrar to maintain the register of registered practitioners and from time to time to revise the same.

(4) The names of registered practitioners who die or whose names are directed to be removed from the register under subsection (4) of section 16 shall be removed therefrom.

(5) The Board may direct that any alteration in the entries

as respects additional qualifications, shall not be made except on payment of such fees as may be prescribed.

16. (1) Every person, who passes a qualifying examination shall be entitled to have his name entered in the register.

Registration

(2) Notwithstanding anything contained in sub-section (1) every person practising in the state the Homoeopathic or Biochemic System of medicine who has applied for the incorporation of his name in the list required to be prepared under and in accordance with section 18 and who proves to the satisfaction of the Registrar that he—

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(a) has been in regular practice as a practitioner of homoeopathic or biochemic system of medicine for a period of not less than ten years ending on the date appointed under sub Section 3 of section 1 and has applied for the registration of his name in the register before the 1st day of January 1962: 1966]

(b) has been in regular practice as a practitioner of homoeopathic or biochemic system of medicine and has completed as such practitioner a period of ten years ending on any date after the date appointed under sub section (3) of Sec. 1. but before the first day of January 1962 and who has applied for registration of his name in the register before 1st day of Jan. 62.

shall be entitled to have his name entered in the register. Provided that the name of every person who has been registered under this Act prior to the date appointed under sub-section (3) of sec. 1, shall unless removed in accordance with the Provisions of this Act, remain entered in the register.

(3) Every person who is entitled to be registered under subsection (1) or (2) and who applies for the registration of his name shall be liable to pay rupees ^{twenty five} ten as registration fee.

(4) The Board may direct that the name of any practitioner who has been convicted of a cognizable offence which discloses

+ Subs-vide M.P. Act No. 26 of 1964.
① Subs-vide idid.

such defect of moral character as is in the opinion of the Board sufficient to make him unfit to practise his profession or who after due enquiry has been found guilty of conduct which is in the opinion of the Board infamous in any professional respect shall be removed from the register. The Board may on sufficient cause being shown also direct that the name of the practitioner so removed shall be re-entered in the register.

+ 16-A

Appeal to the Board from the decision of the Registrar. 17. (1) Any person aggrieved by any decision of the Registrar refusing to register any person or any entry made in the register in respect of such person, may appeal to the Board.

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

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

Maintenance of list of persons in practice 18. (1) The Registrar, shall prepare a list of persons practising in the State the Homoeopathic or Biochemic system of medicine on the date appointed under sub Section (3) of Section 1. (ie 20-2-1959)

(2) Any person desirous of getting his name incorporated in the list referred to in sub-section (1) shall submit an application in the prescribed form together with the prescribed fee to the Registrar within ^{six} [four years] from the date appointed under Sub section (3) of Section 1.

(3) The Registrar, after making such enquiry as he deems fit to make, may either incorporate the name of the applicant in the list or reject the application.

(4) The provisions of section 17 shall apply to any order passed by the Registrar under sub-section (3) as it applies to refusal of registration.

+ Ins - vide M.P. Act - No. 26 of 1964.
* Subs. - vide ibid.

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

Qualified
practitioner's
certificate

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

(2) a certificate required by any Act 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 practitioner;

(3) a registered practitioner shall be eligible to hold any appointment as a physician or a surgeon in any dispensary, hospital, infirmary or lying-in-hospital supported by or receiving a grant from the State Government or any local authority and treating patients according to the Homoeopathic or Biochemic system of medicine or in any public establishment, body or institution dealing with Homoeopathic or Biochemic system of medicine.

20. (1) The Board shall, by regulations, lay down the qualifications required for admission to a course of training in the Homoeopathic and Biochemic systems of medicine, the course of such training, and the qualifying examinations may establish the necessary institutions to give such training

Qualifying
examinations

No. 26 OF 1964.

**THE MADHYA PRADESH HOMOEOPATHIC AND
BIOCHEMIC PRACTITIONERS (AMENDMENT) ACT,
1964**

[Received the assent of the President on the 3rd October 1964; assent first published in the "Madhya Pradesh Gazette" Extraordinary, on the 4th October 1964].

An Act further to amend the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951.

BE it enacted by the Madhya Pradesh Legislature in the Fifteenth year of the Republic of India as follows:—

1. This Act may be called the Madhya Pradesh Homoeo- Short title,
pathic and Biochemic Practitioners (Amendment) Act, 1964.

and may hold such examination and confer diplomas and such regulations shall provide that instruction and examination shall, as far as possible, be in Hindi.

(2) The Board may prescribe additional courses of study in branches of medical science including surgery and midwifery.

(3) It shall be the duty of the Board to secure the maintenance of an adequate standard of proficiency for the practice of the Homoeopathic and Biochemic systems of medicine and for the purpose of securing such standard the Board shall have authority to call on the governing body or the authorities of any institution giving instruction in such system and authorised to hold a qualifying examination—

(a) to furnish such particulars as the Board may require of any course of study prescribed by regulations or of any examination held by such body or authorities or in such institution with reference to the grant of any qualifications, and.

(b) to permit inspectors appointed by the Board to inspect the institution.

Appointment of
Inspectors.

21. (1) The Board may appoint ^{terms & condition} such number of inspectors as it may deem fit on such ⁺ salary as the Board may with the previous sanction of the State Government, determine.

(2) Such inspectors shall, in accordance with any general or special directions of the Board given from time to time, inspect the institutions established by or affiliated to the Board, and they shall report to the Board in regard to the courses of study pursued and training imparted at every institution which they inspect and on any other matters with regard to which the Board may require them to report.

Granting recog-
nition and
withdrawing it

22. (1) The Board may grant recognition to any institution imparting instructions to students for preparing them for the qualifying examination if it is satisfied that the

+ Subs - vide M.P. Act 26 of 1964

instruction imparted in such institution comes up to the standard requisite for such recognition and may at any time withdraw such recognition if in the opinion of the Board the institution is unable to impart instruction of the requisite standard.

(2) An appeal shall lie to the State Government from the decision of the Board withdrawing the recognition within thirty days from such decision.

23. Notwithstanding anything in any other law for the time being in force, every registered practitioner shall be exempt from serving on any inquest or as a juror or assessor under the Code of Criminal Procedure, 1898 (V of 1898)

Exemption from
servig on
inquests, etc,

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

Fees payable to
members of the
Board,

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

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

Income and ex
pences of the
Board

(2) The expenses of the Board shall include the salaries of the Registrar and his staff appointed by the Board, the salaries of the inspectors, the allowances and fees paid to the members of the Board under section 24 and such other expenses that are necessary for carrying out the purposes of this Act.

26. (1) The Registrar shall in every year, ^{on or before such date as may be} ~~date to be fixed by the Board,~~ cause to be printed and published a correct list of the names and qualifications of all practitioners for the time being entered in the register and the dates when such qualifications were acquired.

Annual list of ^{prescribed}
practitioners.

(2) In any proceeding whether before a Court or otherwise it shall be presumed that every person entered in such list is

+ Subs - vide M. P. Act - No - 26 of 1964.

a registered practitioner and that any person not so entered is not a registered practitioner.

False assumption
of degrees or
diploma to be
an offence

+ with fine which
may extend to one
thousand rupees.

27. Whosoever wilfully or falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, licence or certificate conferred, granted or issued by the Board or that he is a registered practitioner or that he is entered in the list maintained under section 18 shall on conviction be punishable ~~with fine which may extend to two hundred and fifty rupees for the first offence under this section and to fine which may extend to five hundred rupees for every subsequent offence.~~

Rules

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

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

- (a) the time at which and the place and manner in which election shall be held under section 5;
- (b) the manner in which vacancies shall be filled under section 7;
- * (c) the manner in which the meetings of the Board shall be convened and held;
- (d) the salary, allowances and other conditions of service of the Registrar under section 14;
- (e) the form of the register and the particulars to be entered therein under section 15;
- (f) fees chargeable for the alteration of entries in the register under section 15;
- * (g) the manner in which appeals against the decision of the Registrar shall be filed before and heard by the Board under section 17 or any other section and

+ Subs. vide M.P. Act No. 26 of 1964.

* Ins. vide idid.

the manner in which appeals to the State Government shall be filed and heard;

(h) the form of application and the fee to be paid under section 18;

(i) fees and other allowances payable to members of the

ion 16.

(ii) Board under section 24;

(j) the furtherance of any of the objects of the Board.

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

Regulations

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

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

(c) the procedure to be followed by the Registrar in making an enquiry under the provisions of sections 16 and 18;

(d) the course of study for training and qualifying examinations;

(e) the language in which the examinations shall be conducted and instructions shall be given;

(f) the admission of students to the bodies or institutions recognised under section 22;

(g) the conditions under which students shall be admitted to the courses for the degree, diploma, licence or certificate, and to the qualifying and prior examinations.

subject
register
be re

(h) the conditions of appointment of examiners and the conduct of examinations;

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

+ Ins - vide M.P. Act No - 26 of 1964.

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

+ “(ii) the date on or before which the list referred to
in section 26 shall be published every year;”.

49-B

(a) in item (b), in sub-section (2) for the word and figures "January, 1962", the word and figures "January, 1966" shall be substituted; and

(b) in sub-section (3) for the word "ten", the word "twenty-five" shall be substituted

section 16

X " (11) the date on or before which the list referred to
in section 26 shall be published every year ? "
49-C
of the

tioners, the words "registered practitioners residing in the State of Madhya Pradesh" shall be substituted.

4. In section 16 of the principal Act,—

(69-D)
Amendment of

(2) The State Government, on receiving regulations for sanction, may sanction or refuse to sanction the same, or sanction them subject to such modifications as it may think fit, or return them to the Board for further consideration.

(3) All regulations shall be published in the Gazette.

(4) The State Government may by notification cancel any regulation.

Control of State Government

30. If at any time it appears to the State Government that the Board has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Act or has failed to perform any of the duties conferred upon it by or under this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Board, and if the Board fails to remedy such failure, excess or abuse within such time as the State Government may fix in this behalf the State Government may dissolve the Board and cause all or any of the powers and duties of the Board to be exercised and performed by such person and for such period not exceeding ^{three} ~~two~~ years as it may think fit and shall take steps to bring into existence a new Board.

(amended into M.P. Act No. 26 of 1964)
from separate & existing
provisions of the Act

PART III—MEDICAL PRACTITIONERS GENERALLY

Medical practitioners not registered under this Act, not to sign birth or death certificate, etc.

31. Notwithstanding any thing in any law for the time being in force no person practising the Homoeopathic or Biochemic system of medicine other than a practitioner registered under section 16—

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

+ Subs - vide M.P. Act No - 26 of 1964.

(c) shall be qualified to give evidence at any inquest or in any Court of law as an expert under section 45 the Indian Evidence Act, 1872. (I of 1872)

+ 31-A

32. No person other than a body or institution authorised under section 20 shall confer, grant or issue or hold himself out as entitled to confer, grant or issue any degree, diploma or licence which is identical with or is a colourable imitation of any degree, diploma or licence granted by the Board.

Prohibition for conferring, granting, or issuing colourable imitations of degree, diploma or licence

Penalty

* 33. Whoever contravenes the provisions of section 31 or 32 shall on conviction be punishable with fine which may extend to one thousand rupees and if the person so contravening is an association every member of such association who knowingly wilfully authorises or permits the contravention, shall on conviction be punishable with fine which may extend to one thousand rupees.

34. (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.

Court competent to try offences under this Act and cognizance of offences

(2) No Court shall take cognizance of any offence under this Act except on a complaint in writing by an officer empowered by the State Government in this behalf.

by The Registrar or any other officer as the Board may by general or special order, authorise in this behalf

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

Indemnity to persons acting under the Act

+ Ins-vide M.P. Act- No- 26 of 1964.

* Subs-vide ibid.

Δ Subs-vide ibid.

12. After section 31 of the principal Act, the following section shall be inserted, namely:—

+ "31-A. No person other than a practitioner registered under section 16 or borne on the list prepared under section 18 shall practise for gain or hold himself out whether directly or indirectly, as practising for gain Homoeopathic or Biochemic system of medicine within the State."

Insertion of new section 31-A.

Persons other than registered practitioners not to practise medicine.

S1-A

Repeal.

16. (1) The Madhya Pradesh Homoeopathic and Biochem Practitioners (Amendment) Ordinance, 1964 (No. 8 of 1964) is hereby repealed.

51-B

(2) The Medical Practitioners Registration Act, 1935 (Bhopal Act No. VII of 1935), in so far as it relates to practitioners as defined in clause (6) of section 2 of the principal Act, is hereby repealed.

13. For section 33 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 33.

* "33. Any person who contravenes the provisions of section 31 or section 31-A or section 32 shall, on conviction, be punishable with fine which may extend to two thousand rupees and if the person so contravening is an association every member of such association who knowingly or willingly authorises or permits the contravention shall on conviction be punishable with fine which may extend to two thousand rupees."

Penalty.

SI-C

SI-D

भोपाल, दिनांक ४ अक्टूबर १९६४.

क्र. ३६६५९-४१२-इक्कीस-अ (प्रा.)---मध्यप्रदेश समविक्रितिक तथा जीवरसायनिक चि
(संशोधन) अधिनियम, १९६४ (क्र. २६ सन् १९६४) का हिन्दी अनुवाद सर्वसाधारण की जानकारी
हेतु प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुस
रे. शं. त्रिवेदी. सा

मध्यप्रदेश समचिकित्सक तथा जीवरसायनिक चिकित्सक (संशोधन)
अधिनियम, १९६४

विषय-सूची

धाराएं

१. संक्षिप्त नाम.
२. धारा १ का संशोधन.
३. धारा ३ का संशोधन.
४. धारा १६ का संशोधन.
५. नवीन धारा १६-ए का अंतःस्थापन.
६. धारा १८ का संशोधन.
७. धारा २१ का संशोधन.
८. धारा २६ का संशोधन.
९. धारा २७ का संशोधन.
१०. धारा २८ का संशोधन.
११. धारा ३० का संशोधन.
१२. नवीन धारा ३१-ए का अंतःस्थापन.
१३. धारा ३३ का प्रतिस्थापन.
१४. धारा ३४ का संशोधन.
१५. ३० जुलाई, सन् १९६४ के पूर्व किये गये निर्वाचन आदि का शून्य होना.
१६. निरसन.

"31-A. No person other than a practitioner registered under section 16 or borne on the list prepared under section 18 shall practise for gain or hold himself out whether directly or indirectly, as practising for gain Homoeopathic or Biochemic system of medicine within the State."

tion of

53 15. If prior to the 30th July 1964, any election proceedings were in progress for the purpose of re-constituting the Board, in anticipation of the expiry of the period of its dissolution, which prior to the said date was limited to two years only (hereinafter referred to as the aforesaid period) and if in the course of such proceedings certain candidates have been declared as duly elected by the Returning Officer, then, notwithstanding anything contained in the principal Act and the rules made thereunder and in view of the amendment made in section 30 of the principal Act by section 11 of this Act, it shall be deemed that—

- (i) all election proceeding held in anticipation of the expiry of the aforesaid period, were not so held at all; and
- (ii) the candidates declared to have been duly elected by the Returning officer were not so declared at all;

and accordingly:—

- (i) all moneys deposited in connection with the filing of nomination papers in the said elections shall be returned to the candidates concerned; and
- (ii) no suit or other legal proceeding shall lie in any Court for enforcement of the claims of any person on the ground that such person was a duly elected member of the Board as a result of the said elections.

Repeal.

16. (1) The Madhya Pradesh Homoeopathic and Biochemic Practitioners (Amendment) Ordinance, 1964 (No. 8 of 1964) is hereby repealed.

(2) The Medical Practitioners Registration Act, 1935 (Bhopal Act No. VII of 1935), in so far as it relates to the practitioners as defined in clause (6) of section 2 of the principal Act, is hereby repealed.

(M. P. Act No- 26 of 1964)

(54)

**REGULATIONS UNDER CLAUSES (D) AND (F) OF SUB-
SECTION (I) OF SECTION 29 OF ACT.**

In these regulations unless there is anything repugnant in the subject or context, "the Act" means the Central Provinces and Berar Homoeopathic and Biochemic Practitioners Act, 1951 (XXVI of 1951).

(A) The following subjects shall be taught in this course—

- (1) Elements of Organic and Inorganic Chemistry.
- (2) Elements of Anatomy and Physiology and Pathology.
- (3) Simple Clinical Methods.
- (5) Principles of Therapeutics and Homoeopathy. Pharmacy and Materia Medica of Schussler's twelve drugs and thirty other drugs.
- (5) Practice of Medicine by those drugs. Hygiene and Dietetics. Prophylaxis by Homoeopathy. Necessary antipathic and heteropathic treatment including first-aid, treatment of injuries and boils, use of the rubber catheter and saline-water injections and treatment of poisonings.
- (6) Elements of Medical Jurisprudence and Diagnosis of Surgical Diseases.

(B) This course of training shall be finished by two years.

(C) The language of training for this course shall be Marathi or Hindi.

(D) Males or females above 18 years of age and holding a certificate for having passed the Hindi or Marathi IVth Standard shall be admitted for training in this course.

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**REGULATIONS UNDER SECTION 29 (1) (i) READ WITH
SEC. 22 OF THE ACT.**

A training Institution teaching the course of Diploma in Homoeopathy and Biochemistry ought to satisfy the following conditions for recognition under section 22 of the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951 (XXVI of 1951)—

- (i) The Institution must have a suitable building either owned by itself or taken on rent or licence.
- (ii) The Institution must have a suitable competent honorary or paid staff preferably Degree-holders or Diploma-holders in Allopathic medicine for teaching subject of examination papers (i), (ii), (v), (vi) and competent practitioners of Homoeopathy or Biochemistry or both for teaching subjects of examination papers (iii), (iv), (vii),
- (iii) Suitable furniture, apparatus, maps and models of the body and library.
- (iv) Hospital or at least a dispensary attached to the Institution.
- (v) Training must be for five hours daily including practical training.
- (vi) The Institution must impart training in pure Homoeopathy and Biochemistry and must not admix it with any other system. This does not exclude mild antipathic or heteropathic treatment prescribed in the course.
- (vii) Arrangement for showing to the students; dissection of the human body or at least frog and goat's body.
- (viii) Staff and building must be suitable for the number of students.

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**Regulations under clauses (g) (h) and (i) of Subsection
(1) of section 29.**

1. In these regulations, unless there is anything repugnant in the subject or context, the "Act" means the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951 (XXVI of 1951).

2. The examination for the Diploma in Homoeopathy and Biochemistry shall be held at Nagpur and at such other places as may be appointed by the Board for the purpose. It shall be held under the direct superintendence of the President of the Board or under superintendence of such persons as may be appointed by him in this behalf.

3. The examination shall begin on such date as the Board may fix. The dates, programme and places of examination shall be notified in Madhya Pradesh Gazette at least three months before commencement of the examination.

4. The following shall be eligible for admission to the examination—

(i) A student who has undergone a course of training in an institution established or recognized by the Board and is recommended by the head of the institution;

(ii) A Homoeopathic and Biochemic Practitioner whose name is entered in the list maintained under section 18 of the Act.

5. Every application for admission to the examination shall be in the form appended to these regulations, and shall reach the Registrar at least eight weeks before the commencement of the examination. It shall be accompanied by a fee of Rs. 25 in the case of new candidates, and Rs. 40 in the case of failures. A candidate, who fails to pass or present himself for the examination shall not be entitled to refund of the fee.

6. (1) The examination shall be held in two parts—Theory and Practical.

(2) In Theory the candidates will be examined in the following papers. The marks which each paper carries and which an examinee must obtain to pass the examination are shown against the respective papers,

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Paper	Full marks	Minimum pass marks
1. Organic and Inorganic Chemistry	.. 100	40
2. Anatomy. Physiology	.. 100	40
3. Principles of Homoeopathy and Biochemistry. Dietetics	.. 100	40
4. Materia Medica and pharmacy	.. 100	40
5. Knowledge of Diseases and Pathology Diagnosis of Surgical Diseases.	100	40
6. Therapeutics, prophylaxis and Personal Hygiene	.. 100	40
7. Medical Jurisprudence. Public Hygiene, Antipathic and Hetero pathic Treatment,	.. 100	40
8. Simple Clinical Methods and First-Aid	.. 100	40
9. Gynaecology and Midwifery (Short of Surgery)	.. 100	40

(3) (a) In Practical the candidates shall be required to examine patients and then to give in writing the result of the examination, the treatment and diet.

(b) There shall be held separate practical test in Gynaecology and Midwifery.

(c) The practical examination shall carry 150 marks, out of which practical examination in Gynaecology and Midwifery shall be of 30 marks. The minimum marks which the examinee must obtain for passing the Practical shall be 60 percent.

7. The time allowed for each paper shall be three hours.

8. The text-books shall consist of—

(1) Hahnemann's Organon of Medicine and Chronic Diseases (Theoretical Part).

(ii) Kent's Lecture on Homoeopathic philosophy; and

(iii) Dr. K. L. Daftari's Bodily Reaction and Examination of Systems of Therapeutics;

and such other books as the Board may, from time to time, prescribe.

9. In order to pass the examination an examinee must obtain in each paper, and in the Practical, the minimum marks prescribed in regulation 6 and in the aggregate not less than 50 per cent of the total marks.

11. (a) Any examinee, who has obtained the required percentage of marks in the aggregate but has failed to secure the prescribed minimum in any one paper or the practical, shall be admitted on payment of a fee of Rs. 10. to one or more subsequent examinations in that paper or the Practical, as the case may be.

(b) Any examinee, who has obtained the required percentage of marks in the aggregate but has failed to secure the prescribed minimum marks in any one paper and the Practical, shall be admitted on payment of a fee of Rs. 20 to one or more subsequent examinations in that paper and the Practical.

(c) If the examinee, who has been admitted to the examination under clause (a) or (b), secures not less than the minimum number of marks prescribed for that paper or the Practical, as the case may be, he shall be declared to have passed the examination.

11. As soon as possible after the examination but not later than two months next following, the Board shall publish the list of the successful examinees, the names of the examinees obtaining the first ten places being arranged in order of merit.

12. Each successful examinee shall receive a Diploma in Homoeopathy and Biochemistry D. H. B. in the form prescribed by the Board.

13. The Marks List may be obtained on payment of a fee of Rs. 4 and the re-totalling of marks shall be permitted on payment of a fee of Rs. 5.

14. (1) The examiners for the practical examination and for the papers (3), (4), (6) and (9) shall be appointed by the Board from amongst practitioners of Homoeopathy or Biochemistry of 20 years' standing or from amongst the staff of recognized institution or practitioners registered under section 16 (1) of the Act having 10 years' practice.

(2) The examiners for the rest of the papers shall be appointed by the Board from amongst Degree-holders or Diploma Holders in Allopathic Medicine.

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15. The Registrar of the Board shall be the Examination officer. It shall be his duty

- (1) to get the question papers moderated by the President and the examiner, if and when necessary;
- (ii) to maintain due secrecy in everything that is necessary for the conduct of the examination till the results are published; and
- (iii) to do everything that is necessary for the proper conduct of the examination

16. The Superintendent shall make seating arrangements for the candidates, distribute the question papers, blank answer-books and writing material and collect the answer-books and send them to the Registrar in properly sealed packets. He shall be paid such expenses and remuneration as may be fixed by the Board.

17. The examiners shall get such remuneration as may be fixed by the Board. The examiners shall set the question papers, moderate them in consultation with the President, examine the answer papers and send them back to the Registrar after they are examined, and shall keep the result secret.

The examiner for the Practical shall hold practical tests and take written answers from the candidates, examine them, and send the result along with the written answers to the Registrar in properly-sealed covers.

18. The results received from the examiners shall be placed before a Special Committee of the Board appointed for the purpose. The results, as approved by the Special Committee, shall be declared.

FORM

BOARD OF HOMOEOPATHIC AND BIOCHEMIC SYSTEMS OF MEDICINE,
MADHYA PRADESH

Roll No.

Examination for the Diploma in Homoeopathy and Biochemic System

(This application must reach the office of the Board on or before
the.....)

To

The Registrar,

Board of Homoeopathic and Biochemic Systems of Medicine,
Madhya Pradesh.

Sir,

I request permission to present myself at the ensuing examination of the
Board for the Diploma in Homoeopathy and Biochemistry

The fee of Rs. 25/40/10 is forwarded herewith.

(Name to be written in full and clearly)

I am, etc

Address

Date of application

Particulars to be filled in by the candidate in his own handwriting

Name (in full) (in Blok Letters)

Date of birth

Name of father or guardian

Permanent Home address

year of passing together with name of examination--

year of previous failure; if any at the Diploma Examination of the Board

with Roll No.

Nature of failure--whether in all subjects, only one paper or practical--

Medium Hindi/Marathi/English.

Dated

Signature of Candidate
(in full),

Rules under section 28 (2) (g) of the Act

(2) An appeal to the Board under sub-section (1) of section (1) or sub-section (4) of section 18 of the Act against the decision of the Registrar shall be preferred within a period of 30 days from the date of delivery of the copy of the decision of the Registrar to such person. The memorandum or appeal shall be in writing and shall state the date of the receipt of the copy of the Registrar's order and the grounds on which the appeal is preferred.

3. The provisions of section 4 and sub-section (1) of section 12 of the Indian Limitation Act, 1938 (IX of 1908) shall apply to such appeals.

4. The appeals shall be heard and decided by a sub-committee consisting of three members including the President who shall be the Chairman of the said sub-committee and two other members appointed by the Board from time to time.

5. The Sube committee may allow the appellant to adduce fresh evidence in addition to the evidence which may have been adduced before the Registrar if the sud-committee is satisfied, on the request of the appellant, that there are valid and sufficient reasons for allowing the same.

Rules under section 28 (2) (h)

1. The fee for application for the incorporation of the name of a person in the list referred to in sub section (1) of section 18 shall be Rs. 3/-

2. The application for the incorporation of the name of a person in the list referred to in sub-section (1) of section 18 shall be in the form annexed hereto. Any application which is not in the preescibed form shall be rejected.

Published in the M. P. Gazette Part IV C of 18-4-52

Rules under section 29 (1) of the Act

1. In these regulations, unless there is anything repugnant in the subject or context, "the Act" means th Central Provinces and Berar Homeopathic and Biochemic Practitioners Act, 1951 (XXVI of 1951)

2. The application for registration of name under sub-section (1) or sub-section (2) of section 16 shall be in the form annexed hereto. Any

②
application which is not in the prescribed form shall be rejected. The Registrar shall make available for sale to an intending applicant printed copies of the prescribed form at a price of one rupee.

3. An application under section 16 or 18 of the Act in the prescribed form should be presented to the Registrar during office hours between 11 a. m. and 4 p. m. on any working day by the applicant in person or through his agent or it may be sent by registered post. Any application received after 4 p. m. on any day and before 11 a. m. on the next working day shall be deemed to have been received after 11 a. m. on such next working day. The application shall be liable to be returned for resubmission or rejected, if it is not written in legible hand.

4. The fee fixed for registration under section 16 or the fee prescribed for an application under section 18 may be paid to the Registrar along with application or sent to him by postal money order.

5. Where an applicant applies for registration under sub-section (1) of section 16, the application shall be accompanied by the certificate on which the claim for registration is based either in original or a true copy thereof attested by a Magistrate or a Gazetted Officer.

6. If an application is accompanied by prescription books by way of evidence of practice, the Registrar shall, after inspecting such prescriptions, make a note stating his opinion about their genuineness and the period of practice covered by them and return the same to the applicant at the applicant's cost. The note recorded by the Registrar shall be attached to the application, and shall form part of the record of such application.

Provided that where the Registrar holds that the prescriptions are not genuine, he may retain the prescriptions in his custody until the period for filing an appeal against his order is over or, if an appeal is filed, the appeal is finally decided.

7. (1) The Registrar shall, as soon as possible, examine the application and the evidence attached to it satisfied, order in writing directing the insertion of the applicant's name in the register maintained under section 16 or in the list maintained under section 18 as the case may be. If the Registrar is not satisfied about the eligibility of the applicant for enrolment of his name

in the register or the list as the case may be he shall give the applicant an opportunity to be heard and to adduce such further evidence as he may have. If after giving such opportunity, the Registrar is not satisfied about the eligibility of the applicant for registration or enlistment, he shall reject the application by an order, in writing, stating his reasons for such rejection.

(2) In deciding applications for enrolment of the names of practitioners in the register or the list as the case may be, the Registrar shall act in consonance with justice, equity and good conscience.

(3) A copy of Registrar's order under sub-regulation (1) shall be delivered to the applicant in person or be sent to him by registered post and his acknowledgment obtained.

(4) If the applicant claims registration under clause (b) of sub-section (2) of section 6, the Registrar if he is satisfied about the eligibility of the applicant for registration, shall order him to file a fresh application for registration at the proper time. This fresh application will require no fees.

FORM

(See regulation 2)

Application for registration of name under sub-section (1) or sub-section (2) (a) or sub-section (2) (b) of section 16.

(The form should be filled in block letters)

1. Applicant's full name, with father's name and address.
2. Exact or approximate date of birth
3. (i) The exact or approximate date when he began to practise regularly as a Homoeopathic or Biochemic Physician or as both.
(ii) Whether he practises Homeopathy or Biochemistry or both.

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4. Place or places of regular practice and duration of such practice at each place.

5. Institution or institutions in which he was trained and examined.

6. Particulars of certificate granted.

7. Evidence on which the applicant relies—

(a) Prescription books kept by him.

(b) Affidavits of witnesses.

(c) Certificate from a Magistrate, Gazetted Officer, Professor of a College, Registered Medical Practitioner, Member of Parliament, State Legislature, Corporation, Municipality or Janapada showing the period of regular practice of the applicant.

(d) Applicant's affidavit

NOTE—The applicant may rely upon any one or more of the above items

8. List of enclosures ...

9. Any other special relevant information which the applicant may wish to add.

10. I have/have not applied for the incorporation of my name in the list required to be prepared under section 18 of the Act,

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I solemnly declare that the particulars stated in paragraphs 1 to 10 above are true to my knowledge and belief, and that I know that if they are untrue, I shall be liable to punishment under section 182 of the Indian Penal Code.

Date.....

Signature of applicant.

The applicant Shri..... is known to me and he has signed above in my presence.

(1) (Full name and address)

(2) Full name and address)

Published in M. P. Gazette part IV (c) 25-4-52.

.....

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FINAL RULES

PUBLIC HEALTH DEPARTMENT

No 1991-84-XIV-In exercise of the powers conferred by clauses (c), (e), (f), (i) and (j) of sub-section (2) of section 28 of the Madhya Pradesh Homoeopathic and Biochemic Practitioners' Act, 1951 (XXVI of 1951), the State Government are pleased to make the following rules, the same having been previously published as required by sub-section (1) of the said section :—

Rules

1. In these rules, unless there is anything repugnant in the subject or context,—

‘Act’ means the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951 (XXVI of 1951).

2. Prior to any meeting of the Board, the Registrar shall, under the instructions of the President, prepare a provisional agenda of business. In preparing such agenda, the Registrar shall include notices of motions, if any, received from members of the Board.

3. Notice of every meeting shall be sent by Registrar to all members of the Board under certificate of posting at least seven clear days before the date fixed for the meeting. Such notice shall state the date, time and place of the meeting and the agenda of business to be transacted at such meeting.

4. (1) A motion shall not be admissible—

(a) if the matter to which it relates is not within the scope of the Board's functions; or

(b) if it raises substantially the same question as a resolution or amendment which had been moved and either decided or withdrawn within six months of the meeting at which it is designed to move the new resolution; or

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(c) if it is not clearly and precisely expressed or if it raises more issues than one; or

(d) if it contains arguments, ironical expressions or defamatory statements or is frivolous or if being an amendment it merely negatives the original motion.

(2) The President shall disallow any motion or amendment which, in his opinion, is inadmissible under sub-rule (1):

Provided that if a motion can be rendered admissible by amendment, the President may, in lieu of disallowing the motion, admit it in an amended form.

(3) When the President disallows or amends a motion, the Registrar shall inform the member who gave notice of the motion of the order of disallowance or as the case may be, of the form in which the motion has been amended.

5. (1) No meeting of the Board shall commence or continue if the number of members (including the President) is less than seven. If during the 30 minutes from the time fixed for the holding of any meeting, the number of members present is not equal to the quorum, the meeting shall be adjourned; and the adjourned meeting shall be held at the same time and place on the next day. No quorum or notice shall be required for such adjourned meeting.

(2) If, at any time during a meeting other than an adjourned meeting, the President finds that less than seven members are present, he shall either suspend the meeting until at least seven members are present to adjourn the meeting to the next day.

(3) If the President adjourns the meeting under sub-rule (2), the adjourned meeting shall require no notice and no quorum.

6. Any meeting may be adjourned by a motion made at any time and passed by a majority of the members present at the meeting.

7. (1) At every meeting of the Board, the items on the agenda shall be taken up for consideration and decided first and thereafter if time permits

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the President may allow any new business to be taken up if, in his opinion, it is necessary to consider it in that very meeting.

(2) Any member may, while any item is under consideration, move that the consideration thereof be adjourned to any particular sitting or sine die, and if such motion is accepted, the consideration of the motion shall stand adjourned accordingly.

8. (1) Every item on the agenda shall be moved at the meeting of the Board by the President or by the member in whose name it is shown in the agenda.

(2) After the motion has been moved any member may move an amendment to the motion.

(3) Every motion or amendment moved by a member shall be seconded and if not seconded shall be deemed to have been withdrawn. Any motion or amendment moved by the President shall not need to be seconded.

(4) A motion or an amendment which has been moved shall not be withdrawn save with the leave of the Board which shall not be deemed to be granted if any member expresses dissent to the grant of such leave.

9. A record of the proceedings of the meetings of the Board shall be preserved in the form of typed minutes or legibly written minute which shall be authenticated after confirmation by the signature of the President. The minutes shall be deemed to have been confirmed if after they are read to the Board in the same or the next meeting are admitted by the Board to be correct and if the President signs them with the remark that they were read to the Board and were found correct.

10. (1) The minutes of each meeting shall state the text of each motion and amendment whether adopted, negatived or withdrawn together with the names of the mover and seconder and the names of those who voted for or against but without any comment and without any record of any observation made by any member at the meeting.

(2) The minutes of every meeting shall be recorded in a consecutively paged minute-book as early as possible after the meeting and they shall be confirmed at the next meeting.

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11. If any question arises with reference to the interpretation of these rules or with reference to procedure in respect of a matter for which the said rules make no provision, the President shall decide the same, and his decision shall be final.

Corporate Seal

12. The Board shall have a corporate seal of the following description—
The line block of the bust of "Dr. S. Hahnemann" accompanied by an inscription "हैनिमान जयति श्रेष्ठ" and the name of the Board, i. e; "The Board of Homoeopathic and Biochemic Systems of Medicine, Madhya Pradesh" imprinted in black on a white background.

13. The seal shall be affixed on Certificates of Registration issued by the Board or on diplomas or degrees or on agreements entered into by the Board and documents of any other category which may be specified by the Board.

14. The seal shall be kept in the safe custody of the Registrar, and he shall use it for the purposes mentioned in rule 13.

15. (1) Non-official members of the Board shall be paid travelling and daily allowances at rates not exceeding the following.

(2) Any claim for travelling allowance and daily allowance becoming due for journeys and halts made before the commencement of these rules shall be regulated in accordance with this rule :—

(A) Travelling Allowances.

(a) By Rail.—(i) One and one-half fare of the 2nd class, if the journey is actually performed by 2nd class; or

(ii) On lines on which there are only two classes—one upper and one lower—One and one-third fare of the upper class, if the journey is actually performed by that class; or

(iii) where journey is performed by a lower class, then one fare of the lower class and one-half fare of the 2nd class or one-third fare of the upper class, as the case may be.

(b) By Road.—(i) When the journey is performed by motor bus plying for public hire—One fare of the upper class and one fare of the lower class, if two classes are provided in the bus. If one class is provided—Two fares.

(ii) By a motor car—(a) For a journey beginning and ending at the same point on the same calendar day—5 annas a mile, and (b) for a journey other than that mentioned in (a)—6 annas a mile.

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(iii) By other means of conveyance.--Not exceeding 2½ annas a mile provided that mileage shall not be allowed unless the distance travelled in a day exceeds 20 miles.

NOTES--(1) When a journey is performed by bus between places connected by rail, fares as admissible under paragraph (b) (i) should be drawn, but in on case exceeding the mileage admissible had the journey been performed by rail.

(2) If a journey is performed by a motor car between places connected by rail, travelling allowance as mentioned in paragraph (a) shall be admissible. Travelling allowance for the return journey will be similarly admissible.

(B) Daily Allowances

Rs 4 per day provided that mileage and daily allowance shall not be drawn for the same day.

16. The expenditure in all cases shall be met from the funds of the Board

17. No travelling allowance or daily allowance will be admissible to a member whose place of residence is at the place at which the meeting is held.

18. The President, if his usual place of residence is Nagpur, shall be entitled to conveyance charges at the rate of Rs. 25 per mensem.

19. (1) The Registrar of Homoeopathic and Biochemic Practitioners shall be in the following form :--

Register of Homoeopathic and Biochemic Practitioners

Regis- tration No.	Name in full	Father's name	Full address	Date of Registra- tion and the section under which registered-- 16 (1), 16 (2) (a) or 16 (2) (b)	Whether Biochem ist or Homoeopathist both and the date when he began to practise	Qualifica- tions and the date when they were acquired	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

(2) If a registered practitioner wants any changes to be made in the Register, he shall apply to the Registrar paying a fee of Rs. 3 only with the application, and shall produce evidence in support of his application and the Registrar, if satisfied, shall grant the application. If the application is rejected by the Registrar, the applicant may appeal to the Board, and the Board may after hearing the applicant at any of its meetings grant or reject the application.

लोक स्वास्थ्य विभाग

Nagpur, the 7th November 1955

No. 9256-610-XIV--In exercise of the powers conferred by clause (a) of sub-section (2) of section 28 of the Madhya Pradesh Homoeopathic and Biochemic Practitioners' Act, 1951 (XXVI of 1951), the State Government are pleased to make the following rules, the same having been previously published as required by sub-section, namely:--

Rules

1. These rules may be called the Madhya Pradesh Board of Homoeopathic and Biochemic Systems of Medicines (Election) Rules, 1955.

2. In these rules, unless there is anything repugnant in the subject or context,--

(i) "Act" means the Madhya Pradesh Homoeopathic and Biochemic Practitioners' Act, 1951 (XXVI of 1951);

(ii) "Attesting officer" means any of the following persons, viz,--

(a) a Magistrate,

(b) a gazetted Officer of the State or of the Central Government,

(iii) "candidate" means an "elector" wishing to be elected as a member of the Board who has practised Homoeopathy or Biochemistry for at least fifteen years according to the register on the date of submitting the nomination papers.

(iv) "elector" means a registered practitioner whose name is borne in the register maintained under section 16 of the Act on the date fixed for nomination and who continues to be so registered,

(v) "form" means a form annexed to these rules, and

(vi) "Returning Officer" means the Registrar of the Board.

3. The State Government shall not, earlier than three months before the

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date on which the term of the Board is due to expire, issue a notification calling up on the electors to elect members and appoint--

- (a) a date, not later than the fifteenth day from the date of publication of the notification for the nomination of the candidates,
- ✓ (b) a date, not later than the third day from the date fixed for nomination, for the scrutiny of nomination papers;
- ✓ (c) a further date, not later than forty days from the date fixed for scrutiny, on which the poll, if taken, shall be closed; and
- (d) a further date, not later than three days from the date of the closure of the poll for the counting of votes.

4. (1) On or before the date appointed for the nomination of candidates under rule 3 (a) each candidate shall deliver to the Returning Officer, either personally or by messenger or by registered post, a nomination paper in a sealed cover completed in Form I and subscribed by the candidate himself as assenting to the nomination and by two electors as proposer and seconder. Each candidate shall, before or at the time of the delivery of the nomination paper deposit with the Returning Officer a sum of twenty-five rupees.

(2) No elector shall propose or second more candidates than there are seats to be filled. The candidate shall attach to such nomination paper a certificate from an attesting officer that the candidate and his proposer and seconder have signed the nomination paper in his presence.

(3) On receipt of such nomination paper, the Returning Officer shall forthwith endorse thereon the serial number and the date and hour of receipt under his signature.

(4) Any nomination paper not received by the Returning Officer during office hours on or before the date fixed for nomination shall be rejected.

5. (1) on the date and at the time appointed for the scrutiny of nomination papers, every candidate and his one proposer and the scrutiny of nomination papers, every candidate and his one proposer and one seconder but no other person may attend the place of scrutiny, and the Returning Officer

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shall allow them to examine all the nomination papers of all candidates which have been received by him

(2) The Returning Officer shall examine the nomination papers, and may either on an objection made or on his own motion after such summary enquiry, if any; as he may think necessary, decide all questions which may arise as to the validity of any nomination.

The Returning Officer may refuse any nomination on any of the following grounds, namely:-

- (a) that the candidate is ineligible for election under section 10 of the Act;
- (b) that the candidate or the proposer or the seconder is disqualified from subscribing to the nomination paper on account of his not being an elector;
- (c) that there has been a failure to comply with the provision of sub-rule (1) of rule 4;
- (d) that the candidate does not come within the definition of a candidate in rule 2 (iii);
- (e) that the signature of the candidate or of his proposer or seconder is not genuine or has been obtained by fraud; and
- (f) that the candidate has not deposited a sum of Rs. 25 as required by sub-rule (1) of rule 4.

(3) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting it and if he rejects it he shall record, in writing, a brief statement of his reasons for so doing.

(4) After examining the nomination papers and recording thereon his acceptance of the nomination, the Returning Officer shall declare the candidates whose nomination papers he has accepted as duly nominated candidates.

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(5) The Returning Officer shall complete the scrutiny on the day appointed in this behalf, and shall not for any reason whatsoever adjourn the same to any other day.

(6) Any duly-nominated candidate may withdraw his candidature not later than 3 p. m. on the 5th day from the date of scrutiny (the date of scrutiny being counted the first day) by a letter addressed or delivered personally to the Returning Officer.

(7) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal in relation to the same election.

6. (1) If a candidate, by whom the deposit referred to in sub-rule (1) of rule 4 has been made, is not elected and the number of votes polled by him does not exceed one-eighth of the total number of valid votes polled, the deposit shall be forfeited and credited to the fund of the Board.

(2) The deposit made by a candidate—

- (i) whose nomination is rejected or declared invalid, or
- (ii) who withdraws his candidature in the manner and within the time specified in sub-rule (6) of rule 5, or
- (iii) who dies before the commencement of the poll, or
- (iv) who, though not elected, does not forfeit his deposit under sub-rule (1), or
- (v) who is elected.

shall be returned to the candidate, or, in the event of his death, to his legal representative as soon as may be after the publication of the result of the election.

7. (1) If, after the period allowed for withdrawal, the number of duly-nominated candidates excluding those who have withdrawn their candidature under rule 5 (6) is equal to or less than the number of seats to be filled, the Returning Officer shall forthwith declare all such candidates to be elected.

(2) If the number of duly-nominated candidates for election excluding those who have withdrawn their candidature under rule 5 (6) exceeds the number of seats to be filled, voting shall take place as provided for in these rules.

8. (1) Not later than 20 days before the date fixed for the closure of the poll, the Returning Officer shall send in a closed cover by registered post (with acknowledgment due)—

- (a) a voting paper in Form II duly signed by the Returning Officer and with the office seal of the Board duly affixed thereon,
- (b) a plain envelope containing the voting paper, and
- (c) another envelope addressed to the Registrar in Form III for enclosing the plain envelope containing the voting papers

to every elector. The receipt obtained from the post office and the address shall be preserved. The election shall not be invalidated by reason of the non-receipt by an elector of his voting paper, if a voting paper has been issued to him in accordance with these rules. The counterfoils of the voting papers sent to electors shall be placed in a packet, and the packet shall be sealed immediately. This packet shall not be opened except for the purpose of an election petition.

(2) The Returning Officer shall place a mark, with his initials against the name of each elector to whom a voting paper has been sent, in a copy of the list of electors, and such copy shall be kept in a sealed cover in safe custody with the Returning Officer.

(3) When a voting paper is returned undelivered, the Returning Officer may reissue it, or if the elector applies in person for the voting paper and the Returning Officer is satisfied of his identity he may himself hand it over to the elector after obtaining his acknowledgment.

(4) An elector who does not receive a voting paper and envelopes in accordance with sub-rule (1) within seven days from the date fixed thereunder or who has lost them, or if the same are inadvertently spoilt, may, on a declaration,

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ration to that effect signed by himself, request the Returning Officer to send him fresh papers, and if the paper and envelopes have been spoilt, he shall return the spoilt papers.

(5) The election shall not be invalidated by reason that an elector to whom a voting paper has been duly forwarded failed to receive it in time to enable him to return it to the Returning Officer not later than the date fixed for the closing of the poll, nor by reason that a voting paper sent by an elector to the Returning Officer was not received by him in due time.

(6) The voting paper shall show the names of all candidates whose nomination has been accepted by the Returning Officer, their addresses and qualifications and space for making a voting mark against the same. Every elector shall have one vote only for each seat to be filled, and such vote shall be recorded by putting a cross mark "x" opposite the names of the candidates whom the voter wants to elect.

(7) Every elector desirous of recording his vote shall send the voting paper received by him either by registered post or under certificate of posting to the Returning Officer recording thereon his vote. Voting papers handed over personally by the voter will be accepted as valid, and a receipt shall be given in respect of any voting paper so delivered.

(8) On receipt of a voting paper cover from an elector, the Returning Officer shall endorse thereon the date and hour of receipt and place it in a locked box, provided that any voting paper received after the hour fixed for the closing of the poll, shall be kept in a separate packet, and shall not be opened.

9. If an elector is incapacitated from blindness or other physical cause from signing the envelope or marking the voting paper, it shall be competent for him to record his vote by the hand of any attesting officer, and such officer shall certify on the envelope in Form III the elector's incapacity, and shall attest the fact that he was so requested by the voter to mark the voting paper for him, and that the said paper was so marked by him in the presence of the elector.

10. The Returning Officer shall, on the date and at the time and place fixed by a notice in writing affixed on his office notice-board, not less than

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fifteen days before the date of the poll, for counting of votes, open the box containing the covers of voting papers, and shall reject voting papers, if-

- (i) the envelope mentioned in rule 8 (1) (c) is not duly signed by the elector or is not duly attested by an attesting officer; or
- (ii) the plain envelope in which the voting paper is enclosed contains more than one voting paper; or
- (iii) there are more than one signatures of electors on the envelope containing the plain envelope; or
- (iv) the postage on the envelope containing the voting paper, etc. is not prepaid by the elector; or
- (v) more than one "x" mark is made opposite the name of any one or more candidates; or
- (vi) cross marks are made against names of more candidates than there are seats to be filled

11. The Returning Officer shall place a mark with his initials against the name of the elector in a list of electors to be used by him for that purpose to indicate that his voting paper has been received.

12. (1) The Returning Officer shall keep in a separate box all improperly signed or improperly-attested envelopes and all voting papers rejected under rule 10 marked as "Rejected."

(2) When any envelope containing a voting paper or any voting paper is rejected under these rules, the reasons for its rejection shall be briefly noted thereon.

(3) All envelopes other than those rejected under rule 19 shall be opened and voting papers taken out and mixed together. The voting papers shall then be scrutinised and votes counted.

(4) Every candidate may be present in person, or may send a representa-

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tive duly authorised by him in writing to watch the process of counting of votes.

(5) The Returning Officer shall show the voting papers, if requested, to the candidates or their representatives

(6) If any objection is made to any voting paper on the ground that it does not comply with the instructions therein, or to the rejection by the Returning Officer of a voting paper, it shall be decided at once by the Returning Officer.

(7) The candidates or their representatives shall be given reasonable opportunity to inspect the receipts obtained from the post office and the addressees, the signature of the voters and to inspect without handling the voting papers, provided that the candidate or their representatives shall not be permitted to see the voting papers which are not to be counted

13. (1) When the counting of votes is completed, the Returning Officer shall arrange the names of all candidates in the order in which they have received votes, with the name of candidate receiving the largest number of votes at the top.

(2) When an equality of votes is found to exist between any candidates, and the the addition of one vote will entitle any one or other of the candidates to be declared elected, the determination of the candidate to whom such additional vote shall be deemed to have been given, shall be made by lot, to be drawn by the Returnig Officer in the presence of the candidates and their representatives present at the counting and in such manner as the Returning Officer may determine.

(3) The Returning Officer shall then declare as many candidates as there are seats to be filled to whom the largest number of votes has been given, to be elected.

(4) The Returning Officer shall publish the result of election by affixing a notice at the office of the Board, showing the names of candidates who

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have been declared elected. and shall forward a report of the same to the President and to the State Government. He shall also take steps to have the result of the election published in the "Madhya Pradesh Gazette".

14. The Registrar shall keep all papers relating to the elections in his custody for such time, and shall dispose them of in such manner as the State Government may, by instructions, direct.

15. (1) Whenever a vacancy is caused in the office of a member of the Board elected under clause (b) of sub-section (2) of section 3 through his death, resignation, removal, disability, or otherwise, the State Government may, by notification, call upon the electors to elect candidate to fill the vacancy and appoint dates for the nomination of candidates, scrutiny of nomination papers and the closure of the poll, if found necessary.

(2) On the issue of such a notification, these rules shall apply, as far as may be, to the election of a member to fill the vacancy.

16. Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and he shall not destroy or cause to be destroyed the records even after six months without the previous concurrence of the State Government.

17. Any candidate, aggrieved by any decision of the Returning Officer, may appeal to the State Government within 15 days from the date of scrutiny of the nomination papers, if the nomination paper is rejected, and within thirty days of the declaration of the result of the election on other grounds.

FORM 1

[See rule 4 (1)]

Form of Nomination Paper

(NOTE—This nomination paper will unless it is delivered to the Returning Officer, or other person authorised to receive it, at his office during the Office

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hours on or before _____
Name of candidate _____
Father's name (or, in the case of a married _____
woman, husband's name ; _____
Age _____
Address _____
Qualifications _____
No. of the candidate in the register _____
Signature of the proposer _____
No. of the proposer in the register _____
Signature of the seconder _____
No. of the seconder in the register _____
I agree to be elected a member of the Board.

.....
Signature of the candidate

Certificate of Delivery of Nomination Paper

(To be filled in by the Returning Officer)

This nomination paper was delivered to me in my office at (hour)
on the (date).

.....
Returning Officer

Certificate of Scrutiny

I have scrutinised the eligibility of the candidate, the proposer and seconder, and find that they are respectively qualified to stand for election, to propose and to second the nomination. I hereby accept this nomination paper or reject this nomination paper for the reasons given below:--

.....
Returning Officer.

FORM III

(See rule 8 (1) (a))

Voting Paper

Names of candidates	Address	Qualifications	Mark of voting
(1)	(2)	(3)	(4)
1.....
2.....
3.....
4.....

.....
Signature of the Returning Officer.

(Seal)

(Back of the Voting Paper)

1. Each elector has only one vote for each seat to be filled.
2. Each elector shall vote by placing the mark "x" opposite the names of the candidates whom he prefers.

FORM II

(See rule 8 (1) (c))

(To be opened at the time of counting.)

Board Election

Registration No. of the voter.....

Signature of the voter.....

Attested by.....

To--The Registrar (Returning Officer),
Board of Homoeopathic and Biochemic Systems of Medicine,
Madhya Pradesh, Nagpur.

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List of Voters

Name	Address	Signature of the Registrar to show that voting paper has been sent	Signature of the Registrar showing that the voting paper has been received and scrutinised at the time of the poll
(1)	(2)	(3)	(4)

FORM II

(See rule 8 (1) (c))

(To be opened at the time of counting)

Board Election

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competent authority be less favourable than those admissible to them while in the service of the existing statutory body;

(e) all records and papers belonging to the existing statutory body shall be divided and made over to the corresponding regional bodies in accordance with such directions as the State Government may give;

(f) all things done and action taken by the existing statutory body shall, in so far as it relates to the jurisdiction or business of the corresponding regional body, be deemed to be things done and action taken by such corresponding regional body and section 5 of the Central provinces and Berar General Clauses Act, 1914, shall apply in respect of such things done and action taken as it applies in respect of a repealed Act.

1 of 1914

Explanation--For purposes of this sub-section the expression "population ratio" shall in relation to the Mahakoshal and Vidarbha regions mean such ratio as the State Government may by notification specify on the basis of the population of the two regions as ascertained at the last census.

(2) The allocation of elected and nominated members of the existing statutory body as made by the State Government in the notification under clause (a) of sub-section (1) shall be final and shall not be questioned in any court of law.

Quorum 5. Notwithstanding anything to the contrary in the relevant Act, the quorum for every meeting of a corresponding regional body shall, as nearly as may be, be one-fourth of the total number of members for the time being on such body inclusive of the Chairman,

6. The validity of the proceedings of any corresponding regional body or of anything done by such body shall not be questioned on the ground merely of any vacancy in such body or any defect or irregularity not affecting the merits of the case.

Vacancies and irregularities not to invalidate proceedings.

7. (1) Any direction to be made by the State Government under section 4 may be made at any time before the specified date; but it shall have effect as from the specified date.

Power to give directions before specified date.

(2) Every direction made under section 4 shall be published in the Gazette.

8. Except as otherwise provided by this Act, the relevant Act shall in all other respects apply to a corresponding regional body

Application of relevant Act

The Schedule

Table

Existing statutory body (1)	Corresponding regional body (2)	Relevant Act (3)
The Madhya Pradesh Medical Council.	1. The Mahakoshal Medical Council. 2. The Vidarbha Medical Council.	The C. P. and Berar Medical Registration Act, 1916 (I of 1916).
The Madhya Pradesh Nurses Registration Council.	1. The Mahakoshal Nurses Registration Council. 2. The Vidarbha Nurses Registration Council.	The C. P. and Berar Nurses Registration Act, 1936 (XLIII of 1936).
The Board of Ayurvedic and Unani Systems of Medicine Madhya Pradesh.	1. The Mahakoshal Board of Ayurvedic and Unani Systems of Medicine. 2. The Vidarbha Board of Ayurvedic and Unani Systems of Medicine.	The C. P. and Berar Ayurvedic and Unani Practitioners Act, 1947 (IV of 1948).
The Madhya Pradesh Housing Board.	1. The Mahakoshal Housing Board ... 2. The Vidarbha Housing Board.	The Madhya Pradesh Housing Board Act, 1950 (XLIII of 1950).
The Board of Secondary Education, Madhya Pradesh.	1. The Mahakoshal Board of Secondary Education. 2. The Vidarbha Board of Secondary Education.	The Madhya Pradesh Secondary Education Act, 1951 (XII of 1951).
The Board of Homoeopathic and Biochemic Systems of Medicine, Madhya Pradesh.	1. The Mahakoshal Board of Homoeopathic and Biochemic Systems of Medicine. 2. The Vidarbha Board of Homoeopathic and Biochemic Systems of Medicine.	The Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951 (XXVI of 1951).

**BOARD OF HOMOEOPATHIC & BIOCHEMIC
Systems of Medicine Madhya Pradesh.**

No. A/841

New Secretariat

Dated Nagpur, the 1st Oct. 1956

You are hereby informed that the Board has decided that the following acts on the part of registered Practitioners shall constitute "Infamous Conduct" as in Sec. 16 (4) of the M. P. Homoeopathic and Biochemic Practitioners Act No. XXVI of 1951.

- (a) Non-Homoeopathic use of drugs or administering by injection of any patent or unproved drug of unknown origin.
- (b) Exhibiting letters or signs purporting to be Homoeopathic or Biochemic Medical degrees unless the same have been officially recognised as the qualification of the person concerned and duly supported by an entry in the Register of Registered Practitioners.
- (c) Granting false medical certificate of illness or physical fitness.

The name of any registered practitioner, who after due enquiry has been found guilty of "Infamous Conduct" shall be removed from the Register.

- (d) "Issuing or granting or procuring on payment spurious degrees and Diplomas which are in reality spurious but are advertised publicly as if the same are degrees and Diplomas recognised by a State Government or by a Board of Homoeopathic established by the state Government."

By order of the Board
Registrar,
Board of Homoeopathic & Biochemic,
Systems of Medicine, Madhya Pradesh, Nagpur.

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SN.5

Immediate
State Legislation

No.14/80/73-Jud1
Government of India
Ministry of Home Affairs

New Delhi, the 14th September, 1973.

To

The Secretary to the Government of Madhya Pradesh,
Public Health and Family Planning Department,
Bhopal.

SUBJECT: The Madhya Pradesh Homoeopathic and Biochemic
Practitioners (Amendment) Ordinance, 1973.

Sir,

With reference to the State Government's letter
No.5224/5193/XVII/Med-IV/73 dated 12th September, 1973,
on the subject mentioned above, I am directed to convey
the instructions of the President as contained in the
enclosed Order.

2. The receipt of this letter may kindly be
acknowledged.

Yours faithfully,

P. P. Nayyar
(P.P. Nayyar)

Joint Secretary to the Govt of India.

Recd copy.

14/9/73
Under Secretary Health
Govt of MP
Bhopal.

Jud. Sec.

सभी पत्र आदि भारत सरकार
गृह मंत्रालय के सचिव को पद
से सम्बोधित किए जाए, नाम से
नहीं।

All communications should
be addressed to the Secretary
to the Government of India,
Ministry of Home Affairs, by
title NOT by name.

Telegrams : "HOME"

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No. 14/80/73-Judl 25

भारत सरकार

GOVERNMENT OF INDIA

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS

New Delhi 110001, the

September, 1973.
Bhadra, 1895.

ORDER

In pursuance of the proviso to clause (1) of
Article 213 of the Constitution, the President
approves the promulgation, by the Governor of
Madhya Pradesh, of the Madhya Pradesh Homoeopathic
Biochemic Practitioners (Amendment) Ordinance,
1973.

By order and in the name of the President.



(K.P. Singh)

Deputy Secretary to the Government of India.