



GOVERNMENT OF KARNATAKA

**The Karnataka Homoeopathic Practitioners Act, 1961
The Karnataka Homoeopathic Practitioners Rules, 1964 and
The Karnataka Board of Homoeopathic System of Medicine
and Court of Examiners (Election) Rules 1964**

DEPARTMENT OF PARLIAMENTARY AFFAIRS AND LEGISLATION

2000

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THE KARNATAKA HOMŒOPATHIC PRACTITIONERS ACT, 1961.**ARRANGEMENT OF SECTIONS.**

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Statement of Objects and Reasons.

I

Act 35 of 1961.—With the exception of the Bombay Homœopathic Act, 1951 (Bombay Act XLVIII of 1951) as in force in the Bombay area, there is no law regulating the practice of the Homœopathic system of medicine in Mysore State. The practitioners and associations of this system of medicine have been agitating for their statutory recognition. It is also considered expedient to have a uniform law for regulation of the practice and education of the Homœopathic system of medicine in the State of Mysore. Hence this Bill.

Notification 346 LA dated 9th April, 1960.

II

Amending Act 9 of 1969.—The First Board of the Homoeopathic System of Medicine as required by section 3 of the Mysore Homoeopathic Practitioners Act, 1961, has not been established; as the first Register of the Registered Practitioners has not yet been prepared. Pending such constitution it is considered necessary to provide for a machinery to recognise colleges so that institutions of Homoeopathic System of Medicine may not be handicapped.

Hence the Bill.—Karnataka Gazette Extraordinary, dated 12th December 1968, PART IV—2-A, p. 55.

III

Amending Act 14 1972.—According to sub-section (1) of section 5 of the Mysore Homoeopathic Practitioners Act, 1961, elections to the Mysore Board

of Homoeopathic System of Medicine have to be held at such time and place as may be prescribed. The electorate consists of practitioners all over the State and it would not be practicable for all of them to meet at one place. Hence was not possible to hold the elections. In order to obviate the difficulty it was proposed to take steps to conduct elections by postal ballot.

As neither the Mysore Legislature Assembly nor the Mysore Legislative Council was in session, the Mysore Homoeopathic Practitioners (Amendment) Ordinance, 1972 (Mysore Ordinance No. 3 of 1972) was promulgated by the Governor.

This Bill is intended to replace the said Ordinance.—Karnataka Gazette Extraordinary, dated 22nd November 1972, PART IV—2-A, No. 554. p. 3.

IV

Amending Act 8 of 1976.—As per sub-section (1) of section 16 of the Karnataka Homoeopathic Act, 1961 the Director of Health and Family Planning Services shall be the Chairman of the Court of Examiner for conducting examinations in Homoeopathy in this State. Similarly under section 37-A of the Act, the Director of Health and Family Planning Services shall be the Chairman of the Karnataka Homoeopathic Committee.

A separate Department of Indian Medicine has been created on a permanent basis and a post of Director of Indian Systems of Medicine and Homoeopathic has also been sanctioned in the grade of Rs. 1,300–1,800.

Since Homoeopathic comes under the administrative control of the Department of Indian Systems of Medicines and Homoeopathy, it is appropriate to appoint the Director, Indian Systems of Medicine and Homoeopathy as the Chairman of the Court of Examiners for conducting examinations in Homoeopathy and as the Chairman of the Karnataka Homoeopathic Committee.

In view of the aforesaid, the Karnataka Homoeopathic Practitioners (Amendment) Ordinance, 1975 was issued.

This Bill is to replace the said ordinance.—Karnataka Gazette Extraordinary, dated 22-1-1976, PART IV—2-A, p. 23-24.

IV

Amending Act 34 of 1979.—In section 6 of the Karnataka Homoeopathic practitioner Act, 1961 the term of the office of the Members whether elected or nominated shall be for a period of 5 years commencing from the dates on which the first meeting of the Board is held after the election of member under section 3 of the Act. If a member has committed grave irregularity or misconduct, then the member has to be removed in the interest of the Institution/Board. For this purpose it is necessary to amend the Act to make provision to remove such member from the office.

It is also considered necessary to enhance the registration fee and renewal fee payable under the said Act to Rs. 30 and Rs. 10 respectively. X

Hence this Bill.—Karnataka Gazette Extraordinary, dated 16th May 1979, PART IV—2-A, No. 472, p. 3.

V

Amending Act 13 of 1992.—The existing provision of the Karnataka Homoeopathic Practitioner Act, 1961 provides for electing four members from among the practitioners whose names are entered in Part 'A' of the register and two from among the practitioners whose names are entered in Part 'B' of the register. The number of members to be so elected is considered to be disproportionate to the number of practitioners registered respectively in part 'A' and 'B' and so it is proposed to make a provision for electing six members from the practitioners registered in Part 'A' and Part 'B' grouped together.

Hence the Bill.—L. A. Bill No. 1 of 1992.

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'[KARNATAKA ACT]' No. 35 OF 1961.
(First published in the '[Karnataka Gazette]' on the
Thirtieth day of December, 1961.)

THE '[KARNATAKA]' HOMŒOPATHIC PRACTITIONERS ACT, 1961.

(Received the assent of the President on the
Twenty-seventh day of December, 1961.)

(As amended by Karnataka Act 9 of 1969, 14 of 1972, 8 of 1976,
34 of 1979 & 13 of 1992.)

An Act to regulate the qualifications and practice of homœopathic medicine and to provide for the registration of practitioners of the homœopathic system of medicine in the '[State of Karnataka]'.

WHEREAS it is expedient to regulate the qualifications and practice of homœopathic medicine and to provide for the registration of practitioners of the homœopathic system of medicine in the '[State of Karnataka]';

Be it enacted by the '[Karnataka State]' Legislature in the Twelfth Year of the Republic of India as follows:—

CHAPTER I.

PRELIMINARY.

1. Short title, extent and commencement.—(1) This Act may be called the '[Karnataka]' Homœopathic Practitioners Act, 1961.

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

(3) Chapters I, IV and VI shall come into force at once and the remaining provisions of this Act shall come into force on such ²[date]² as the State Government may by notification appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "Board" means the '[Karnataka]' Board of Homœopathic System of Medicine established under section 3;

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

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 (1.11.1973).

2. Remaining provisions shall come into force on 17.7.1970 by notification dated 10.7.1970. Please see the text of notification on p. 25.

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

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

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

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

(g) "practitioner" means a person who practises the homœopathic system of medicine, as his principal occupation;

(h) "prescribed" means prescribed by rules;

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

(j) "qualifying examination" means an examination in homœopathic system of medicine specified in the Schedule;

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

(l) "registered practitioner" means a practitioner whose name is for the time being entered in the register;

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

(n) "regulations" means regulations made under section 36;

(o) "rules" means rules made under section 35.

CHAPTER II.

ESTABLISHMENT OF BOARD.

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

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 (1.11.1973).

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

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

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

'[(iii) six members elected by the registered practitioners from among themselves, whose names are entered in Part A and B of the register.]'

Provided that—

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

(b) at the first and subsequent constitution of the Board after the expiry of the said period of five years, the President shall be elected by the members from among themselves ²[x x x]².

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

5. Election of members.—(1) The election of members under section 3 shall be held ³[x x x]³ in such manner as may be prescribed.

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

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

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

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

1. Clause (iii) substituted by Act 13 of 1992 w.e.f. 24.4.1992. —

2. Omitted by Act 13 of 1992 w.e.f. 24.4.1992.

3. Omitted by Act 14 of 1972 w.e.f. 11.10.1972.

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

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

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

7. Vacancies.—¹In the event of a vacancy arising out of the death, resignation, removal, disability or disqualification of a member or the President, or otherwise, previous to the expiry of the period of his office, the vacancy shall be filled in the prescribed manner. Any person elected or nominated to fill the vacancy shall, notwithstanding anything contained in section 6, hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

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

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

9. '[Removal of members]'—If any member,—

(a) absents himself from three consecutive ordinary meetings of the Board without such reasons as may, in the opinion of the State Government in the case of the President, and in the case of any other member in the opinion of the Board, be sufficient, or

(b) becomes subject to any of the disqualifications specified in section 10, ²[or]²

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

1. Substituted by Act 34 of 1979 w.e.f. 6.11.1979.

2. Inserted by Act 34 of 1979 w.e.f. 6.11.1979.

3. Clauses (c) & (d) inserted by Act 34 of 1979 w.e.f. 6.11.1979.

(d) is otherwise unfit to continue as a member.]¹

the State Government "[may remove such member from office:

Provided that no member shall be removed from office on the grounds specified in clause (c) or clause (d) without giving such member an opportunity to submit his explanation]¹.

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

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

(b) if he is an undischarged insolvent;

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

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

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

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

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

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

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

1. Substituted by Act 34 of 1979 w.e.f. 6.11.1979.

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

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

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

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

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

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

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

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

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

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

CHAPTER III.

COURT OF EXAMINERS.

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

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

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

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

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

Provided further that pending the election of such persons by the Board after its constitution for the first time, the State Government shall nominate three persons who shall be registered practitioners or entitled to have their names entered in the register. The persons so nominated shall hold office until the Board has elected all the three persons under this sub-section.

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

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

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

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

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

1. Substituted by Act 8 of 1976 w.e.f. 16.4.1975.

CHAPTER IV.

REGISTRATION.

17. Preparation of first Register.—(1) The State Government shall, as soon as may be, cause to be prepared a register of homœopathic practitioners for the State.

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

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

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

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

(d) his professional address; and

(e) such further particulars as may be prescribed.

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

(i) Part A.—This part shall include—

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

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

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

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 (1.11.1973).

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

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

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

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

(2) The State Government, by notification, shall appoint a date on or before which application for registration shall be made to the Registration Tribunal. Such application shall be accompanied by a fee of ¹[thirty]¹ rupees.

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

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

(5) The Secretary shall amend the register in accordance with the decision of the State Government under sub-section (4) and shall thereupon issue to

1. Substituted by Act 34 of 1979 w.e.f. 6.11.1979.

every practitioner whose name is entered in the register a certificate of registration in the prescribed form.

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

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

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

21. Undertaking to be given for entering name in register.—The name of any practitioner shall not be entered either in the first register or a register maintained under section 19, unless he gives an undertaking in writing that he shall not use any degree, diploma or licence which is identical with or is a colourable imitation of any degree, diploma or licence granted by a body or institution authorised under the Indian Medical Degrees Act, 1916, or the Indian Medical Council Act, 1956. It shall be lawful for such persons to use after his name the words "Registered Practitioner of Homœopathy" in full to indicate that his name has been entered in the register.

22. Maintenance of register.—(1) It shall be the duty of the Registrar to make entries in the register, from time to time to revise the same and to issue the certificates of registration in accordance with the provisions of this Act, the rules, and the orders of the Board.

(2) The names of registered practitioners who die or whose names are directed to be removed from the register under section 23, shall be removed therefrom.

1. Substituted by Act 34 of 1979 w.e.f. 3.1.1980.

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

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

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

(3) If the name of the practitioner is entered in a Register maintained under the '[Karnataka]' Medical Registration Act, 1961, or the '[Karnataka]' Ayurvedic and Unani Practitioners Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961, it shall be the duty of the Board to give intimation of such removal to the authority entitled to maintain the said registers.

24. Renewal fee.—(1) Notwithstanding anything contained in section 18 or 20, each registered practitioner shall pay to the Board on or before the thirty-first day of December of every year a renewal fee of ²[ten]² rupees for the continuance of his name in the register.

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

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 (1.11.1973).

2. Substituted by Act 34 of 1979 w.e.f. 6.11.1979.

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

25. Qualified Medical Practitioners.—Notwithstanding anything contained in any law for the time being in force,—

(i) the expression “legally qualified medical practitioner” or “duly qualified medical practitioner” or any word importing a person recognised by law as a medical practitioner or member of medical profession shall in all Acts of Legislature in the ‘[State of Karnataka]’ and in all Central Acts in their application to the ‘[State of Karnataka]’ in so far as such Acts relate to any matters specified in List II or List III of the Seventh Schedule to the Constitution, include a practitioner whose name is entered in Part A or Part B of the Register.

(ii) a certificate required by any Act from any medical practitioner or medical officer shall be valid, if such certificate has been signed by a practitioner whose name is entered in Part A or Part B of the register;

(iii) a practitioner whose name is entered in Part A or Part B of the register shall be eligible to treat patients according to the Homœopathic system of medicine or to hold any appointment as a physician or other medical officer in any homœopathic dispensary, hospital or infirmary supported by or receiving a grant from the State Government and treating patients according to the homœopathic system of medicine or in any public establishment, body or institution dealing with such system of medicine;

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

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

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 (1.11.1973).

CHAPTER V.

COURSE OF STUDIES, QUALIFYING EXAMINATIONS AND
RECOGNITION OF INSTITUTIONS.

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

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

(3) It shall be the duty of the Board to secure maintenance of an adequate standard,

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

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

(b) to permit Inspectors to inspect the institution;

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

(a) to furnish such particulars as the Board may require about the conduct of such examinations;

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

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

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

- (a) the constitution and personnel of the governing or managing body;
- (b) subjects and courses on which it gives or proposes to give instruction;
- (c) accommodation, equipment and the number of students for whom provision has been made or is proposed to be made;
- (d) the strength of the staff, their qualifications, salaries and the research work done by them;
- (e) fees levied or proposed to be levied and the financial provision made for the capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

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

(3) The Registrar shall place the application before the Board and the Board may direct the Registrar to call for any further information which it may deem necessary. The Board may also direct a local inquiry to be made by a competent person or persons authorised by it in this behalf.

(4) After recording the report of such local inquiry and after making such further inquiry as may be necessary, the Board shall forward the application with its report to the State Government stating its opinion whether the recognition asked for should or should not be granted. The State Government may thereupon grant or refuse the recognition or may grant it subject to such conditions as it deems fit. The decision of the State Government shall be final.

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29. Removal of Institution authorised to hold qualifying examination.—If it shall appear to the State Government on the report of the Board or otherwise that the instruction given in any recognised institution

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

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

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

CHAPTER VI.

MISCELLANEOUS.

31. Exemption from serving on inquests, etc.—Notwithstanding anything contained in any other law for the time being in force, every registered practitioner shall be exempt, if he so desires, from serving on an inquest, or as a juror under the Code of Criminal Procedure, 1898 (Central Act V of 1898).

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

33. Income and expenses of the Board.—(1) The income of the Board shall consist of—

- (a) fees received from practitioners and examinees;
- (b) the fees, if any, collected by the Court;
- (c) grants received from the Government;
- (d) donations and other sums received by the Board.

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

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

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

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

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

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

- (a) ¹[x x x]¹ the manner in which election shall be held under section 5;
- (b) the manner in which vacancies shall be filled under section 7;

1. Omitted by Act 14 of 1972 w.e.f. 11.10.1972.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) All regulations when sanctioned, with or without modification shall be published in the official Gazette.

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

37. Control of State Government.—(1) If at any time it appears to the State Government that the Board has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Act, or has failed to perform any of the duties conferred upon it, by or under this Act, the State

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

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

1[37A. Provision when the Board is not constituted.—Notwithstanding anything contained in this Act, pending the constitution of the Board for the first time under this Act, the powers and functions of the Board shall be exercised and performed by a committee appointed by the State Government consisting of the ²[Director of Indian Systems of Medicine and Homeopathy in Karnataka]² as Chairman and four members who shall be practitioners eligible to have their names entered in the register.]¹

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

39. Repeal.—The Bombay Homœopathic Act, 1951 (Bombay Act XLVIII of 1951), as in force in the ³[Belgaum Area]³, is hereby repealed.

1. Section 37A inserted by Act 9 of 1969 w.e.f. 24.4.1969.

2. Substituted by Act 8 of 1976 w.e.f. 16.4.1975.

3. Adapted by the Karnataka Adaptations of Law Order 1973 w.e.f. 1.11.1973.

SCHEDULE

(Section 27)

I. Course of Studies.

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

Period of Study:—One year.

Subjects:—Medicine including the principles of Homoeopathy Therapeutics, Repertory, Pharmacy and Dispensing Organon of Medicine, Homoeopathic Philosophy, Homoeopathy materia medica. Chronic miasma, Development of Homoeopathy and Research in Homoeopathy.

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

Paper-I:—Organon, Homoeopathic Philosophy, chronic Miasma.

Paper-II:—Homoeopathic materia medica pharmacy and dispensing.

Paper-III:—Therapeutics, Repertorisation and case taking.

Paper-IV:—The scientific method, and the Development of & research in Homoeopathy.

2. B.H.M.S. :—Bachelor of Homoeopathic Medicine & Surgery.

For this course, the existing Central Council Syllabi shall apply and any amendment to the syllabi as and when issued shall be applicable.]¹

II. Qualifying Examinations.

Licentiate of the Court of Examiners in Homoeopathy	...	(L.C.E.H.)
Graduate of the Court of Examiners in Homoeopathy	...	(G.C.E.H.)
Fellow of the Court of Examiners in Homoeopathy	...	(F.C.E.H.)
² [Diploma in Medicine and Surgery	...	D.M.S of W.B.
Diploma in Homoeopathic Medicine	...	D.H.M. of A.P.
Diploma in Homoeopathic Medicine	...	D.H.M. of Kerala.
Licentiate Certificate of Examination in Homoeopathy	L.C.E.H. Maharashtra.] ²

1. Substituted by notification No. HFW 44 IME 87 dated 12.5.1988 w.e.f. 12.5.1988.

2. Added by Notification No. HMA 303 PIM 72 dated 18.8.1972 w.e.f. 24.8.1972. Please see the text of notification on p. 25-26.

[Recognised medical qualification in Homoeopathy granted by
Universities, Boards or Medical Institutions in India.

Name of University, Board of Medical Institution	Recognised Medical qualification	Abbreviation for Registration	Remarks
1	2	3	4
1. Dr. Gururaju, Government Homoeopathic Medical College, Gudivada.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From April 1970 onwards.
2. Board of Indian Medicine, Hyderabad.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From October 1971.
3. Bihar State Board of Homoeopathic Medicine.	Diploma in Medicine and Surgery.	D.M.S.	Since 1961.
4. Board of Homoeopathic System of Medicine, Delhi.	Diploma in Homoeopathic Science.	D.H.S.	From 1965 to 1970-71.
5. Royal College of Homoeopathic Physicians, Ernakulam.	Licentiate of Royal College of Homoeopathic Physicians.	L.R.C.H.P.	Upto 1966-67
6. The Board of Homoeopathic and Biochemic systems of Medicine, Madhya Pradesh.	Diploma in Homoeopathy and Biochemistry	D.H.B.	From 1960 onwards.

1. Added by Notification No. HMA 33 PIM 74 dated 11.10.1974 w.e.f. 16.1.1975. Please see the text of notification on p. 26-30.

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1	2	3	4
7. Court of Examiners in Homoeopathy.	Fellow of the Court of Examiners in Homoeopathy.	F.C.E.H.	In May 1958 only.
8. Orissa Board of Homoeopathic Medicine, Bhubaneswar.	Diploma in Homoeopathic Medicine and Surgery	D.H.M.S.	From 1972 onwards.
9. State Board of Homoeopathic Medicine, U.P., Lucknow.	Graduate of Homoeopathic Medicine and Surgery.	G.H.M.S.	From 1961 to 1963.
	Bachelor of Medicine and Surgery.	B.M.S.	From 1958 to 1960 and from 1970 onwards.
	Certificate of Homoeopathic Practice.	C.H.P.	...
10. Agra University, Agra.	Graduate of Homoeopathic Medicine and Surgery.	G.H.M.S.	From 1965 to 1967.
11. Kanpur University, Kanpur.	Graduate of Homoeopathic Medicine and Surgery.	G.H.M.S.	From 1967 onwards.
12. National Homoeopathic Medical College and Hospital, Lucknow.	...	H.L.M.S.	From 1923 to 1936.
		H.M.D.	From 1925 to 1942.
		H.M.B.	From 1924 to 1949.
		B.M.S.	From 1950 to 1957.
13. Homoeopathic Medical College, Lucknow.	...	H.M.B.	From 1931 to 1936.

1	2	3	4
14. The Council of Homoeopathic Medicine, West Bengal.	Diploma in Medicine and Surgery.	D.M.S.	From 1965 onwards.
15. Calcutta Homoeopathic Medical College, Calcutta.	Bachelor of Homoeopathic Medicine.	H.M.B.	Upto 1936.
	Bachelor of Medicine & Bachelor of Surgery.	B.M.B.S.	From 1936 to 1942.
16. Bengal Allen Homoeopathic Medical College, Calcutta.	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	Upto 1942.
	Master of Homoeopathic Medicine and Surgery.	M.H.M.S.	Upto 1942.
	Licentiate in Homoeopathic Medicine and Surgery.	L.H.M.S.	Upto 1942.
17. Dunham Homoeopathic Medical College, Calcutta.	Member of Dunham College of Homoeopathy.	M.D.C.H.	Upto 1942.
18. Ashutosh Homoeopathic Medical College, Calcutta.	Practitioners of Rational System of Medicine.	P.R.S.M.	Upto 1942.
	Practitioner of Heading Art.	P.H.A.	Upto 1942.
19. Herring Homoeopathic Medical College, Calcutta.	Licentiate of the Rational Homoeopathic Society.	L.R.H.S.	Upto 1942.

1	2	3	4
20. Regular Homoeopathic Medical College, Calcutta.	Licentiate in Homoeopathic Medicine and Surgery.	H.L.M.S.	Upto 1942.
21. Central Homoeopathic College, Calcutta.	...	H.L.M.S. H.M.B.	1910. 1910.
22. Bengal Homoeopathic Medical College, Calcutta.] ¹	Bachelor of Homoeopathic Medicine.	H.M.B.	Upto 1942.
[23. Court of examiners in Homoeopathic Education, Bangalore.	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	From 1985 onwards.
24. Bangalore University	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	From October 1990 onwards.
25. Mangalore University	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	From December 1990 onwards.
26. Gulbarga University.	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	From December 1990 onwards.] ¹

B. Qualifications granted by medical institutions outside India.

Name of University, Board of Medical Institution.	Recognised Medical qualification.	Abbreviation for Registration.	Remarks
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1. Inserted by Notification No. HFW 2 IME 92 dated 10.2.1993 w.e.f. 18.3.1993. Please see the text of notification on p. 31.

1. Faculty of Homoeopathy, London.	Diploma of the Faculty of Homoeopathy.	D.F.Hom.
2. Faculty of Homoeopathy, London.	Member of the Faculty of the Homoeopathy.	M.F.Hom.
3. Faculty of Homoeopathy, London.	Fellow of the Faculty of Homoeopathy.	F.F.Hom.

Notifications.

I

Bangalore, dated 10th July, 1970.

S.O. 1530.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Homoeopathic Practitioners Act, 1961 (Mysore Act 35 of 1961), the Government of Mysore hereby appoints 17th July, 1970 as the date on which the remaining provisions of the said Act other than Chapter I, IV and VI shall come into force.

[No. HMA 463 PIM 69.]

By Order and in the name of the
Governor of Karnataka,

(K. RANGANATHAPPA)
Under Secretary.

Published in the Karnataka Gazette PART IV—2C (ii) dated 16th July, 1970 at p. 3571.

Bangalore, dated 18th August, 1972.

S.O. 1471.—In exercise of the powers conferred by Section 30 of the Mysore Homoeopathic Practitioners Act, 1961 (Mysore Act 35 of 1961) the Government of Mysore hereby makes the following additions to the Schedule

to the Schedule to the said Act and specifies the date of publication of this notification in the *Mysore Gazette* as the date from which the Schedule shall be deemed to have been so modified, namely:—

In the Schedule to the said Act, to the entries under the heading "II Qualifying Examinations," the following entries shall be added, namely:—

Diploma in Medicine and Surgery	...	D.M.S of W.B.
Diploma in Homoeopathic Medicine	...	D.H.M. of A.P.
Diploma in Homoeopathic Medicine	...	D.H.M. of Kerala.
Licenciate Certificate of Examination in Homoeopathy	...	L.C.E.H. of Maharashtra.

[No. HMA 303 PTM 72.]

By Order and in the name of the
Governor of Mysore,

(K. P. RAMAKRISHNA)
Under Secretary to Government,
Health and Municipal
Administration Department.

Published in the Karnataka Gazette PART IV—2C (ii) dated 24th August, 1972 at p. 2937.

Bangalore dated 11th October, 1974.

S.O. 274.—In exercise of the powers conferred by Section 30 of the Karnataka Homoeopathic Practitioners Act 1961 (Karnataka Act 35 of 1961) the Government of Karnataka hereby makes the following additions to the Schedule to the said Act and specifies the date of publication of this notification in the *Karnataka Gazette* as the date from which the schedule shall be deemed to have been so modified, namely:—

In the schedule to the said Act, to the entries under the heading "Qualifying Examinations", the following entries shall be added namely:—

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

Name of University, Board of Medical	Recognised Medical qualification	Abbreviation for Registration	Remarks
1	2	3	4
1. Dr. Gururaju, Government Homoeopathic Medical College, Gudivada.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From April 1970 onwards.
2. Board of Indian Medicine, Hyderabad.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From October 1971.
3. Bihar State Board of Homoeopathic Medicine.	Diploma in Medicine and Surgery.	D.M.S.	Since 1961.
	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From 1971 onwards.
4. Board of Homoeopathic System of Medicine, Delhi.	Diploma in Homoeopathic Science.	D.H.S.	From 1965 to 1970-71.
	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From 1971 onwards.
5. Royal College of Homoeopathic Physicians, Ernakulam.	Licentiate of Royal College of Homoeopathic Physicians.	L.R.C.H.P.	Upto 1966-67
6. The Board of Homoeopathic and Biochemic systems of Medicine, Madhya Pradesh.	Diploma in Homoeopathy and Biochemistry	D.H.B.	From 1960 onwards.

1	2	3	4
7. Court of Examiners in Homoeopathy.	Fellow of the Court of Examiners in Homoeopathy.	F.C.E.H.	In May 1958 only.
8. Orissa Board of Homoeopathic Medicine, Bhubaneswar.	Diploma in Homoeopathic Medicine and Surgery	D.H.M.S.	From 1972 onwards.
9. State Board of Homoeopathic Medicine, U.P., Lucknow.	Graduate of Homoeopathic Medicine and Surgery.	G.H.M.S.	From 1961 to 1963.
	Bachelor of Medicine and Surgery.	B.M.S.	From 1958 to 1960 and from 1970 onwards.
	Certificate of Homoeopathic Practice.	C.H.P.	...
10. Agra University, Agra.	Graduate of Homoeopathic Medicine and Surgery.	G.H.M.S.	From 1965 to 1967.
11. Kanpur University, Kanpur.	Graduate of Homoeopathic Medicine and Surgery.	G.H.M.S.	From 1967 onwards.
12. National Homoeopathic Medical College and Hospital, Lucknow.	...	H.L.M.S.	From 1923 to 1936.
		H.M.D.	From 1965 to 1942.
		H.M.B.	From 1924 to 1949.
		B.M.S.	From 1950 to 1957.
13. Homoeopathic Medical College, Luknow.	...	H.M.B.	From 1931 to 1936.

1	2	3	4	
14.	The Council of Homoeopathic Medicine, West Bengal.	Diploma in Medicine and Surgery.	D.M.S.	From 1965 onwards.
15.	Calcutta Homoeopathic Medical College, Calcutta.	Bachelor of Homoeopathic Medicine.	H.M.B.	Upto 1936.
		Bachelor of Medicine & Bachelor of Surgery.	B.M.B.S.	From 1936 to 1942.
16.	Bengal Allen Homoeopathic Medical College, Calcutta.	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	Upto 1942.
		Master of Homoeopathic Medicine and Surgery.	M.H.M.S.	Upto 1942.
		Licentiate in Homoeopathic Medicine and Surgery.	L.H.M.S.	Upto 1942.
17.	Dunham Homoeopathic Medical College, Calcutta.	Member of Dunham College of Homoeopathy.	M.D.C.H.	Upto 1942.
18.	Ashutosh Homoeopathic Medical College, Calcutta.	Practitioners of Rational System of Medicine.	P.R.S.M.	Upto 1943.
		Practitioner of Heading Art.	P.H.A.	Upto 1942.
19.	Herring Homoeopathic Medical College, Calcutta.	Licentiate of the Rational Homoeopathic Society.	L.R.H.S.	Upto 1942.

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1	2	3	4
20. Regular Homoeopathic Medical College, Calcutta.	Licentiate in Homoeopathic Medicine and Surgery.	H.L.M.S.	Upto 1942.
21. Central Homoeopathic College, Calcutta.	...	H.L.M.S. H.M.B.	1910. 1910.
22. Bengal Homoeopathic Medical College, Calcutta.	Bachelor of Homoeopathic Medicine.	H.M.B.	Upto 1942.

B. Qualifications granted by medical institutions outside India.

Name of University, Board of Medical Institution.	Recognised Medical qualification.	Abbreviation for Registration.	Remarks
1. Faculty of Homoeopathy, London.	Diploma of the Faculty of Homoeopathy.	D.F.Hom.	
2. Faculty of Homoeopathy, London.	Member of the Faculty of the Homoeopathy.	M.F.Hom.	
3. Faculty of Homoeopathy, London.	Fellow of the Faculty of Homoeopathy.	F.F.Hom.	

By Order and in the name of the
Governor of Karnataka,

(K. JAVARE GOWDA)

Under Secretary to Government,
Health and Municipal
Administration Department.

Published in the Karnataka Gazette PART IV—2C (ii) dated 16th January, 1975 at p. 634-637.

**Notification No. HFW 2 IME 92, Bangalore,
dated 10th February, 1993.**

In exercise of the powers conferred by Section 30 of the Karnataka Homoeopathic Practitioners Act, 1961, (Karnataka Act 35 of 1961) the Government of Karnataka hereby makes the following additions further to amend the schedule to the said Act namely:—

In the schedule to the said Act under the heading Recognised medical qualification in Homoeopathy granted by Universities, Boards or Medical Institutions in India after item no. 22 the following entries shall be inserted namely:—

23. Court of examiners in Homoeopathic Education, Bangalore.	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	From 1985 onwards.
24. Bangalore University.	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	From October 1990 onwards.
25. Mangalore University.	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	From December 1990 onwards.
26. Gulbarga University.	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	From December 1990 onwards.

By Order and in the name of the
Governor of Karnataka,

(P. PRASANNA KUMAR)
Under Secretary to Government,
Health and Family Welfare
Department.

*Published in Karnataka Gazette PART IV—2C (ii) dated 18th March, 1993
at p. 175-176*

**THE KARNATAKA HOMŒOPATHIC PRACTITIONERS
REGISTRATION RULES, 1964**

**KARNATAKA HOMOEOPATHIC PRACTITIONERS REGISTRATION
RULES, 1964**

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KARNATAKA HOMŒOPATHIC PRACTITIONERS REGISTRATION RULES, 1964

NOTIFICATION

Bangalore, dated 20th January 1965

G.S.R. 361. In exercise of the powers conferred by section 35 of the Homœopathic Practitioners Act, 1961 (Karnataka Act 35 of 1961), the Government of Karnataka hereby makes the Karnataka Homœopathic Practitioners Registration Rules, 1964, the draft of the same having been previously published as required by sub-section (1) of the said section, in Notification No. PLM 228 PIM 64/Part IV, dated 10th March 1964, published as GSR 83 in Part IV, Section 2C-(ii) of the Karnataka Gazette, dated 9th April 1964.

PART I

PRELIMINARY

1. **Title.-** These rules may be called the 'Karnataka Homœopathic Practitioners Registration Rules, 1964.
2. **Definitions.-** In these rules, unless the context otherwise requires,-
 - (a) "Act" means the '[Karnataka]' Homœopathic Practitioners Act 1961;
 - (b) "form" means a form appended to these rules;
 - (c) "section" means a section of the Act;
 - (d) "Tribunal" means the Registration Tribunal constituted by the State Government under sub-section (1) of section 18.

1. Adapted by the Karnataka Adaptations of Laws order 1973 (1-11-1973)

PART II
REGISTRATION

3. Further particulars to be included in the register.- The Register of Homoeopathic Practitioners shall include the following further particulars, namely:-

- (a) registration number;
- (b) if the practitioner is a married woman, her maiden name and surname;
- (c) date of birth of the practitioner;
- (d) where a practitioner possesses any qualifications, his qualifications, the place where he received training for such qualifications and the period of such training;
- (e) if any disciplinary action is taken by the Board against the practitioner, the particulars of such action;
- (f) if the name of the practitioner was removed from the Register, and subsequently re-entered therein the date on which the name was so re-entered;
- (g) remarks, if any of the Registrar.

4. Application for inclusion in the first register.- (1) For the purposes of preparation of the first register every person who desires to have his name included shall apply to the Secretary to the Tribunal in Form 'A' in accordance with the provisions of sub-section (2) of section 18. The application shall also be accompanied by copies of a degree, a diploma or a certificate in support of the qualifications of the applicant. The applicant shall also produce the original certificates when required to do so by the Secretary of the Tribunal.

(2) Every application for registration by a person claiming to be included in Part A of the register shall be accompanied by-

(i) in the case of persons referred to in sub-clause (a) of clause (ii) of sub-section (3) of section 17,-

(a) a declaration made by the applicant before a Magistrate of the First Class to the effect that the applicant has been engaged in the practice of the Homoeopathic system of medicine as the principal occupation for a period of not less than ten years immediately before the date of coming into force of Chapter IV of the Act, and

(b) a certificate by a Gazetted Officer of the State Government to the effect that the applicant had been in the practice of the Homoeopathic system of medicine for a period of not less than ten years immediately before the date of coming into force of Chapter IV of the Act, as the principal occupation;

(ii) in the case of persons referred to in sub-clause (b) of clause (i) of sub-section (3) of section 17,-

(a) documentary evidence in support of the person having received personal clinical instruction for a period of not less than two years in a hospital where indoor patients are kept and where the service includes surgery, gynaecology and midwifery and Homoeopathic medicine; and

(b) the certificate of having passed the examination referred to in the said sub-clause (b).

(3) Every application for registration by a person claiming to be included in Part B of the register shall be accompanied by declaration made by the applicant before a First Class Magistrate to the effect that he is a medical practitioner whose name is registered under the Karnataka Medical Registration Act, 1961 or the Karnataka Ayurvedic and Unani Practitioners, Registration and Medical Practitioners Miscellaneous Provisions Act, 1961, and that he has been practising the Homoeopathic system of medicine.

(4) Every application for registration by a person claiming to be included in Part 'C' of the register shall be accompanied by-

(a) a declaration made by the applicant before a Magistrate not below the rank of First Class to the effect that the applicant has been in practice of the Homoeopathic system of medicine for not less than two years as the principal occupation on the date of coming into force of Chapter IV of the Act; and

(b) a certificate signed by a Gazetted Officer of the State Government to the effect that the applicant has been in practice of the Homoeopathic system of medicine for not less than two years as the principal occupation on the date of coming into force of Chapter IV of the Act.

Any application which does not specify the requirements of these rules shall be rejected.

5. Enquiry by Tribunal.- (1) The Tribunal shall consider each application for registration.

(2) For the purpose of making enquiry in respect of any application the Tribunal may, if it considers necessary, direct the Secretary of the Tribunal to call any applicant to appear before the Tribunal at the applicant's cost or may refer any application, to the Deputy Commissioner of the District in which the applicant claims to be practising for verification of such facts mentioned by the applicant in the application as the Tribunal may specify in that behalf.

6. Certificate of registration.- The certificate of registration to be issued in pursuance of sub-section (5) of section 18 shall be in Form B.

7. Application for subsequent registration.- Every application by any person for inclusion of his name in the register subsequent to the date on which custody of the register is given to the Board under section 19 shall be in Form C accompanied by a fee of fifteen rupees and contain the particulars referred to in sub-section (2) of Section 17 and the further particulars referred to in rule 3 and shall indicate the qualifications specified in the Schedule which the person possesses. It shall also be accompanied by certified copies of the diploma, degree or certificate in support of the claim of the applicant that he possesses such qualifications.

8. Making new entries or altering existing entries.- (1) Any registered practitioner who desires-

- (a) to have an entry as respects his name in the register altered; or
- (b) to have entry as respects any additional qualification acquired by him subsequent to the date of registration, made in the register; or
- (c) to have any alterations made in the entry as respects his additional qualifications,

may make an application in that behalf to the Register.

(2) The application made under sub-rule (1) shall be accompanied by a fee of five rupees if it relates to any alterations in the entries as respects additional qualifications.

9. Renewal of registration.- On receipt of the renewal fee of two rupees before the due date as required by section 24, the Registrar shall issue to the registered practitioner the renewal slip in Form D. The practitioner shall attach the renewal slip to the certificate of registration in the space provided for such renewal slip.

10. Re-entering name of practioner removed from the register.- The name of any person removed under sub-section (2) of Section 24 may be re-entered in the register on receipt of an application from such person by the Board and on payment of renewal fee of two rupees and a new certificate of registration shall be re-issued by the Board.

FORM 'A'

[Sub-rule (1) of rule 4]

Form of application for registration under sub-section (2) of section 18 of the Karnataka Homoeopathic Practitioners Act, 1961.

To,

The Registrar,
Board of Homoeopathic System of Medicine
Karnataka*

Dear Sir,

I hereby request that my name and other particulars as mentioned below may be entered in the register under Section 18 of the Karnataka Homoeopathic Practitioners Act, 1961.

1. Full name of the applicant (In Block capitals beginning with surname)
2. Maiden name and surname, if the applicant is a married woman (in block capitals beginning with Surname)
3. Nationality
4. Residential address
(In block capitals)
5. Professional address
(In block capitals)
6. Date of birth (in words and figures)
7. (a) Qualification possessed by the applicant;
(b) Date on which the applicant obtained the qualification;
(c) Authority which conferred or granted the qualifications;
(d) The place where the applicant received training for such qualification and the period of such training.
2. My qualification viz..... specify the qualification would have entitled me to registration under Section 20 of the Karnataka Homoeopathic Practitioners Act, 1961,

3. I forward herewith-
- (i) My birth certificate/matriculation certificate/SSC certificate/School leaving certificate in original
 - (ii) the diploma certificate in original in respect of the qualifications possessed by me together with two copies there of the original may be kindly be returned to me when not required by you.
4. The Registration fee of Rs. 15. (Rupees Fifteen) only is paid in **cash/ remitted by postal order/money order.
5. An undertaking as required by Section 21 of the Act is furnished herewith.
6. I have carefully read the instructions sent with this form and I certify that the particulars furnished above are true to the best of my knowledge and belief.

Your's faithfully,

Date

Place.....

Signature of applicant.

INSTRUCTIONS

1. All particulars in this application form must be filled in by the applicant in neat hand or may be typed. Incomplete applications are liable to be rejected.
2. A fee of Rs. 15 for registration should be paid to the Registrar, Board of Homœopathic System of Medicine Karnataka, in cash or may be sent by Money Order or crossed Indian Postal Order, when the fee is sent by money Order, the postal receipt should be attached to the application.
3. If the space for giving particulars is not found sufficient, they may be given as a separate sheet which may be attached to this application.

* Here enter the full address of the Registrar of the Board.

** Strike off the alternative that is not applicable.

Accompaniment to the form of application for Registration under
Section 17.

FORM OF DECLARATION TO BE MADE BY THE APPLICANT

I, do hereby solemnly
declare that I had been regularly practising the Homoeopathic System of
Medicine for a period of not less than ten years immediately before the 27th
day of December 1961 Act Solemnly declare at
..... this day of 196

Before me

Seal of the
Government.

*Presidency Magistrate/
**First Class Magistrate.*

** Here mention any other Magistrate not below the rank of First Class.

Form of certificate of a Gazetted Officer or a Justice of the Peace to be
furnished by the applicant.

I,
(Name of the certifying officer) have satisfied myself and do hereby certify
that * Shri/Smt/Kumari

(Name of the Applicant)

had been regularly practising the Homoeopathic System of medicine in the
State of Karnataka for a period of not less than ten years immediately, before
the 27th day December 1961, at ***

Signature of the Certifying Officer

Date

Place

Seal or stamp of Designation
and address of the
Certifying Officer.

* Strike off the alternative not applicable.

*** Here give details of the place or places with taluk and district where the applicant had been
practising.

FORM B

(Rule 6)

Certificate of Registration

**The Board of Homoeopathic System of Medicine, Karnataka Similia
Similibus Curantur.**

Certificate No.

This is to certify that has been duly registered under Karnataka Homoeopathic Practitioners Act, 1961 (Karnataka Act 35 of 1961)

In witness whereof are herewith affixed the seal of the Board of Homoeopathic System of Medicine, Karnataka and the signature of the Registrar.

Subject to the provisions of the Act this certificate is valid upto.

Seal

Signature of the Registrar.

Blank space for renewal slips

Here insert the date of validity of certificate.

FORM C

(Rule 7)

Form of Application for Registration under Section 17 of the
Karnataka Homoeopathic Practitioners Act, 1961.

To

The Registrar,
Board of Homoeopathic System of Medicine,
Karnataka.

Dear Sir,

I hereby request that my name and other particulars as mentioned below may be entered in the Register under Section 20 of the Karnataka Homoeopathic Practitioners Act, 1961.

1. Full name of the applicant (In Block capitals beginning with surname)
2. Maiden name and surname, (if the applicant is a married woman) (in block capitals beginning with Surname)
3. Nationality
4. Residential address
(In block capitals)
5. Professional address
(In block capitals)
6. Date of birth (in words and figures)
7. Date of commencement of regular practice
8. The date of applicant's first admission to the Registrar
9. The qualification for registration and the date on which he obtained his degree or diploma in Homoeopathy, if any, and authority which conferred or granted it.
10. (1) Place or places with Taluks or District where the applicant practised and the approximate dates of commencement and the applicant's approximate period of practice at each place.
- (2) I had been regularly practising the Homoeopathic System of Medicine at Taluk District for a

period of not less than ten years immediately before the 27th December 1961. A declaration made by me before a Presidency Magistrate/First Class Magistrate and a Certificate of Gazetted Officer of the State Government, a Justice of Peace to that effect are enclosed.

- (3) I furnish the following as additional documentary evidence in support of my claim.
- (4) I forward herewith my birth certificate matriculation certificate/SSC certificate/School Leaving Certificate in original together with two copies thereof. The original certificates may kindly be returned to me when no longer required.
- (5) The Registration fee of Rs. 15 (Rupees Fifteen) only is paid in cash/ remitted by Postal Order/Money order.
- (6) An undertaking as required by Section 21 of the Act, is furnished herewith.
- (7) I have carefully read the instructions sent with this form and I certify that the particulars furnished above are true to the best of my knowledge and belief.

Your's faithfully

Date

Place

Signature of the Applicant

FORM D

[Rule 9]

Renewal Slip

No

This is to certify that the registration*
enlistment of **
is renewed up to ***

Seal

Signature of the Registrar

- * Strike of the alternative not applicable
- ** Here insert the name of the practioner
- *** Here insert the date.

[PLM 356 PIM 64]

By Order and in the name of the Governor of Karnataka

L.A. DHAMANIGI,
Deputy Secretary to Govt.
P.H. Labour & Munpl. Admn. Dept.

**The Karnataka Board of Homoeopathic Medicine and Court of
Examiners (Election) Rules, 1964.**

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NOTIFICATION.

Bangalore, dated 20th January 1965

G.S.R. 362.- In exercise of the powers conferred by section 35 of the Karnataka Homoeopathic Practitioners Act, 1961 (Karnataka Act 35 of 1961) the Government of Karnataka hereby makes the Karnataka Board of Homoeopathic System of Medicine and Court of Examiners (Election) Rules, 1964, the draft of the same having been previously published as required by sub-section (1) of the said section in Notification No. PLM 228 PIM 64 Part 1 dated there 10th March 1964, published as GSR 82 in Part IV-Section (i) of the Karnataka Gazette, dated 9th April 1964,

**THE KARNATAKA BOARD OF HOMOEOPATHIC SYSTEM OF
MEDICINE AND COURT OF EXAMINERS
(ELECTION) RULES 1964**

PART I

PRELIMINARY

1. Title.- These rules may be called the Karnataka Board of Homoeopathic System of Medicine and Court of Examiners (Election) Rules, 1964.

2. Definitions.- In these rules, unless the context otherwise requires,-

- (a) "Act" means the Karnataka Homoeopathic Practitioners Act, 1961;
- (b) "form" means a form appended to these rules;
- (c) "section" means a section of the Act.

PART II

ELECTION OF MEMBERS OF THE BOARD

[3. Electoral Roll for election of Members.- (1) The Registrar who shall be the Returning Officer for the purposes of election of members to the Board under sub-section (2) of section 3 shall prepare the preliminary electoral roll. The names of Registered Practitioners entered in part A and part B contained in the list of practitioners published under section 34 shall

1. Substituted by Notification G.S.R. 7 dated 4-12-1973

be arranged in alphabetical order in respect of each part. The names of such registered practitioners in respect of part A and part B shall constitute the preliminary electoral for the purposes of election of members from among the practitioners whose names are entered in part A or part B as the case may be and shall be published in the Official Gazette:

Provided that in the case of elections to be held for the first time under the Act, the names of registered practitioners found in part A and part B of the register of practitioners maintained under section 22 shall be arranged in alphabetical order in respect of each part. The names of such registered practitioners in respect of part A and part B shall constitute the preliminary electoral roll for purposes of election of members from among the practitioners whose names are entered in part A and part B on the register as the case may be, and shall be published on the notice board of the office of the Board and at such other place or places, as may be specified by the Returning Officer for the purpose; and the fact of such publication of the preliminary electoral roll on the notice board shall be simultaneously announced by notice published in Kannada and English in the newspapers having the largest circulation in the State also specifying in such notice the last date within which claims and objections relating to the entries or omissions in the preliminary electoral roll should be preferred.

(2) The Returning Officer shall prepare and publish in the Official Gazette on a date to be fixed by the State Government the preliminary electoral roll in Form I containing the names of all the electors for the electorates as indicated under sub-rule (1).

(3) The Returning Officer shall simultaneously publish a notice in the Official Gazette specifying the mode in which and the time within which claims and objections relating to the entries or omissions in the preliminary electoral roll shall be preferred.

(4) On or after the date fixed for the receipt of claims and objections, the Returning Officer shall pass orders in writing on each claim or objection and revise the preliminary electoral roll in respect of part A and part B of the Register in accordance with such orders and the rolls as so revised shall be published in the Official Gazette as the final electoral rolls for the election of members to the seats allotted to practitioners whose names are entered in part A part or part B of the register, as the case may be.]'

4. Appointment of dates for nominations, etc.- (1) The Returning Officer shall by notice in Form I published in the Official Gazette and on the

notice board at the office of the Board, appoint for every election in respect of each of the constituencies referred to in sub-clauses (a) and (b) respectively of clause (iii) of sub-section (2) of section 3,-

- (a) the last date for making nominations which shall be a date not later than the eighth day after the date of publication of the notice in the Official Gazette;
- (b) a date for the scrutiny of nominations which shall be a date not later than the third day after the last date for making the nominations;
- (c) the last date for the withdrawal of the nominations which shall be the third day after the date of scrutiny of nominations; and
- 1[(d) the last date for the receipt of ballot papers which shall be a date not earlier than the seventh day after the last date for the withdrawal of nominations; and
- (e) the date for the counting of votes.]¹

5. Qualifications for election as members.- Every person whose name is entered in '[the final Electoral Roll published under Sub-Rule (4) of Rule 3]' shall, unless disqualified under Section 10 be qualified to stand for election as a member from the constituency of which is an elector.

6. Nomination of candidates.- (1) Each candidate for election shall be nominated by means of nomination paper completed in Form II and subscribed by the candidate himself as assenting to the nomination and by two electors as proposer and seconder.

(2) On or before the date appointed under clause (a) of Rule, 4, each candidate shall either in person or by his proposer or seconder between the hours of 11 o' clock in the forenoon and 3 o' clock in the afternoon deliver to the Returning Officer or any other officer authorised by him in this behalf (hereinafter referred to as the authorised officer) at the place specified in the notice a nomination paper signed by the candidate.

(3) Any nomination paper which is not received before 3 0' clock in the afternoon on the last date appointed under clause (a) of rule 4 shall be rejected.

1. Substituted by Notification G.S.R. 7 dated 4-12-1973

(4) No elector shall subscribe whether as proposer or seconder more than one nomination paper at any election.

(5) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper for the same election.

[6A. Amount of deposit to be made- (1) Every candidate shall along with the proposal for nomination, deposit with the Returning Officer a sum of Rupees Fifty in cash. A nomination paper not accompanied by such deposit shall not be accepted by the Returning Officer. The deposit shall (if it is not forfeited under sub-rule (2) be returned to the candidate as soon as may be after declaration of the result of the election if,

- (a) the candidate is declared or is deemed to be duly elected or;
- (b) the nomination of the candidate is declared invalid or;
- (c) the candidate dies after the scrutiny of nomination papers and before the election is completed or;
- (d) if a candidate is not elected and the number of valid votes recorded in his favour is less than $\frac{1}{8}$ th of the total number of voters recorded, or where the total number of members to be elected is two or more, the number of valid votes recorded in his favour is less than $\frac{1}{8}$ th of the total numbers of votes recorded divided by the total number of members to be elected, the deposit shall be forfeited to the Board]

7. Procedure on receipt of nomination paper.- On presentation of a nomination paper, the Returning Officer or authorised officer shall,-

- (a) sign thereon a certificate stating the date and time of the presentation of the nomination paper and enter thereon its serial number; and
- (b) inform the person or persons presenting the nomination paper of the date, time and place fixed for the scrutiny of the nominations.

8. Scrutiny of nominations.- (1) On the date fixed for scrutiny of nominations under rule 4, the candidate and one proposer and one seconder of such candidate shall be entitled to be present at the time of scrutiny of the nominations and the Returning Officer shall give them reasonable facilities

1. Inserted by Notification G.S.R. 7 dated 4-12-1973

for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in Rule 6.

(2) The Returning Officer shall then examine the nomination papers and decide all objections which may be made to any of them.

(3) The Returning Officer may, either on such objection or on his own motion, and after such summary enquiry, if any, as he thinks necessary, reject the nomination paper on any of the following grounds, namely:-

- (a) that the proposer or the seconder is not qualified to subscribe a nomination paper; or
- (b) that the signature is not genuine or has been obtained by fraud; or
- (c) that the nomination paper has not been duly completed and the defect or irregularity is of a substantial character; or
- (d) that the proposer or seconder has subscribed whether as proposer or seconder any other nomination paper received earlier by the Returning Officer at the same election.

(4) The Returning Officer, shall hold the security on the date appointed in this behalf under rule 4 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by open violence or causes beyond his control.

(5) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting it and if the nomination paper is rejected, he shall record in writing a brief statement of his reasons for rejecting it.

9. Withdrawal of candidature.- (1) Any candidate may withdraw his candidature by a notice in writing in Form III subscribed by him and delivered before 3 o' clock in the afternoon on the day fixed under Clause (c) of rule 4 to the Returning Officer or the authorised officer either by such candidate in person or by his proposer or seconder who has been authorised in this behalf in writing by such candidate.

(2) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be entitled to cancel the notice.

(3) On receipt of a notice of withdrawal under sub-rule (1), the Returning Officer or the authorised officer shall note thereon the date and the hour at which it was delivered.

10. Procedure in contested and un-contested elections.- If after the expiry of the period within which candidature may be withdrawn under sub-rule (1) of rule 9, the Returning Officer finds,-

(a) that the number of candidates who have been duly nominated but who have not withdrawn their candidatures is equal to the number of members to be elected, he shall forthwith declare all such candidates to be duly elected to fill those seats; or

(b) that the number of candidates who have been validly nominated and who have not withdrawn their candidatures is less than the number of members to be elected, he shall declare such candidate or candidates to be duly elected, and shall report to the State Government that the electors have failed to elect members to the remaining vacancies for taking action under Section 4; or

(c) that the number of candidates duly nominated but who have not withdrawn their candidature is more than the number of members to be elected, he shall, after the expiry of the time for withdrawal of the candidature prepare and publish a list of contesting candidates in Form IV entering the names of candidates in alphabetical order with their addresses and cause a copy of the list to be affixed on the notice board of the Office of the Board.

[11. Despatch of voting papers to the voters.- (1) If a poll is found necessary, the Returning Officer shall, two weeks before the date appointed therefore send by post to each elector a letter of intimation in Form II-A together with:

- (i) a numbered declaration paper;
- (ii) ballot paper in Form IV containing the names of the candidates entered in alphabetical order and bearing the Returning Officer's initials or facsimile signature;
- (iii) a small blank cover with the words 'Ballot Papers' printed thereon and addressed to the Returning Officer; and
- (iv) a bigger outer cover on which are printed, on the left top corner, the serial alphabetical number and on left lower corner, the name and signature column and in the centre, the address of the Returning Officer printed as under:-

1. Substituted by Notification G.S.R 7 dated 4-12-1973.

To,

The Returning Officer,
Karnataka Homoeopathic Practitioner's Board
Bangalore.

A certificate of posting shall be obtained in respect of such letter of intimation sent to an elector.

(2) An elector who has not received his ballot paper and other connected papers are provided in sub-rule (1) or whose papers, before they are returned back to the Returning Officer have been inadvertently spoilt in such a manner that they cannot be conveniently used, or who has lost his papers, may on his transmitting to the Returning Officer a declaration to that effect signed by himself require the Returning Officer to send him duplicate papers in place of those not received, spoilt, or lost and if the papers have been spoilt, the same shall be returned to Returning Officer who shall cancel them. In every case, when duplicate papers are issued, a record thereof shall be kept by the Returning Officer and a mark 'Duplicate' shall be placed on the bigger cover which shall bear the same serial alphabetical number as was originally given on the bigger outer cover sent to the elector. The ballot papers issued in such cases shall also be marked "Duplicate".

12. Despatch of ballot papers to the Returning Officer.- (1) Every elector desirous or recording his vote shall after filling up the declaration paper and the ballot paper in Form VI according to the direction given in the letter of intimation, enclose a ballot paper in the ballot paper cover, stick the cover, enclose the declaration papers in the bigger outer cover addressed to the Returning Officer and send it to the Returning Officer either by post or deliver it in person so as to reach the Returning Officer not later than the hour specified on the day fixed for the poll.

(2) On receipt of the envelopes by post or in person containing the declaration paper and the closed cover containing the ballot paper, the Returning Officer shall endorse on the outer envelope the date and hour of the receipt.

13. Counting of Votes.- (1) The Returning Officer shall attend for the purpose of scrutiny and counting of votes on the date and at the time and place appointed by him in his behalf for purposes of counting.

(2) Any candidate may be present either in person or by his accredited representative at the counting of the votes.

(3) The Returning Officer shall nominate as scrutinisers such number of members of the staff of the Office of the Board as he thinks fit to assist him in the counting of votes.

(4) The Returning Officer shall open the outer envelopes immediately after the hour fixed for the counting on the day fixed for the poll in the presence of any candidate or any other person representing the candidate and the ballot papers may be shown to the candidate or their representatives present at the time of scrutiny if a request is made on their behalf-

(5) A ballot paper cover shall be rejected by the Returning Officer, if-

(a) the outer envelope contains no declaration paper outside the ballot paper cover; or

(b) the declaration paper is not the one sent by the Returning Officer; or

(c) A declaration is not signed by the elector; or

(d) more than one declaration paper or ballot paper cover have been enclosed in one and the same outer envelope; or

(e) number of outer envelopes containing the declaration paper and the ballot paper cover are enclosed in a big cover.

(6) In case of rejection, the word "rejected" shall be endorsed on the ballot paper cover and the declaration paper and initialled by the Returning Officer.

(7) All the ballot paper covers other than those rejected under sub-rule (5) shall be opened and the ballot papers shall then be scrutinised and valid ones counted. A ballot paper shall be invalid, if-

(a) it does not bear the Returning Officer's initials or facsimile signature; or

(b) a Voter signs his name, or writes a word or makes any mark on it by which it is recognisable as his ballot paper; or

(c) no voting is recorded thereon; or

(d) the number of Voters recorded thereon is not equal to the number of Votes which the Voter is entitled to give; or

(e) the voter has given more than one Vote to any one candidate; or

- (f) it is void for uncertainty on account of one or more votes being exercised:

Provided that where more than one Votes can be given on the same ballot paper, if one of the marks is so placed as render, is doubtful to which candidate it is intended to apply, the vote concerned but not the whole ballot paper shall be invalid on that account.

(8) If any objection is made to any ballot paper on the ground that it does not comply with the specified requirements, or to any objection by the Returning Officer of a ballot paper it shall be decided at once by the Returning Officer whose decision shall be final.

(9) When the counting of votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given, to have been elected and shall forthwith inform the successful candidate by letter of his having been elected to the Board.

(10) When an equality of votes is found to exist between any two or more candidates and the addition of a vote will entitle any one or more of the candidates to be declared elected, the determination of the candidate or candidates to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn by the Returning Officer in such a manner as he shall determine.

(11) The Returning Officer shall then prepare and certify a return of the election in Form VII.]'

14. Record of proceedings and publication of the result of election.- Immediately after the counting of votes, the Returning Officers shall.-

- (a) prepare a record of the proceedings and sign it, attesting with his initials every correction made therein; and also permit any candidate present to affix his signature to such record, if he expresses his desire to do so.
- (b) forward the names of the persons elected as members to the State Government for publication in the Official Gazette.

15. Sealing and custody of election papers.- (1) The Returning Officer shall then made up into separate packets the marked copy of the list

of members the ballot papers relating to each candidate whether counted or rejected, seal up each packet and note thereon the description of its contents, the election to which it relates and date thereof.

(2) The packets shall not be opened and their contents shall not be verified inspected or produced before any person or authority except under of the State Government or of a competent court.

(3) The packets shall be retained in safe, custody by the Returning Officer in his office for a period of one year from the date of declaration of the results of election and shall thereafter be destroyed unless a direction to the contrary is given by a competent court or by the State Government.

16. Dispute regarding election.- (1) The validity of the election of a member may be called in question by a petition presented to the State Government by any candidate at such election within fifteen days from the date of publication of the declaration of the results by the State Government, in the Official Gazette.

(2) Every petition under sub-rule (1) shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

(3) The petitioner shall join as respondents to his petition where the petitioner in addition to claiming a declaration that the election of the returned candidate is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, the returned candidate.

(4) A petition under sub-rule (1):-

- (a) shall contain a concise statement of material facts on which the petitioner reliefs,
- (b) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act V of 1908), for the verification of pleadings.
- (c) any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

(5) The petitioner may claim any of the following declarations:-

- (a) that the election of the returned candidate is void;
- (b) that the election of the returned candidate is void and that he himself or any other candidate has been duly elected.

17. Procedure on receipt of the election petition.- On receipt of the election petition, the State Government may after calling for the records and after such enquiry as it deems fit and after giving an opportunity to the parties to the proceedings of being heard, make an order:-

- (a) dismissing the petition; or
- (b) declaring the election of the returned candidate to be void; or
- (c) declaring the election of returned candidate to be void and the petitioner or any other candidate to have been duly elected.

18. Grounds for declaring the election of the returning candidate to be void.- If the State Government is of opinion:-

(a) that the result of the election has been materially affected:-

(i) by the improper reception or refusal of a vote; or

(ii) by any non-compliance with the provisions of the Act or of any of these rules; or

(b) that the nomination of any candidate has been wrongly rejected or that the nomination of the successful candidate or of any other candidate who has not withdrawn his candidature has been wrongly accepted;

The State Government shall declare the election of the returned candidate to be void

19. Grounds for which the candidate other than the returned candidate may be declared to have been elected.- If any person who has presented an election petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the State Government is of opinion that in fact the petitioner or such other candidate received a majority of the valid votes, the State Government shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected:

Provided that the petitioner or such other candidate shall not be declared to be duly elected if it is proved that the election of such candidate would have been void if he has been the returned candidate and a petition has been presented calling in question his election.

20. Casual Vacancies.- (1) When any vacancy occurs in the office of the members of the Board elected from any of the constituencies referred to in sub-clause (a) or sub-clause (b) of clause (iii) of sub-section (2) of section 3, it shall be filled by election of member from among practitioners whose names are entered in part A or part B of the Register, as the case may be.

(2) The provisions of these rules 3 and 19 shall *mutatis mutandis* apply to an election to fill up a casual vacancy under sub-rule (1).

PART III

ELECTION OF PRESIDENT

21. Returning Officer for election of President.- The Registrar shall be the Returning Officer for the election of the President.

22. Appointment of dates for nomination, etc., for election of President.- (1) The Returning Officer shall by notice in Form 1 published by affixture on the notice board of the Office of the Board appoint for every election of the President under clause (b) of the proviso to sub-section (2) of section 3:-

- (a) the last date for making nominations which shall be a date not later than the eighth day after the date of publication of the notice;
- (b) a date for the scrutiny of nominations which shall be a date not later than the third day after the last date for making the nominations;
- (c) the date on which the votes of the members shall if necessary, be taken which shall be a date for earlier than the seventh day after the last date for making the nominations.

(2) In the case of the election to fill a vacancy caused by the expiration of the term of office of the President, a notice under sub-rule (1) shall be published as soon as conveniently may be, after the sixtieth day before the expiration of the term of office of the outgoing President and the dates shall

be so appointed under the said sub-rule that the election will be completed at such time as will enable the President thereby elected to enter upon his office on the date following the expiration of the term of office of the outgoing President.

(3) In the case of an election to fill a vacancy in the office of the President occurring by reason of his death, resignation, removal, disability or disqualification or otherwise, a notice under sub-rule (1) shall be issued as soon as may be after the occurrence of such vacancy.

(4) A copy of the notice published under sub-rule (1) shall be sent to every member of the Board of registered post.

23. Rules applicable for the conduct of election of the President subsequent to the date of nomination.- The provisions of rules 6,7,8,9 and 10 and Forms II, III and IV of these rules relating to election of members of the Board shall *mutatis mutandis* apply to an election of the President:

Provided that,-

- (i) rule 9 shall apply subject to the modification that for the words, brackets, letter and figure "fixed under clause (c) of rule 4" the words, brackets, letter and figures, "immediately preceding the day fixed under clause (c) of rule 22" has been substituted; and
- (ii) the reference to any provisions of rule 4 for the purpose of these rules shall be construed as a reference to the corresponding provision of rule 22.

24. Votes to be taken at the Office of the Board.- Where votes of the members are to be taken for the purpose of the election, the Returning Officer shall conduct the poll on the date appointed under clause (c) of sub-rule (1) of rule 22 at the Office of the Board at such time as he thinks fit and a notice of the date, and hour shall be sent to every member of the Board by registered post not less than five days before the date of the poll. A copy of the notice shall also be affixed on the notice board of the Office of the Board.

25. Procedure for the conduct of elections.- The following procedure shall be adopted in conducting the elections:-

- (1) The Returning Officer shall read out the names of all the candidates who have been duly nominated as entered in Form IV.

(2) At the place set apart for voting, the Returning Officer shall provide a ballot box which shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being opened.

(3) The Returning Officer shall immediately before the votes are taken, show the ballot box empty to such members as may be present so that they may see that it is empty, and then shall lock it up and place his seal upon it in such manner as to prevent its being opened without breaking such seal.

(4) Every member wishing to vote shall be supplied with a ballot paper in Form V bearing the seal of the Board and the signature of the Returning Officer and on which the names of all the contesting candidates are printed, typed or written in English or Kannada. At the time of issuing a ballot paper to a member, the Registrar shall record the serial number thereof against the entry relating to the member in the copy of the list of members kept for the purpose.

(5) The member to whom a ballot paper is issued under sub-rule (4) shall on receipt of the ballot paper proceed to the place set apart for the purpose and there place a mark (X) against the name of the candidate for whom he wishes to vote. He shall then fold up the paper so as to conceal the vote and insert it into the ballot box.

(6) The Returning Officer shall cause such arrangements to be made to prevent the members who have already voted from having access to the ballot box as to prevent the members who are yet to vote.

(7) If owing to any physical infirmity a member is unable to make a mark on the ballot paper, the Returning Officer shall record the vote on the ballot paper, in accordance with the wishes of the elector, fold it so as to conceal the vote and insert it into the ballot box. While acting under the clause, the Returning Officer shall observe such secrecy as is feasible and shall keep a record of each such instance but shall not indicate therein the manner in which any vote has been given.

(8) A member who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on reporting it to the Returning Officer and on satisfying him of the inadvertence, obtain another ballot paper and the ballot paper so returned shall be marked 'cancelled' by the Returning Officer. If a Member after obtaining a ballot paper decides not to use it, he shall return it to the Returning Officer and

the ballot paper so returned shall be marked as "Returned Cancelled" by the Returning Officer. All ballot papers cancelled under this clause shall be kept in a separate packet.

26. Counting of Votes.- (1) After voting by all the Members present and wishing to vote, the Returning Officer shall open, in the presence of the members present the ballot box, count the number of ballot papers taken out therefrom and scrutinise the ballot papers and separate those which in his opinion are valid those which in his opinion are invalid endorsing on the latter the word "Rejected" and the ground of rejection, and arrange all the valid ballot papers in a bundle.

2. The Registrar shall reject a ballot paper.-

- (a) if it bears any mark or writing by which the elector can be identified, or
- (b) if no vote is recorded thereon, or
- (c) if votes are given on it in favour of more than one candidate, or
- (d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given, or
- (e) if it is a spurious ballot paper:

Provided that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked

(3) Before rejecting any ballot paper under this rule, the Returning Officer shall allow each candidate a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) Every ballot paper which is not rejected shall be counted as one valid vote. After the completion of the counting, the Returning Officer shall record in a statement the total number of votes polled by each candidate and announce the same.

(5) After such announcement has been made the Returning Officer may either on his own initiative or at the instance of any candidate recount the votes:

Provided that nothing herein contained shall make it obligatory on the Returning Officer to recount the same votes more than once.

When a recount of votes is made under this sub-rule, the Returning Officer shall amend the statement referred to in sub-rule (4), to the extent necessary after such recount and announce the amendment so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (4) or sub-rule (5), the Returning Officer shall declare the candidate to whom the largest number of valid votes has been given to have been duly elected.

(7) If after the counting of the votes is completed, an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote. He shall, thereafter declare the candidate on whom the lot falls to have been duly elected.

(8) The Returning Officer shall then prepare and certify a return of the election in Form VI.

(9) Rules 14 and 15 shall *mutatis mutandis* apply to the election of a President.

27. President to enter upon his duties.- The President elected under these rules shall enter upon his duties forthwith, in case there is no elected President and after the expiry of the term of the elected President in Office, in other cases.

28. Election Petitions.- The Provisions of rules 16, 17, 18 and 19 shall *mutatis mutandis* apply to an election of the President and the reference in any provisions of rule 13 shall be construed as a reference to the corresponding provision of rule 26.

29. Casual vacancies.- When any vacancy occurs in the Office of the elected President, it shall be filled up by election by the members of the Board and the provisions of rules 21 to 28 and all other rules and forms applicable to the election of the President in this part shall *mutatis mutandis* apply to an election to fill up a casual vacancy in the Office of the elected President.

PART IV

ELECTION OF MEMBERS OF THE COURT OF EXAMINERS BY THE BOARD

30. Registrar to be Returning Officer.- The Registrar shall be the Returning Officer for the election of three persons from amongst members of the Board to the Court of Examiners under clause (ii) of sub-section (1) of Section 16.

31. Application of rules for the election of members to the Court of Examiners.- The provisions of Part II of these rules and the Forms relating to election of Members of the Board shall *mutatis mutandis* apply to the election of Members by the Board of the Court of Examiners under clause (ii) of sub-section (1) of Section 16.

[FORM 1

[See rule 3 (2)]

Preliminary electoral roll containing the list of persons qualified to vote under sub-clauses (a) and (b) respectively of clause (iii) of sub-section (2) of section 3 of the Karnataka Homœopathic Practitioner's Act, 1961.

PART A

Sl. No.
Reg No.
Names
Qualifications
Address
Remarks

PART B

Sl. No.
Reg. No
Names
Qualifications
Address
Remarks]

[FORM I-A]

(See Rules 4 (1) , 22 and 31)

NOTICE OF ELECTION

Election of Members of the Board / to the Office of the President /
to the Court of Examiners

Notice is hereby given that-

(1) an election is to be held of the members of the Board/to the Office
of the President/to the Court of Examiners

(2) nomination papers may be delivered between the hours of
11 o' clock in the morning and 3 o' clock in the afternoon by a candidate or
his proposer or seconder at the Office of the Returning Officer on any date
not later than the (date)

(3) nomination papers will be taken up for scrutiny at
(hours) on (date) at (place);

(4) notice of withdrawal of candidature, may be delivered by a candidate
or by his proposer or seconder who has been authorised in this behalf in
writing by such candidate at the Office of the Returning Officer before 3 o
clock in the afternoon on

(5) nomination papers and notices of withdrawal may be delivered to
the Returning Officer or any other officer authorised by him in this behalf at
his office.

(6) in the event of election being contested the voting will take place
on at a*
*[x x x] of which notice will be sent separately.

* Here enter the name of the place,

1. Relettered by Notification of G.S.R. 7 dated 4-12-1973.
2. Omitted by Notification G.S.R. 7 dated 4-12-1973.

.[FORM IB]

Declaration Paper

Election to the Karnataka Board of Homoeopathic System of Medicine and Court of Examiners under clause (b) of sub-section (2) of Section 3 of the Karnataka Homoeopathic Practitioners Act, 1961.

Serial Number

Electors Name

Name of Electoral roll

if any,

ELECTOR'S DECLARATION

I, (Name in full designation if any,) declare that I am an elector for the election of a member to the Karnataka Board of Homoeopathic System of Medicine and Court of Examiners, by the electorate specified under clause (b) of sub-section (2) of Section 3 of the Karnataka Homoeopathic Practitioner's Act, 1961, and that I have signed no other voting paper at this election.

Station

Signature

Date

Address:

(No. H.M.A. 493 PIM 72)

FORM II

[See Rules 6,23 and 31]

NOMINATION PAPER

**Election of Members of the Board / to the Office of the
President / to the Court of Examiners**

We hereby nominate
(name and particulars of the candidate), as a candidate for the election of
the members of the Board / to the Office of the President to the Court of
Examiners.

We declare that both of us are electors / members of the Board

.....
Signature of proposer.

Date

.....
Signature of Seconder.

Date

I assent to this nomination

.....
Signature of Candidate

Date

* Particulars of the candidate will include the name of the father or husband of the candidate
his/her occupation and place of residence.

FORM III

[See Rules 9,23,31]

Notice of withdrawal

**Election of Members of the Board / to the Office of the
President / to the Court of Examiners**

To

The Returning Officer,
.....

I, a candidate
nominated at the above election, do hereby give notice that I withdraw my
candidature.

Place

Date

Signature of Candidate

This notice was delivered to me at my office at (hours) on
..... (date) by the *

Date

Returning Officer

* Here insert one of the following alternative that may be appropriate:-

- (1) candidate;
- (2) candidate's proposer who has been authorised in writing by the candidate who delivered it;
- (3) candidate's seconder who has been authorised in writing by the candidate who delivered it.

FORM IV

[See Rules 10 (c), 23, 31]

LIST OF VALID NOMINATIONS

**Election of Members of the Board / to the Office of the
President / to the Court of Examiners.**

Sl. No.	Name of Candidate	Name of *father/husband	Address of candidate
1	2	3	4
Place			Returning Officer.
Date			

* Strike of the inappropriate alternative

FORM V

[See Rules 12, 25 and 31]

**Election of Members of the Board / to the Office of the
President / to the Court of Examiners**

Counterfoil		Foil	
Serial Number of the ballot paper	Sl No. of the Candidate	Name of the Candidate	Voter's Mark
	1.	
	2.	
	3.	
	4.	

INSTRUCTIONS TO ELECTORS

as many votes as there are seats to be filled.

1. You have one vote.
The number of seats to be filled is
3. Place a cross mark (X) clearly opposite the name of the candidate to whom you wish to give the vote.
4. You must not give more than one vote to any one candidate. If you do, your ballot paper will be rejected.
5. The mark should be so placed as to indicate clearly and beyond doubt to which candidate / candidates you are giving your vote. If the mark is so placed as to make it doubtful to which candidate / candidates you have given the vote that vote will be invalid.

FORM VI

[See Rules 13, 26 and 31]

RETURN OF ELECTION

Election of Members of the Board / to the Office of the President / to the Court of Examiners.

Sl. No	Name of Candidate	Number of Valid votes Polled

Total number of valid votes Polled

Total number of rejected votes

I declare that -

..... (Name)

of(Address)

72 *The Karnataka Board of Homœopathic System of Medicine [1961: KAR. ACT
and Court of Examiners (Election) Rules 1964*
has been duly elected as the member of the Board / President of t
Board / Member of the Court of Examiners.

Place

Date

.....
Returning Officer
[No. PLM 356 PIM 196



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು
ವಿಶೇಷ ಪತ್ರಿಕೆ

ಭಾಗ - IV-A	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಆಗಸ್ಟ್ ೨೦, ೨೦೧೨ (ಭಾದ್ರಪದ ೮, ಶಕ ವರ್ಷ ೧೯೩೪)	ನಂ. ೬೧೭
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ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನಾ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾಇ 34 ಶಾಸನ 2012, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 30.08.2012

The Karnataka Homoeopathic Practitioners (Amendment) Bill, 2012ರ ಆಗಸ್ಟ್ ಮಾಹೆಯ 27ನೇ ದಿನಾಂಕದಂದು ರಾಜ್ಯಪಾಲರ ಒಪ್ಪಿಗೆ ದೊರೆತಿದ್ದು, ಸಾಮಾನ್ಯ ತಿಳುವಳಿಕೆಗಾಗಿ ಇದನ್ನು 2012ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 33 ಎಂಬುದಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಪ್ರಕಟಿಸಬೇಕೆಂದು ಆದೇಶಿಸಲಾಗಿದೆ.

KARNATAKA ACT NO. 33 OF 2012

(First published in the Karnataka Gazette Extra-ordinary on the Thirtieth day of August, 2012)

THE KARNATAKA HOMOEOPATHIC PRACTITIONERS (AMENDMENT) ACT, 2012

(Received the assent of the Governor on the Twenty Seventh day of August, 2012)

An Act further to amend the Karnataka Homoeopathic Practitioners Act, 1961.

Whereas it is expedient further to amend the Karnataka Homoeopathic Practitioners Act, 1961 (Karnataka Act 35 of 1961), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty-Third Year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Homoeopathic Practitioners (Amendment) Act, 2012.

(2) It shall come into force at once.

2. Amendment of section 20.- In the Karnataka Homoeopathic Practitioners Act, 1961 (Karnataka Act 35 of 1961) (hereinafter referred to as the principal Act), in section 20, for the words

"thirty rupees", the words "such fee as may be prescribed for life time membership" shall be deemed to have been substituted with effect from 1st January, 1996.

3. Amendment of section 24.- In section 24 of the principal Act, for sub-section (1), the following shall be deemed to have been substituted with effect from 1st January, 1996, namely:-

"(1) Notwithstanding anything contained in section 18 or 20, each Homoeopathic Practitioner other than a Homoeopathic Practitioner whose name is entered in the register under section 18 or continued in the register shall pay to the Board on or before the thirty first day of December of every year and in succeeding year in which his name is entered in the register and every year thereafter a prescribed renewal fee for the continuance of his name on the register:

Provided that a Homoeopathic Practitioner registered under this Act, before the commencement of the life time registration may pay such amount as renewal fee, as may be prescribed, for the continuance of his name on the register for life time."

4. Amendment of section 35.- In section 35 of the principal Act, in sub-section (1), after the words "make rules", the words "prospectively or retrospectively" shall be inserted.

5. Validation.- Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other Authority to the contrary, anything done or any action taken or purporting to have been done or taken under any rules, notifications, notices or order issued and all proceedings held for levy of life time fee or any renewal fee by the State Government or the Board from any person for the purpose of membership shall be deemed to have been validly levied or collected and effective as if such levy and collection of enhanced rate of fee has been collected or action or thing had been done or taken under the principal Act, as amended by this Act in accordance with the law and accordingly,-

- (a) no suit or other proceedings shall be maintained or continued in any court or Tribunal or before any Authority for the refund of any such fee, additional fee; and
- (b) no court shall enforce any decree or order directing the refund of any such fee, additional fee.

By Order and in the name of the Governor of Karnataka,

G.K. BOREGOWDA
Secretary to Government,
Department of Parliamentary
Affairs and Legislation