

Delhi Homœopathic Act, 1956

AND

**Delhi Homoeopathic Rules, 1958
Notification etc.**

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GOVERNMENT OF DELHI
(Law and Judicial Department)
NOTIFICATION

Delhi, the 27th October, 1956

The following Act of the Delhi Legislative Assembly received the assent of the President on the 16th October, 1956 and is hereby published for general information :—

THE DELHI HOMOEOPATHIC ACT, 1956
Act No. 11 of 1956

(16th October, 1956)

An Act to provide for the registration of medical practitioners of the Homoeopathic system of medicine in the State of Delhi.

Be it enacted by the Delhi State Legislative Assembly in the Seventh Year of the Republic of India as follows :—

PART—PRELIMINARY

1. Short title, extent and commencement— (1) This Act may be called the Delhi Homoeopathic Act, 1956.

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

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

2. Interpretation— (1) In this Act, unless the context otherwise requires—

(a) "Board" means the Board of Homoeopathic system of Medicine, Delhi, established under section 3;

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

(c) "Homoeopathy" means the system of medicine founded by Dr. Hahnemann and the expression "Homoeopathic" shall be construed accordingly;

- (d) "Inspector" means the Inspector appointed under section 30;
- (e) "Member" means a member of the Board;
- (f) "Practitioner" means a person who practises the Homoeopathic system of medicine as his principal occupation;
- (g) "Prescribed" means prescribed by rules made under this Act;
- (h) "Register" means a register of practitioners prepared and maintained under this Act;
- (i) "Registered practitioners" means a practitioners whose name is for the time being entered in the register;
- (j) "Registrar" means the Registrar appointed under section 21;
- (k) "Regulations" means regulations made under section 46;
- (l) "State" means the State of Delhi;
- (m) "State Government" means the Chief Commissioner, Delhi;

(2) The General Clauses Act, 1897 (X of 1897) applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

PART II—ESTABLISHMENT OF BOARD

3. Establishment of Board— (1) The State Government may, as soon as may be, by a notification in the Official Gazette, establish a Board to be called, "The Board of Homoeopathic System of Medicine, Delhi". The Board shall be a body-corporate shall have perpetual succession and a common seal and may, by the said name sue and be sued.

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

- (a) Six members, who have put in at least 10 years practice in Homoeopathy, elected by the registered practitioners from amongst themselves.
- (b) One practitioner nominated by the State Government.
- (c) One member from the public having interest in Homoeopathy nominated by the State Government; and
- (d) The Director or an Assistant Director of Health Services, Delhi State, nominated by the State Government;

(3) The election of members referred to in clause (a) of sub-section (2) shall be held at such time and at such place and in such manner as may be prescribed.

4. Chairman and Vice-Chairman— The State Government shall nominate any member of the Board as Chairman of the Board and the Vice-Chairman of the Board shall be elected by the Board from amongst its members.

5. Term of Office— The term of office of a member will be three years from the date of election or nomination as a member. The State Government, may however, from time to time, by notification in the Official Gazette, extend this term by such period not exceeding two years in the aggregate, as may be specified in the notification.

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6. First Board to be nominated by Government— Notwithstanding anything contained in this Chapter, the first Board shall be nominated by the State Government and shall hold office for a period of three years from its constitution.

7. Resignation— The Vice-Chairman or any member may at any time resign his office by a letter addressed to the Chairman of the Board. The Chairman of the Board wishing to resign may forward his written resignation to the State Government.

8. Filling of casual vacancies in the Office of Chairman, Vice-Chairman or a member— If the Chairman or Vice-Chairman or a member of the Board dies or resigns from any cause, whatsoever, ceases to be Chairman or Vice-Chairman or a member, the vacancy so created shall be filled by fresh nomination or election, as the case may be, within such period as may be prescribed and the person so nominated or elected shall hold office for the remainder of the term of the office of the Chairman, Vice-Chairman or member in whose place he has been so nominated or elected.

9. Removal of member— (1) If any member, during the period for which he has been nominated or elected—

- (a) Absents himself without sufficient cause from three consecutive ordinary meetings of the Board, or
- (b) Becomes subject to any of the disqualifications mentioned in section 10, or
- (c) Being a legal practitioner, appears in any suit or proceedings, civil or criminal, against the Board, or
- (d) Obtained any employment under the Board or has without the previous sanction of the State Government acquired directly or indirectly by himself or by a partner any share or interest in any contract with, by or on behalf of the Board, or
- (e) Has so flagrantly abused in any manner his position as such as to render his continuance detrimental to the interest of the Board,

the State Government may remove him from membership :

Provided that when the State Government proposes to take action under the foregoing provisions of this section, an opportunity of explanation shall be given to the member concerned, and when such action is taken, the reason therefore shall be placed on record.

(2) The decision of the State Government under this section shall not be questioned in any court of law.

10. Disqualification for Membership— Any person—

- (a) Who is an undischarged insolvent, or
- (b) Who has been adjudged to be of unsound mind by a competent court, or

- (c) Who has been convicted of an offence involving moral turpitude which in the opinion of the State Government renders him unfit to be a member of the Board, or
- (d) Whose name has been removed from the Register under section 26— shall not be eligible for being elected or nominated or for continuing to be a member of the Board.

11. Duties of Chairman— It shall be the duty of the Chairman.

- (a) Unless provided otherwise by this Act or prevented by reasonable cause:
 - (i) To convene and preside over all meetings of the Board;
 - (ii) Otherwise to control in accordance with any regulation to be made in this behalf, the transaction of business at all meetings of the Board;
- (b) To superintend and control the financial and executive administration of the Board and bring to its notice any defect therein;
- (c) To perform such other duties as are required or imposed on him by or under this Act, or rules framed thereunder.

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

(2) An order by the Chairman under sub-section (1) may prescribe any condition and impose any restriction in respect of the exercise of any power, the performance of any duty or the discharge of any function.

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

13. Duties of Vice-Chairman— The Vice-Chairman shall —

- (a) In the absence of the Chairman from a meeting of the Board and unless prevented by reasonable cause, preside, regulate the conduct of business and maintain and enforce order at the meeting.
- (b) During the vacancy in the office of Chairman or the incapacity or temporary absence of the Chairman, perform any other duty or power of the chairman;
- (c) at any time perform any duty and exercise, when occasion arises, any power delegated to him by the Chairman under section 12.

14. Nomination of members in default of election— If the registered practitioners fail by such date as may be prescribed, to elect the requisite number of members or to fill up any vacancy, the State Government may fill up such vacancies or vacancy by nomination of persons or person qualified to be elected.

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15. Notification of election, nominations and vacancies— Every nomination or election of, or any vacancy in the office of, the Chairman, Vice-Chairman or a member of the Board shall be notified in the Official Gazette.

16. Payment of allowance to member— Members of the Board may be paid out of the funds of the Board such travelling and daily allowances, not exceeding those payable to Grade-I Government servants, as may be prescribed.

PART III— CONDUCT OF BUSINESS

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

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

18. Procedure at meetings of Board— (1) Every meeting shall be presided over by the Chairman or in his absence by the Vice-Chairman.

(2) If at a meeting neither the Chairman nor the Vice-Chairman is present, the members present shall elect one of the members present to be the chairman of the meeting and such Chairman shall perform all the duties and may exercise all the power of the Chairman of the Board when presiding at the meeting.

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

(4) In case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

(5) In order to constitute a meeting of the Board, the quorum shall be four.

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

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

(3) A copy of the proceedings of every meeting of the Board shall, within 15 days from the date of the meeting, be forwarded to the State Government or any other authority appointed by it in this behalf.

20. Validity of proceeding—(1) No vacancy in the Board shall initiate any act or proceeding of the Board.

(2) No disqualification of, or defect in the election or nomination of, any person acting as a member of the Board or as the Chairman or Vice-Chairman or presiding authority as a meeting shall be deemed to vitiate any act or proceeding of the Board in which such person has taken part, if the majority of persons who took part in such act or proceedings were duly qualified.

PART IV— STAFF AND MEDICAL REGISTRATION

21. Registrar and other officer and servants of the Board—(1) The Board shall with the previous approval of the State Government appoint a Registrar who shall be the Secretary to the Board. The Registrar shall receive such salary and allowances and shall be governed by such conditions of service as may be prescribed. The Chairman may from time to time grant him leave and may temporarily appoint a person to act in his place. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all purposes of this Act.

(2) Any order of the Board appointing, punishing or removing the Registrar from his office shall be subject to the approval of the State Government.

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

Provided that the number, designation, pay and allowances of such officers and servants shall be fixed under the regulations framed by the Board.

Provided further that the powers of the Board to punish, dismiss, discharge and remove any officer or servants of the Board, shall be subject to rules and regulations.

(4) All questions of recruitment, promotions, leave, provident fund and other conditions of service relating to staff shall be governed by rules.

(5) The Registrar or 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.

22. Order by Board for maintenance of register—(1) The Board shall as soon as may be after the commencement of this Act, and from time to time as occasion may require make orders regulating the maintenance of a register of practitioners.

(2) The register shall be kept in such form as may be prescribed.

23. Duties of Registrar—(1) Subject to the provisions of this Act and subject to any general and special orders of the Board, it shall be the duty of the Registrar to keep the register and discharge such other functions as are required to be discharged by him under this Act or by the rules made thereunder.

(2) The Registrar shall, so far as practicable, keep the register correct and up-to-date and may from time to time enter therein any material alteration in the addresses or qualifications of the practitioners. He shall also remove from the register the name of the registered practitioners who die or who under the provisions of this Act cease to be entitled to remain on the register.

(3) The State Government may direct that no alterations in the entries in respect of additional qualifications shall be made unless such fee as may be prescribed is paid.

(4) For the purpose of this section, the Registrar may write to any registered practitioner at the address which is entered in the register to inquire whether he has ceased to practise or has changed his residence and if no answer is received to the said letter within three months, the Registrar may issue a registered reminder, and in case no reply is received to the reminder within one month from the date of its issue, he may remove the name of the said practitioner from the register :

Provided that the Board may, if it thinks fit, direct that the name of the practitioner be re-entered in the register.

24. Persons entitled to registration— (1) Every person possessing the qualification mentioned in the schedule shall, subject to the provisions contained in the Act, and on payment of such fees as may be prescribed in this behalf, be entitled to have his name entered in the register subject to such conditions as the Board may prescribe:

Provided that an application for entry in the register made by a person, whose case is not clearly governed by the provisions of this Act or by the rules and regulations made thereunder, shall be referred to the Board for such decision as it may deem fit.

(2) Any person aggrieved by the decision of the Registrar regarding the registration of any person or the making or removal of any entry in the register may, within ninety days of such registration or entry, appeal to the Board.

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

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

25. Renewal fees— (1) The State Government may, by notification in the Official Gazette, direct that for the retention of a name in the register after the name is first entered in the register, there shall be paid to the Board such renewal fee and for such period as may be prescribed and where such direction has been made, such renewal fee shall be due to be paid in the manner prescribed.

(2) Where a renewal fee is not paid before the due date the Registrar shall remove the name of the defaulter from the register :

Provided that a name so removed may be restored to the register on payment of such fees and in such manner as may be prescribed.

26. Removal of names from the register— 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, 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 enquiry has been found guilty of conduct which is in the opinion of the Board infamous in any professional respect shall be removed from the register. The Board may, on sufficient cause being shown, also direct that the name of the practitioner so removed shall be re-entered in the register.

27. Power of Board to call for information from medical institutions— The Board shall have power to call upon the governing body or authorities, of a medical corporation, examining body or other institution recognised or desirous of being recognised by the State Government—

- (a) To furnish such reports, returns or other information as the Board may require to enable it to judge the efficiency of the instructions given therein in homoeopathy; and
- (b) To provide facilities to enable a member of the Board deputed by the Board in this behalf to be present at the examinations held by such medical corporation, examining body or institution.

28. Publication of names entered in the register— (1) The registrar shall, in every year and from time to time as occasions may require, on or before a date to be fixed in this behalf by the Board, cause to be published in the Official Gazette and in such other manner as the Board may prescribe, a full or supplementary list of the names for the time being entered in the register and setting forth—

- (a) All names entered in the register arranged in alphabetical order.
- (b) The registered address and appointment held by or actual employment of each person whose name is entered in the register; and
- (c) The registered titles, degrees and qualifications of each such person and the date on which each such title or degree was granted or qualification acquired :

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

(2) In any proceeding it shall be presumed that every person entered in such list is a registered practitioner and that any person not so entered is not a registered practitioner;

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

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29. Examinations— (1) The Board may by regulations lay down the qualifications required for admission to a course of training in the Homoeopathic system of medicine, the course of such training, and the qualifying examinations and may establish the necessary institutions to give such training and may hold such examinations and confer diplomas.

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

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

(3) The Board may form a standing syllabus and Examination Committee from amongst its members for conducting the business mentioned in sub-sections (1) and (2).

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

(2) Such Inspectors shall in accordance with any general or special directions of the Board given from time to time inspect homoeopathic dispensaries, hospitals and the institutions affiliated to the Board and shall report to the Board in regard to the course of study pursued and training imparted at every such institution and on any other matter with regard to which the Board may require them to report.

31. Grant and withdrawal of recognition— The Board may grant recognition to any institution imparting instructions to students for preparing them for the qualifying examination if it is satisfied that the instructions imparted in such institution comes up to the standard required for such recognition and may at any time withdraw such recognition if in the opinion of the Board the institution is unable to impart instructions of the required standard.

PART V— FUNCTIONS AND FINANCES OF THE BOARD

32. Powers of the Board— The Board shall have the power—

- (1) To recognize homoeopathic educational or instructional institutions for purposes of affiliation;
- (2) To prescribe courses of study and curricula for general instruction or special or refresher courses in institutions affiliated to the Board in such branches of the Medical Science of homoeopathy as the Board may think fit;

- (3) To hold examinations and to grant and confer degrees and diplomas to and on persons who shall have pursued a course of study in the educational institutions affiliated to the Board;
- (4) To institute exhibitions and award medals there, at and also to grant scholarships and medals to those who obtain high position at the Board's examinations or are poor and deserving and with the sanction of the State Government, to grant to students scholarships for special study in research and manufacture of homoeopathic medicine in any medical institution or a reputed firm that to Board may think fit, whether in India or abroad and to endow Chairs of homoeopathy in institutions affiliated to the Board;
- (5) To demand and receive from students such fees as may be prescribed for admission to the Board's examinations;
- (6) To exercise general supervision over the residential and disciplinary arrangements made by the educational institutions affiliated to the Board and to make arrangements for promoting the health and general welfare of their students;
- (7) To appoint examiners and publish the results of the examinations held by it.
- (8) To suspend or withdraw the recognition of any institution which is not conducted in accordance with the conditions prescribed by this Act, or rules framed thereunder :

Provided that no such action shall be taken without affording the Committee of Management of such an educational institution an opportunity of making such representation as it may deem fit :

- (9) To establish or aid research institutions and to arrange for post-graduate study in the science of homoeopathy and to encourage scientific manufacture of homoeopathic medicine in the State ;
- (10) To publish homoeopathic journals, and
- (11) To do such act, not inconsistent with the provisions of this Act, as may be necessary for the furtherance of the objects of the Act.

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

(2) The Board shall at such meeting decide upon the appropriations and the ways and means contained in the budget estimate and submit the budget for approval to the State Government or to such authority as the State Government may, by order direct.

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(3) Subject to the like provisions, the Board may suggest variation or alterations in the budget, as circumstances may render desirable.

34. Revised budget— As soon as may be after the first day of October, the revised budget for the year shall be framed and such revised budget shall, so far as may be, be subject to all the provisions applicable to a budget made under section 33.

35. Homoeopathic Fund— There shall be established Homoeopathic Fund and there shall be placed to the credit thereof—

- (a) Grants and loans received from the State Government;
- (b) All fees received by the Board,
- (c) Contributions received from any local authority or any Homoeopathic medical association, and
- (d) All sums received by or on behalf of the Board from sources other than those mentioned in the foregoing clauses.

36. Custody and investment of Homoeopathic Fund— The Homoeopathic Fund shall be kept in the State Bank of India or with the previous sanction of the State Government, in any other bank.

PART VI— PRIVILEGES OF REGISTERED PRACTITIONERS

37. Qualified Practitioners Certificates— Not withstanding anything contained in any law for the time being in force—

(1) The expression 'legally qualified medical practitioner' or duly qualified medical practitioner' or any word importing a person recognised by law as a medical practitioner or member of medical profession, shall in all Act extended to the State of Delhi under the Delhi Laws Act, 1912, or the Part C. States (Laws) Act 1950 or in all Acts of Legislature in the State of Delhi and in all Acts of the Central Legislature, in their application to the State of Delhi, in so far as such Acts relate to any of the matters specified in List II or List III in the Seventh Schedule of the Constitution of India, be deemed to include a registered practitioner.

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

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

(4) Unless the Board otherwise directs a registered practitioner shall be entitled to—

- (a) Sign or authenticate a birth or death certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner;
- (b) Sign or authenticate a medical or physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner;
- (c) Give evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872 on any matter relating to medicine.

38. Exemption from serving on inquests— Notwithstanding anything in any other law for the time being in force, every registered practitioner shall be exempt, if he so desires, from serving on any inquest or as adjuror or assessor under the Code of Criminal Procedure, 1898.

PART VII— OFFENCES

39. Conferring granting or issuing diploma, licence etc., by unauthorised person or institution— (1) No person other than an association or institution recognised or authorised under this Act shall confer, grant or issue or hold itself out as entitled to confer, grant or issue any degree, diploma, licence, certificate or other document stating or implying that the holder, grantee or recipient is qualified to practise the homoeopathic system of medicine.

(2) Whoever contravenes the provisions of this section shall be punishable with imprisonment which may extend to one year or fine, which may extend to Rs. 1,000 (One thousand) or both.

40. False assumption of certificate or diploma to be an offence— Whoever falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, licence or certificate conferred, granted or issued by an association or institution recognised or authorised under this Act or that he is qualified to practise the Homoeopathic system of medicine under the provisions of this Act, shall be punishable with imprisonment which may extend to six months or with fine which may extend to Rs. 500 (Five hundred) or both for the first offence under this section and to imprisonment which may extend to one year or a fine which may extend to Rs. 1,000 (One thousand) or both every subsequent offence.

PART VIII— MISCELLANEOUS

41. Appeals to State Government from decision of Board—(1) An appeal shall lie to the State Government from every decision of the Board under this Act, except a decision made by the Board as an appellate authority.

(2) Every appeal under sub-section (1) shall be preferred within three months of the date of communication of such order.

42. Bar to suit and other legal proceeding— (1) No suit or other legal proceeding shall lie against to State Government in respect of an act done in the exercise of the powers conferred by this Act.

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(2) No suit, prosecution or other legal proceedings shall lie against the Board or any member or any officer or servant of the Board or any person acting under the direction of the Board or of the Chairman or of any officer or servant of the Board in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or regulations made thereunder.

43. Control of Board by State Government— (1) The State Government may give such direction to the Board as it may deem fit and the Board shall comply with all such directions.

(2) If at any time, it shall appear to the State Government that the Board has failed to exercise or has exceeded or abused a power conferred upon it by or under this Act or has failed to perform a duty imposed upon it by or under this Act, the State Government may, if it considers such failure, excess, or abuse to be of a serious character, notify the particulars thereof to the Board; and if the Board fails to remedy such default, excess or abuse within such time as may be fixed by the State Government in this behalf, the State Government may dissolve the Board and cause all or any of the powers and duties of the Board to be exercised and performed by such agency and for such period as it may think fit.

Provided that it shall take steps within six months to constitute a new Board under the provisions of this Act.

44. Court competent to try offences under this Act and take cognizance of offences— (1) No court other than the court of a Magistrate of the first class shall take cognizance of, or try an offence under this Act.

(2) No court shall take cognizance of any offence under this Act except on a complaint in writing of an officer empowered by rules made in this behalf.

45. Delegation of power— The State Government or the Board may delegate such of its powers and to such authority as the State Government or the Board, as the case may be, deem necessary.

46. Making of Regulations— Subject to the provisions of this Act and the rules framed by the State Government thereunder, the Board may with the previous approval of the State Government frame regulations for regulating the following matters, namely

- (1) (a) Conditions on which a person may be registered under section 24 or an institution may be affiliated or recognised under section 29.
- (b) The admission of students to the educational or instructional institutions affiliated to the Board.
- (c) The conditions under which students shall be admitted to the degree or diploma or certificate course and to the examination of the Board and shall be eligible for degrees, diplomas and certificates;
- (d) The conditions of residence of the student in the educational or instructional institutions affiliated to the Board and the levying of fees for such residence;

- (e) The number, qualifications and emoluments of teachers of the educational or instructional institutions affiliated to the Board;
- (f) The fees to be charged for courses of study in such institutions and for admission to the examinations, degrees, diplomas and certificates of the Board;
- (g) The conditions and mode of appointment and duties of examiners and the conduct of examinations.

Provided that in framing regulations the Board shall take into consideration the financial and other existing conditions of the institutions generally;

- (2) (a) The time and place at which the meeting shall be held;
 - (b) The issue of notices convening such meetings;
 - (c) The conduct of business there at;
 - (d) The salary, allowances and other conditions of service of officers and servants of the Board other than the Registrar;
 - (e) All other matters which may be necessary for the purposes of carrying out the objects of this Act;
- (3) All such regulations shall be published in the Official Gazette.

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

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

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

- (a) The time and place at which and the manner in which election shall be held under sub-section (3) of section 3;
- (b) Regulation of elections under this Act;
- (c) The conduct and the maintenance of correct minutes of meetings of the Board;
- (d) The manner in which vacancies shall be filled under section 8.
- (e) The privileges, salary and allowances and other conditions of service of the registrar;
- (f) The accounts to be kept by the Board, the manner in which accounts shall be audited and published and the power of auditors in respect of disallowance and surcharge;
- (g) The date before which a meeting shall be held for the sanction of the budget.

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- (h) The method and form to be adopted in the preparation of budget;
 - (i) The returns, statements and reports to be submitted by the Board;
 - (j) The form of the register of practitioners to be maintained under this Act and the classification of practitioners into two or more classes according to their qualifications;
 - (k) Fees chargeable under this Act and their application;
 - (l) The manner in which appeals against the decision of the Registrar shall be heard by the Board under section 24;
 - (m) Allowances payable to members of the Board and its Chairman;
 - (n) The maintenance of a patient register by practitioner in the prescribed form;
 - (o) The furtherance of any objects of the Board as a teaching or examining body;
 - (p) Delegation of power by State Government and by the Board; and
 - (q) The furtherance of any other objects of the Act.
- (3) All such rules shall be published in the Official Gazette.

THE SCHEDULE

1. Homoeopaths who passed the final examination held by the Board of Homoeopathic System of Medicine, Delhi.
2. Homoeopaths who have passed an examination from a homoeopathic institution in the State or outside it, provided that for purposes of registration such an institution is recognised by the State Government.
3. Homoeopaths who have been practising as such whole-time for the last 10 years at the time of the passing of the Act and are certified in the prescribed manner as fit persons for being registered as practitioners.

Explanation— A person shall not be deemed to be practising Homoeopathy whole-time if he is a salaried servant (otherwise than as a Homoeopath) of the State Government, the Central Government, a local authority or a commercial or industrial undertaking or other establishment.

**DELHI ADMINISTRATION : DELHI
NOTIFICATION**

Date the 12th May, 1958

22 Vaisakh 1880

No. F. 32 (10)/58-M & PH:— In exercise of the powers conferred by Section 3 read with Section 6 of the Delhi Homoeopathic Act, 1956 (Delhi Act II of 1956), the Chief Commissioner, Delhi, is pleased to establish a Board to be called "The Board of Homoeopathic System of Medicine, Delhi" and to nominate the following persons as members thereof with effect from the 15th May, 1958.

1. Dr. Yudhvir Singh, Kucha Brij Nath., Chandni Chowk, Delhi.
2. Dr. A.S. Sen Superintendent Medical Services, Delhi.
3. Dr. R.N. Berry, M.R.C.S., 21, Darya Ganj, Delhi.
4. Dr. K.N. Mathur, M.B.B.S., Ex-I, M.S., 2863, Chhhelpuri, Delhi.
5. Dr. K.G. Saxena, B.M.B.S. (Cal.), Haider Kuli, Chandni Chowk, Delhi.
6. Dr. Divan Harish Chand, M.B.B.S. (Pb), L.R.C.P. (Edin)., 1, Hanuman Road, New Delhi.
7. Dr. P.N. Chopra, D.M.S. (Cal.) Shanker Market, New Delhi.
8. Dr. P.N. Bhatnagar, Nai Sarak, Delhi.
9. L. Onkar Nath, M.P., 132-M Block, Connaught Circus, New Delhi.

No. F 32 (10)/58-M & PH (ii) :- In exercise of the powers conferred by Section 4 of the Delhi Homoeopathic Act, 1956 (No. 11 of 1956), the Chief Commissioner, Delhi, is pleased to nominate Dr. Yudhvir Singh to be the Chairman of the Board of Homoeopathic System of Medicine, Delhi.

By Order,

(K.G. Mathur)

Secretary (Medical & Public Health)
Delhi Administration, Delhi

Date Delhi the 2nd May, 1958

No. F. 32. (10) 58-M & PH- In exercise of the powers conferred by sub-section (2) of section 1 of the Delhi Homoeopathic Act, 1956. (Delhi Act, 11 of 1956), the Chief Commissioner, Delhi, hereby appoints the 15th May, 1958 as the date on which the said Act shall come into force.

By Order,

(K.G. Mathur)

Secretary (Medical & Public Health)
Delhi Administration, Delhi

All communications meant for the Board may be addressed either to the Chairman or the Registrar, Board of Homoeopathic System of Medicine Delhi, Block No. 8, Old Secretariat, Delhi-8.

REGISTRAR

Board of Homoeopathic System of Medicine, Delhi

DELHI ADMINISTRATION: DELHI NOTIFICATION

Dated the 15th May 1958
25 Vaisakh 1880

No. F. 32 (67)/56-M & PH:— In exercise of the powers conferred by section 47 of the Delhi Homoeopathic Act, 1956 (Act 11 of 1956). The Chief Commissioner of Delhi is pleased to make the following rules:—

RULES

1. These rules may be called the Delhi Homoeopathic Rules, 1958.
2. In these rules unless the context otherwise requires,
 - (1) "Act" means the Delhi Homoeopathic Act, 1956.
 - (2) "Board" means the Board of Homoeopathic System of Medicine, Delhi.
 - (3) "Form" means a form appended to these Rules.
 - (4) "Section" means a section of the Act.

PART I— FEE ETC. OF MEMBERS OF BOARD AND APPOINTMENT OF SUB-COMMITTEES

3. Every non-official member of the Board shall be entitled to a fee of Rs. 8/- for each day of attendance at a meeting of the Board in addition to the travelling expenses admissible to him.
4. The travelling allowance of the official members for journeys performed for attending meetings of the Board shall be paid in accordance with the Travelling Allowance Rules contained in the Supplementary Rules and the travelling expenses of non-official members will be paid at the rates admissible to class II officers of Delhi Administration.
5. The Board may appoint sub-committee from amongst its members to report upon any matter which it may deem necessary to refer to them.

PART II— REGISTRAR

6. (1) The Registrar shall be a whole-time salaried officer in the grade of Rs. 200-10-30 and he shall receive such allowances as may be admissible to a Government servant of similar scale under Delhi Administration.

Provided that the Board may, with the previous approval of the State Government, appoint any person as part-time Registrar, and the persons so appointed may be paid such remuneration as the State Government may determine.

(2) The appointment of the Registrar shall be on probation for one year, after which he will be confirmed by the Board with the previous approval of the State Government, if the Board is satisfied as to his efficiency and general conduct. The probationary period may, however, be further extended by one year, if considered necessary by the Board.

(3) The Central Civil Service (conduct) Rules and the Central Civil Service (Classification, Control and Appeal) Rules shall mutatis mutandis apply to the Registrar.

7. The Registrar shall fulfil all the duties that may be required of him by the Act and the rules and the regulations for the time being of the Board.

8. The Registrar shall be present at every meeting of the Board and shall record minutes of the proceedings at such meetings.

9. The Registrar shall conduct and have charge of the correspondence of the Board, and shall issue all requisite notices in the manner laid down in these rules.

10. Except on public holidays the office of the Registrar shall remain open during the office hours observed by Delhi Administration. The Registrar shall not absent himself from duty without the permission of the Chairman.

11. The Registrar shall be incharge of the Board's Office and shall exercise powers of supervision, direction and control.

11-A. For the purpose of sub-section (2) of section 44, the Registrar is empowered to lodge complaints in respect of offences under the Act.

PART III— REGISTRATION

12. The Register to be maintained under section 22 of the Act shall be in Form 'A'. The Registrar shall contain the names of practioners in alphabetical order.

13. Each page of the register shall be verified by the Registrar signature.

14. (1) Every practitioner whose name has been entered in the Register shall be entitled to receive from the Registrar his Certificate Registration in Form 'B'.

(2) In the event of a certificate issued under sub-rule (1) being lost or destroyed, a duplicate copy of such certificate may be supplied on payment of the fee of Rs. 25/- (Rupees twenty five) only.

(1) Every person entitled to be registered under section 24 and desiring to have himself registered shall apply to the Registration Form 'C' available on payment of Rs. 5/- (Rupees Five) only duly filled in and signed by him. Every such application shall be accompanied by a fee of Rs. 100/- (Rupees One hundred) only.

(2) The certificate for the purpose of para 3 of the schedule appended to the Act shall be in the following form and shall be signed by a member of the Board, a member of Parliament, a member of New Delhi Municipal Committee, a Councillor of the Delhi Municipal Corporation, a member of the Cantonment Board, the District Magistrate any stipendiary Magistrate or any Gazetted Officer.

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"This is to certify Shri/Shrimati/Kumar..... son/
wife/daughter of has been practising
as a homoeopath since and is a fit person for
being registered as a homoeopath."

(Signature)

.....

.....

(Designation)

Date.....

(3) The Registrar on being satisfied that the applicant is entitled to be registered under the Act shall cause his name to be entered in the Register.

16. (1) An application for registration of additional qualifications shall be made in Form "D" and shall be accompanied by a fee of Rs. 10/-.

(2) On making alteration in the entries as respects any additional qualifications, the Registrar shall grant the practitioner a certificate in Form "E".

(3) A fee of Rs. 25/- shall be levied for registering a change of name in the register.

17. Certified copies of entries in the register in form 'F' may be issued to any person applying therefore on payment of a fee of Rs. 5/- (Rupees Five) only.

18. It shall be the duty of every registered practitioner who changes his address to intimate the change of address to the Registrar within one month of such change.

19. There shall be made every third year and entered in the register an enumeration of—

- (1) The number of practitioners already registered;
- (2) The number of practitioners registered during the period in question;
- (3) The number of practitioners whose names have been restored to the register during the period in question;
- (4) The number of practitioners whose names have been removed from the register during the period in question stating the section of the Act under which the names have been removed; and
- (5) the number of practitioners whose names have been removed by reason of death during the period in question.

20. The Registrar shall as early as possible, in each year, cause to be printed and published, in the same form as the original Register itself a correct list of all persons whose names appear in the Register on the 31st December preceding. The Registrar shall keep an interleaved copy of such printed list wherein he shall make, during the year, any entry, alteration or erasure that may be necessary.

21. For the purpose of sub-section (1) of section 25 the retention fee payable shall be Rs. 20/- (Rupees Twenty) only and shall be payable annually. In the absence of necessary renewal within three months, an additional fee of Rs. 10/- (Rupees Ten) only shall be charged. Thereafter his/her name be struck off and shall be re-entered on payment of a penalty equal to the amount of fee payable at the time of fee payable at the time of making such application.

PART IV— APPEALS

22. (1) Every decision of the Registrar refusing the registration or renewal of registration of any person, or the making or removal of any entry in the Register shall be communicated alongwith grounds thereof to the person concerned forthwith.

(2) Every appeal to the Board under sub-section (2) of section 24 shall state the grounds on which it is based and shall be accompanied by a fee of Rs. 50/- (Rupees Fifty) only.

(3) The Board shall fix a day for hearing the appeal of which notice shall be given to the appellant and if the appellant appears on the date so fixed the Board shall hear him before deciding the appeal.

PART V— PENAL REMOVALS FROM THE REGISTER

23. Whenever information is received that any registered practitioner has been convicted of a cognizable offence or has been found guilty of conduct which prima facie constitutes infamous conduct in a professional respect, the Registrar shall make an abstract of such information and of any further information he may have subsequently obtained.

24. (1) Where the information in question is in the nature of a complaint by a person or body charging the registered practitioner with infamous conduct in any professional respect, such complaint shall be made in writing addressed to the Registrar and shall state the grounds of complaint and shall be accompanied by one or more declarations as to the facts of the case.

(2) Every declaration must state the description and true place of abode of the declarant and where the facts stated in a declaration are not within the personal knowledge of the declarant, the source of the information and grounds for the belief of the declarant in its truth, shall be accurately and fully stated. Declarations or parts of declarations which are made in contravention of this rule shall not be accepted as evidence.

25. The abstract, and where a complaint has been lodged, the complaint, and all other documents bearing on the case shall be submitted by the Registrar to ask the registered practitioner by means of registered letter for any explanation forwarded by the registered practitioner to the Registrar shall then be put up before the Chairman who shall consider the same and shall cause further investigation to be made and further evidence to be taken and if the Chairman is of the opinion that a prima facie case is not, made out the case shall not be proceeded with further and the Registrar shall inform the complainant, of the decision of the Chairman. The Chairman shall, in such cases, send his decision for the information of the Board. If the Chairman is of the opinion that the circumstances warrant that an enquiry ought to be held in the case, the Chairman shall direct the Registrar to take steps for the institution of an enquiry and for having the case heard and determined by the Board.

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26. An enquiry directed under the foregoing rule shall be instituted by the issue of notice in writing on behalf of the Board by the Registrar addressed to the registered practitioner. Such notice shall specify the nature and particulars of the charge and inform him of the day on which the Board intends to deal with the case and shall call upon the registered practitioner to answer the charges in writing and to attend before the Board on such day. The notice shall be issued in form 'G' with such variations as circumstances may require, at least three weeks before the date of enquiry. The Registrar shall also inform the complainant of the date so appointed where a complaint has been lodged.

27. (1) Any answer, evidence or statement forwarded or application made, by the registered practitioner between the date of the issue of the notice and the day appointed for the hearing of the case shall be dealt with by the Chairman in such manner as he may think fit.

(2) All material documents which are to be laid before the Board as evidence to the case shall be printed or typed and a copy thereof shall be furnished to each member of the Board before the hearing of the case.

28. (1) At the hearing of the case by the Board the Registered practitioner and where a complaint has been lodged also the complainant will be entitled to be heard.

29. Where the complainant appears the following shall be the order of procedure :-

- (1) The Registrar shall read to the Board the notice of the enquiry addressed to the practitioner.
- (2) The complainant shall then be invited to state his case and to produce evidence in support of it.
- (3) The registered practitioner will then be invited to state his case and to produce evidence in support of it. He may address the Board either before or at the conclusion of his evidence.
- (4) At the conclusion of the registered practitioner's case the Board will, if the practitioner has produced evidence, hear the complainant in reply on the case generally, but will allow no further evidence except in any special case in which the Board may think fit to allow such further evidence. If the registered practitioner produces no evidence the complainant shall not be heard in reply except by special leave of the Board.
- (5) Where a witness is produced by a party before the Board, he shall first be examined by party producing him and then cross-examined by the adverse party and then re-examined by the party producing him. The Board may decline to admit in evidence any declaration where the declarant is not present or declines to submit to cross examination..
- (6) The Chairman of the Board when present may put questions to any witness.

30. Where there is no complaint or no complainant appears, the following shall be the order of procedure:-

- (1) The Registrar shall read to the Board the notice of enquiry addressed to the registered practitioner and shall state the facts of the case and produce before the Board the evidence by which it is supported.
- (2) The registered practitioners shall then be invited to state his case and to produce his evidence in support of it. He may address the Board either before or at the conclusion of the evidence.

31. The Board may, if they think fit, adjourn the hearing of a case from time to time, and shall inform the registered practitioner and the complainant accordingly. If they are not present or when the date to which the hearing is adjourned is not fixed forthwith, the Registrar shall intimate to them the date by registered letter at least 28 days before the date so fixed.

32. (1) Upon the conclusion of the hearing, the Board shall deliberate in camera, and at the conclusion of the deliberation, the Chairman shall call upon the members of the Board present to cast their votes on the following questions according to the nature of the charge, namely :-

- (a) (i) Whether the registered practitioner has been proved to have been convicted of a cognisable offence?
 - (ii) If so whether the offence discloses such defect of character as is in their opinion sufficient to make him unfit to practice his profession?
- (b) Whether the registered practitioner has been guilty of an infamous conduct in a professional respect ?
- (2) If the majority of the members present (including the Chairman who shall have a casting vote in case of equality of the votes) vote in the negative, the registered practitioner shall be discharged.
- (3) If the majority of the members present (including the Chairman who shall have a casting vote in case of equality of the votes) vote in the affirmative, the Board shall order the removal of the name of the practitioner.

33. The Registrar shall, upon the removal of any name from the register pursuant to the provisions of the preceding rules of Section 26 of the Act, forthwith send notice of such removal to the registered practitioner. Such notice shall be sent by registered letter addressed to the last known address or to the registered address of the practitioner. The Registrar shall also send forthwith intimation of any such removal to the Dean or Secretary or other corresponding officer of any body or bodies from which the practitioner had received his qualification or qualifications.

PART VI— RESTORATION OF NAMES TO THE REGISTER

34. Applications for re-entry in the Register of a name removed under section 25 of the Act shall be in Form 'H' and shall be accompanied by the following documents, namely :-

- (a) The applicant's certificate, degree or diploma, if any;

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- (b) His certificate of registration in original if the same has not been already returned;
- (c) The renewal fee that was outstanding against him at the time of renewal of his name, and
- (d) The prescribed renewal fee under Rule 21, from the date of re-entry.

35. Any practitioner whose name has been removed from the Register under section 26 of the Act but still possesses a qualification entitling him to be registered under the Act may make an application to the Board for re-entry of his name in the Register and the following procedure shall be followed in the case of every such application, namely :-

- (i) The application shall be in writing addressed to the Board, and signed by the applicant, and shall state the grounds on which the application is made.
- (ii) The application shall be accompanied by -
 - (a) A declaration made by the applicant setting forth the facts of the case, and stating that he is the practitioner originally registered;
 - (b) A certificate from two practitioners,
 - (c) Applicant's certificate, degree or diploma, and
 - (d) His certificate of registration in original if the same has not been already returned by him.
- (iii) The statements in the application shall also be verified by certificates in writing to be given by two respectable persons who are residing in the neighbourhood of the place where the applicant has been residing since the removal of his name and who were and are well acquainted with him before and since the removal of his name. They shall testify to his present good character.
- (iv) Before the application is considered by the Board the Registrar shall notify the same to the licensing bodies whose qualifications were held by the applicant at the time his name was removed; and shall further, by letter addressed to the person or body (if any) on whose complaint the applicant's name has been removed, give notice of the application and of the time when the Board intends to consider the same.
- (v) The Board shall consider the application and may, if it thinks fit, adjourn the consideration thereof to a future date or require further evidence or explanation from the applicant.

PART VII— COMMON SEAL

36. The common seal shall be kept in the joint custody of the Chairman and the Registrar.

37. The seal shall be affixed only by the order of the Board.

38. Any order for affixing the seal shall state the object of its use and the order shall be entered in the minutes of the Board.

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PART VIII—INSPECTION OF DOCUMENTS

39. The following shall be the conditions on which leave may be granted to members of the Board to inspect the documents of the Board unless they are not required by its legal adviser in connection with his official duty;

- (1) A member shall give written notice of three clear days to the Registrar. When the Board is in session he may inspect any document on a short notice;
- (2) The subject of the documents required for inspection shall be stated;
- (3) The Registrar shall be held responsible for safe custody of all documents;
- (4) No document shall be removed from the premises of the Board.

PART IX—ACCOUNTS

40. An account shall be opened in the State Bank of India, Delhi in the name of the Board and all moneys of the Board shall be deposited in the Bank.

41. The Registrar shall receive all moneys payable to the Board. He shall not retain in his hands and amount exceeding Rs. 100/- the balance being deposited in the Bank to the credit of the Board.

42. The Registrar shall superintend the details of income and expenditure of the Board and shall at each ordinary meeting of the Board submit a financial statement showing the transactions of the Board for the month previous to one in which the meeting is held. This statement shall, if possible, be forwarded alongwith the notices of the meeting.

43. The Registrar shall, not later than the month of July in each year, prepare a statement of the income and the expenditure of the preceding financial year ending on the 31st day of March and draw the attention of the Board to such matters as may seem to be deserving of notice.

44. As soon as possible after the statement of income and expenditure of the preceding financial year ending the 31st day of March is approved, the Board shall get the accounts for that year duly audited.

45. The annual accounts and estimate for the next financial year shall be prepared by the Registrar under the direction of the Board.

46. In the month of September in each year an estimate of the revenue and of the expenditure of the Board for the year commencing on the 1st April next ensuing, shall be laid before the Board.

47. Such estimate shall make provision for the fulfilment of the liabilities of the Board and for carrying out effectively its objects. It shall include on its revenue side, besides all other revenues ordinarily anticipated, such grants as the Chief Commissioner may grant and all fees received from registration, renewal of registration and other fees payable and received by the Board under the Act.

48. The Board shall consider the estimates so submitted to it and submit the same to the State Government for his approval. The State Government may approve the budget with or without modification.

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49. The Board may at any time during the year for which any estimate has been sanctioned cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimate shall be considered by the Board in the same manner as if it were an original annual estimate. No expenditure shall be incurred by the Board which is not duly provided for in the budget in a supplementary budget estimate.

50. A bill or other vouchers presented as a claim for money shall be received and examined by the Registrar. If the claim be for a sum not exceeding Rs. 50/- and is in order, the Registrar shall pay it. If the claim be for a sum exceeding Rs. 50/- payment shall be made after it is examined and sanctioned by the Chairman.

51. The Registrar shall immediately account for in the general cash book all money received or spend by or on behalf of the Board.

52. All cheques on the Bank shall be signed by the Chairman or Vice-Chairman and the Registrar.

By order,
K.G. Mathur
Secretary (Medical & Public Health)
DELHI ADMINISTRATION, DELHI

