

ASSAM HOMOEOPATHIC MEDICINE ACT, 1955

(Assam Act XI of 1955)

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(PASSED BY THE ASSEMBLY)

[Received the assent of the Governor on the 14th June, 1955]

**An Act to provide for the development of the
Homeopathic system of medicine and its control by
the State Government in Assam**

Preamble.

Whereas it is expedient to provide for the development of the Homeopathic system of medicine and its control by the State Government in Assam.

It is hereby enacted in the Sixth year of our Republic.

1. Short title, extend and commencement.

- (i) This Act may be called the Assam Homoeopathic Medicine Act, 1955.
- (ii) It extends to the whole of Assam.
- (iii) It shall come into force on such date* as may be notified by Government.

2. Definitions.

In this Act, unless there is anything repugnant in the subject or context –

- (a) 'Board' means the Board of Homoeopathic Medicine constituted Ss. 3 and 4 of this Act;
- (b) 'Chairman' means the Chairman of the Board;
- (c) 'Homoeopathy' means the system of medicine founded by Dr. Hahnemann and the expression 'Homeopathic' shall be construed accordingly;
- (d) 'Member' means a member of the Board;
- (e) 'Prescribed' means prescribed by rules framed under this Act;
- (f) 'Registered Homoeopath' means a person who practice the Homoeopath system of medicine as his principal occupation and who is registered under the provisions of the Act;
- (g) 'Register' means the Register of Homoeopathic medical practitioner;
- (h) 'Registrar' means the Registrar appointed under this Act.

3. Constitution of the first and subsequent Boards.

- (1) The State Government may, as soon as may be, by notification in the official Gazette constitute a Board, to be called 'the Board of Homoeopathic System of Medicine, Assam'. The Board shall be a body corporate and have perpetual succession and a common seal and may by the said name sue and be sued.

- (2) The Board shall consist of 11 members including the Chairman and shall be constituted in the following manner, viz:
 - (a) Four Homoeopaths to be elected by the Registered Homoeopaths of the State;

 - (b) Three members of the Legislative Assembly to be nominated by the Government;

 - (c) Two members of the Registered medical practitioners of the State to be nominated by the Government;

 - (d) One member from the public having interest in Homoeopathy to be nominated by Government, and

 - (e) The Director of Health Services:

Provided that for the first Board all the non-official members shall be nominated by Government.

<p>* The Act came into force from 1-10-1955, vide Notification No. MMO 38/53/71, dated 8-9-1955.</p>
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Provided further that any defect in the constitution of the Board shall not invalidate any action taken by the Board and shall not be questioned in any court of law.

The Director of Health Services shall be the ex-officio Chairman of the Board.

- (3) The first Board shall be constituted within six months from the date the Act comes into force, and the names of the members shall be published in the official Gazette and such Board shall function for a period of three years.

COMMENTS

In sub-S. (2) of S. 3 after the existing proviso, the above proviso was inserted vide Assam Act No. V of 1988 with effect from 19-2-1987.

4. Formation and life of subsequent Board.

- (1) Each subsequent Board shall function for a period or three years from the date of the first meeting of the

Board constituted as under sub-S. (2) of S. 3 and the manner of election and nomination of the members of the Board shall be such as may be prescribed.

- (2) The period of three years referred to in sub-S. (3) of S. 3 and sub-S. (1) of this section shall include and shall be deemed always to have included any period which may elapse between the expiry of the said three years and the date of the meeting of the subsequent Board:

Provided that such subsequent Board shall sit within forty-five days from the day of its constitution.

- (3) The State Government may, by notification, for sufficient cause to be stated therein, direct, from time to time, that the terms of the Board be extended by such period not exceeding one year at a time, as maybe specified in the notification; provided that the total period of such extension shall not exceed [three years].

COMMENTS

Section 4. This section was substituted vide Assam Act No. XXVII of 1959, published in the Assam Gazette, dated the 28th October, 1959 to come into force at once and the substituted S. 4 read as follows:

“4. *Formation and life of subsequent Board.*
Each subsequent Board shall function for a period of three years from the date of its constitution and the manner of election and nomination of members shall be such as may be prescribed.”

By Assam Act No. V of 1988, w.e.f. 19-2-87 for the words “two years” the words “three years” were substituted.

5. Compulsory registration.

Within one year from the date of the Gazette notification of the constitution of Board a person-practicing Homoeopathy shall report his name, address and qualification to the Chairman of the Board for the purpose of registering his name in the manner provided hereinafter.

6. Maintenance of the Register.

- (1) The first Board shall, as soon as conveniently after its constitution and not later than two years from the enforcement of this Act, make orders regulating the maintenance of a Register of Homoeopaths.
- (2) After the completion of the Register the names of the Homeopaths eligible for practice in Homoeopathy shall be published in the official Gazette.

(3) The Register shall be kept in such form as may be prescribed.

7. Appointment of the Registrar and staff.

The first Board shall with the previous approval of Government, appoint a Registrar who shall be the Secretary to the Board, and also appoint staff necessary for carrying out the purposes of the Act.

8. Duties, salary and allowances of the Registrar and staff.

The duties, salary and allowances and such other matter relating to the Registrar and the staff shall be such as may be prescribed.

9. Two categories of Homoeopaths.

There shall be two classes of Registered Homoeopaths, viz: Class 'A' and 'B'.

Class 'A' -

- (i) One who is a registered medical practitioner under the Assam Medical Act, 1916 practicing exclusively Homoeopathy;

- (ii) One who is a Homoeopathic medical practitioner holding degree from a foreign country which entitled him to practice medicine in his country subject the condition that the institution is approved as suitable for the purpose by the Board of Homoeopathic Medicine.

- (iii) One who is a Homoeopathic medical practitioner who has successfully gone through at least four years' course in any Homoeopathic institution recognised by the State in which the institution is situated and holding a Diploma or a certificate from the institution, subject to the condition that the standard of qualification is not lower than the standard that would be required for registration by the Assam Homoeopathic Medicine Board.

Class 'B'-

One who has been engaged in the practice of Homoeopathic system of medicine as the principal occupation for a period of not less than five years immediately before the date of the coming into force of this Act.

10. Fees of Registered Homoeopaths.

- (1) If it appears to the Board that a person is qualified to have his name entered in the Register as a 'Class A Registered Homoeopath' his name shall be so entered on payment of a sum of Rs. 20 (twenty) as first annual fees; and if he is qualified to have his name entered in the Register as a 'Class B Registered Homoeopath' his name shall be so entered on payment of Rs. 15 (fifteen) as first annual fees.

On payment of the first annual fees the 'Registered Homoeopath' shall receive licences to practice Homoeopathy in the State of Assam.

- (2) The subsequent annual renewal fees for a 'Registered Homoeopath' shall be Rs. 10 and Rs. 5 for Class 'A' and Class 'B' respectively.
- (3) The method and time of depositing licence fees by the 'Registered Homoeopaths' and the contents and the form of the licences the practice shall be such as may be prescribed.

- 11.** After the publication of the names of Homoeopaths under S. 6 of the Act and after such time as the State Government shall, by notification in the official Gazette announce, no person other than a 'Registered Homoeopath' holding a licence to practice as hereinbefore provided, shall practice

the as hereinbefore provided, shall practice the Homoeopathic system of medicine.

12. Penalty for practice of Homoeopathy by unauthorised persons.

Any person who acts in contravention of S. 11 shall on conviction be punishable with fine which may extend to Rs. 200 (two hundred) for the first offence and up to Rs. 500 (five hundred) for every subsequent offence.

13. Conferring, granting or issuing diploma, licence etc. by unauthorised persons or institutions.

(1) No person other than an association or institution recognised or authorised by the Boar 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 documents stating or implying that the holder, guarantee, or receipt is qualified to practice the Homoeopathic system of medicine.

(2) Whoever contravenes the provisions of this section shall be punishable with fine, which may extend to Rs. 500 (five hundred).

14. Penalty.

Whoever voluntarily as 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 any association or institution recognised or authorised by the Board under this Act or that he is qualified to practice the Homoeopathic system of medicine under the provisions of the Act shall be punishable with fine which may extend to Rs. 200 (two hundred) for the first offence under this section and to a fine which may extend to Rs. 500 (five hundred) for every subsequent offence.

15. Homoeopathic Fund.

There shall be established a Fund for the Board. There shall be placed to the credit thereof –

- (a) grants and loans if any received from the State Government;
- (b) all fees received by the Board on account of registration of Homoeopaths, admission to the Board's examination and licensing of firm for sale of drugs under the Act;
- (c) contributions if any 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.

16. (1) The State Government may at its discretion place a lump sum allotment at the disposal of the Board every year for distribution according to rules to the Homoeopathic dispensaries and educational institutions in Assam and other suitable purposes connected with the aims and objects of the Act.

(2) The Board shall administer, subject to conditions, any fund placed at its disposal by the State Government for specific purposes.

17. The Fund for the Board shall be kept in a Bank with the previous sanction of the State Government.

18. Appeals to State Government from decision of the Board.

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

(2) Every appeal under sub-S. (1) shall be preferred within thirty days of the date of such decision.

- 19.** (1) No suit or legal proceeding shall lie against the State Government in respect of an act done in the exercise of the powers conferred by this Act.
- (2) No suit or other legal proceeding shall be maintainable against the Board or any member or any officer or servant of the Board or any person acting under the direction of the Board or of the Chairman or of any officer or servant of the Board in respect of anything done under this Act, lawfully and in good faith and with reasonable care and attention.

20. Control of Board by State Government.

If at any time it shall appear to the State Government that the Board has failed to exercise or has exceeded or abused a power conferred upon it by or under this Act, the State Government may, if it considers such failure, excess, or abuse to be of 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 period as it may think fit.

21. 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 not below the rank of a Sub-Inspector of Police.

22. Delegation of powers.

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, may deem necessary.

23. Making of regulations.

Subject to the provisions of the Act and to the rules by the State Government thereunder, the Board may frame regulations for regulating the following matters, namely:

- (1) (a) conditions on which educational or instructional institutions may be affiliated to or recognised by the Board;
- (b) the admission of students to such educational or instructional institutions;

- (c) the conditions under which students shall be admitted to the examinations of the Board for the purpose of degrees, diplomas and certificates;
 - (d) the number, qualifications and emoluments of teachers of the educational or instructional institutions affiliated to the Board;
 - (e) the fees to be charged for course of study in such institutions and for admission to the examinations, degrees, diplomas and certificates of the Board;
 - (f) the conditions and modes of appointment and duties of examinations and the conduct of examinations.
- (2)
- (a) The time and place at which the meeting shall be held;
 - (b) the issue of the notice convening such meetings;
 - (c) the conduct of business thereat;
 - (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 purpose of carrying out the object 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.

24. Rules.

- (1) The State Government may, from time to time, make rules consistent with this Act for carrying out the purpose of the Act.
- (2) In particular, and without prejudice to the generality of the foregoing power; the State Government may make rules for any of the following matters:
 - (a) the time at which and the place and manner in which election shall be held and nomination made under this Act;
 - (b) regulation of elections under this Act;
 - (c) the conduct of the maintenance of correct minutes of meeting of the Board;

- (d) the manner in which vacancies of office bearers and other members of the Board shall be filled;
- (e) the privileges, salary and allowances and other conditions of service of the Registrar;
- (f) the accounts to be kept by Boards, the manner in which accounts shall be audited and published and the power of auditor in respect of disallowance and surcharge;
- (g) the date before which a meeting shall be held for the sanction of the budget;
- (h) the method and forms to be adopted in the preparation of the budget;
- (i) the return, statements and reports to be submitted by the Boards;
- (j) the form of Register of Homoeopaths to be maintained under this Act;
- (k) the application of fees charged under this Act;
- (l) the manner in which appeals against the decision of the Board shall be heard;

- (m) allowances, if any, payable to members of the Board and its Chairman;
- (n) remuneration to be paid to the Chairman;
- (o) the furtherance of any objects of the Board as a teaching or examining body;
- (p) maintenance of a patient register by practitioners in the prescribed form;
- (q) delegation of power by the State Government and by the Board;
- (r) the furtherance of any other objects of the Act.

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