

ASSAM HOMOEOPATHIC RULES, 1958

Notification No. MMD/37/55, dated 2-8-1958.

In exercise of the powers conferred by S. 24 of the Assam Homoeopathic Medicine Act, 1955 (Assam Act XI of 1955), the Governor of Assam is pleased to make the following Rules namely:

Preliminary

1. These rules may be called the Assam Homoeopathic Medicine Act, 1955.
2. In these rules unless there be anything repugnant in the subject or context -
 - (a) "Act" means the Assam Homoeopathic Medicine Act, 1955.
 - (b) "Form" means a form appended to these Rules.
 - (c) "Section" means a section of the Act.
 - (d) The words and expressions used in the Act and not defined in these Rules shall have the meanings assigned to them in the Act.

Chairman

3. The Director of Health Services who is the ex-officio Chairman of the Board shall ordinarily preside over all meetings of the Board and the Sub-Committees formed by the Board for any special purposes. In case of his absence from the station or in case of his failure to do so for any reason, the members present shall elect one amongst themselves to preside over all such meetings of the Board and the Sub-Committees.

Election

4. The Chairman or any other person elected by the Board for the purpose shall be the Returning Officer for every election or bye-election held under the Act.
5. The Returning Officer shall, not less than 60 days and not more than 90 days before the date on which the terms of office of sitting members of the Board is due to expire or where a vacancy occurs due to any of the events specified in these Rules as soon as conveniently may be on the happening of any such event, publish in the Assam Gazette a notice in the Form "A" herein prescribed calling upon the registered practitioners who are not otherwise disqualified under the Act or any of these Rules to elect the new members. The Chairman shall also request the Government to

nominate the members for the new Board or to fill up the vacancy as the case may be.

6. When any such election or bye-election is to be held the Returning Officer shall notify in the Assam Government Gazette and on the notice board of the office of the Board -

- (a) the last date of filling nomination papers;
- (b) the date, place and time of scrutiny of the nomination papers;
- (c) the last date of withdrawal of nomination papers;
- (d) the last date, place and time for counting of voice; and
- (e) the date, place and time for counting of votes; and
- (f) the names of the candidates whose nomination papers are found to be valid after scrutiny.

7. The candidates or their agents duly appointed in writing may be present at the time of scrutiny of the nomination papers and counting of votes.

- 8.** The Returning Officer shall declare the names of the candidates elected immediately after the counting is over and shall also publish the same in the Assam Gazette as well as on the notice board of the officer of the Board.

- 9.** Every nomination paper shall be in the Form “B” herein prescribed and shall be accompanied by a deposit of Rs. 50 either in cash or by a Bank Draft on the State Bank of India or the Assam Co-operative Apex Bank Ltd., Shillong. The deposit will be returned if -

 - (a) the candidate is declared or is deemed to be duly elected, or
 - (b) the nomination is declared invalid, or
 - (c) the candidate withdraws his candidature within the specified time, or
 - (d) the candidate dies after the scrutiny and before the election is complied, or
 - (e) the candidates fails to be elected but secures valid votes in excess of the number specified in R. 10.

10. If a candidate is not elected and the number of valid votes recorded in his favour is less than $1/8^{\text{th}}$ of the total number of votes recorded or where the total number of members to be elected is two or more $1/8^{\text{th}}$ of the total number of valid votes record divided by the total number of members to be elected, the deposit shall be forfeited to the Board.

11. (1) If on the scrutiny of the nomination papers received the Returning Officer finds that the number of valid nominations 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.

(2) If the number of such candidates exceeds the number of members to be so elected, the Returning Office shall -

(a) cause the names and addresses of the candidates to be entered in the voting papers in Form "C" prescribed herein.

(b) thereupon publish the said names and addresses in the Assam Gazette.

(3) The Returning Officer shall sign the send by registered post to each elector one such voting paper: provided that -

(a) such a voting paper shall also be supplied to any elector on his applying to the Returning Officer for the same at any time before the date appointed for the counting of votes, and

(b) no election shall be invalidated by reason of the non-receipt by an elector of his voting paper.

12. Every elector desirous of recording his vote shall send his voting paper to the Returning Officer after recording his vote thereon in the manner prescribed therein:

Provided that voting papers, which are not received by the Returning Office before the date appointed under these rules as the last date for receiving voting papers, shall be rejected.

13. (1) On receiving the voting papers the Returning Officer shall endorse thereon the date and hour of receipt and examine them to see whether they have been correctly filled up, and shall endorse "Rejected" on any voting paper which he may

reject under the proviso to R. 12 on the ground that it does not comply with the instructions of the voting papers.

(2) After satisfying himself that each elector has affixed his signature and place of residence to the counterfoil of his voting paper the Returning Officer shall tear off the said counterfoil and place it in the safe custody, pending disposal under R. 16, then to be sealed up along with voting papers and other documents relating to the election which shall be retained for a period of six months and thereafter cause them to be destroyed.

14. The Returning Officers shall nominate as scrutinizers and Election Officers to assist him at the time of counting such number of members off the Board not exceeding four as he thinks fit.

15. The voting papers shall be in the Form “C” herein prescribed which shall be marked “X” by the voter against the name of the candidate secretly and closed in an envelope which shall be attested as genuine by the Sub-divisional Medical Officer or a First Class Magistrate of the Sub-division with a remark on the closed envelope saying – “Voting paper filled by..... who is known to me/identified by” . Mofussil voters

may send their voting papers by post addressed to the “Returning Officer, C/o The Registrar, The Board of Homoeopathic System of Medicine, Assam.

16. The State Government may, of its motion or on objection made, declare any election to the Board to be void on account of corrupt practice or any other sufficient cause, and may call on the electorate to make a fresh election within a specified date, and any decision of the State Government under this rule shall be final.
17. Until a decision by the Court, the decision of the State Government on any question that may arise as to the intention, construction or application of these rules shall be final.

Vacancies, disability and disqualification of members of the Board

18. In the event of the death, resignation, removal, disability or disqualification of a member of the Board before the expiry of the period for which he is elected or nominated, as the case may be, the vacancy shall be filled in the manner herein prescribed. Except in the case of a vacancy caused by death outgoing member shall continue in office until his substituted is elected or nominated as the case may be.

19. If any member -

- (a) absents himself from three consecutive ordinary meetings of the Board without sufficient reasons to the satisfaction of the Board; or
- (b) becomes subject to any of the disqualifications mentioned hereafter;

the Board shall declare his office vacant.

20. No person -

- (a) who is an undischarged insolvent;
- (b) who is of unsound mind;
- (c) whose name has been removed from the Registrar;
- (d) who has been convicted by a criminal court for an offence involving moral turpitude in the opinion of the Board; or
- (e) who is a full time officer or servant of the Board;

shall be eligible for elected or nominated or for continuing to be a member of a Board.

- 21.** No disqualification or defect in the election, nomination or appointment of any person as a member of the Board shall of itself invalidate any proceeding of the Board in which such person has taken part.

Meetings of the Board

- 22.** (1) The Board shall ordinarily meet at least three times during a year and every meeting of the Board shall be presided over by the Chairman or by the person elected for the purpose in case of his inability to do so as prescribed above.
- (2) All questions at a meeting of the Board shall be decided by a majority of votes of the members at present at the meeting. In case of equality of votes the Chairman shall have a second or casting vote.
- (3) Five members including the Chairman shall form a quorum.
- (4) The Board shall maintain a permanent Proceedings Book in which the minutes of all the meetings of the Board shall be recorded and maintained under the signature of the Chairman presiding over the meeting.

Accounts and audit.

- 23.** An Account shall be opened in the State Bank of India, Shillong and all moneys of the Board shall be deposited in that Bank.
- 24.** The Registrar shall receive all moneys payable to the Board. He shall not retain in his hands any amount exceeding Rs. 100 at a time, the balance being lodged in the Bank to the credit of the Board.
- 25.** The Registrar shall place before the Board a statement of income and expenditure of the proceeding financial year ending on 31st March for its approval whereupon the Board shall request the State Government for a proper audit of the accounts of that year.
- 26.** The Registrar shall also place before the Board not later than January the budget for the next financial year for the approval of the Board. The Board may at any time of the year cause a supplementary budget to be prepared and submitted to it for its consideration and approval.
- 27.** The Registrar shall bring into account in the general cash book to be maintained by the Board all moneys received or spent by or on behalf of the Board.

28. The Bank Account opened in the name of the Board shall be operated by the Registrar.

Registration and removal of name from the Register

29. All applications for registration as Homoeopathic practitioner shall be in the Form "F" herein prescribed.
30. The applications for registration shall be scrutinized by a Court of Examiners to be appointed by the State Government for the purpose consisting of five members including the Chairman.
31. The Court shall, after scrutiny of the applications for registration, pass the same for registration of the name of the applicant in either class as it deems fit or may reject any such application.
32. Every practitioner whose application for registration has been accepted by the Board shall be granted a certificate in the Form "D" herein prescribed placing him in either class as may be decided by the Court. He shall also be granted a license to practice Homoeopathy in the Form "E" herein prescribed.
33. The Board shall prepare and maintain separate registers of Homoeopathic practitioners of the State and the association and institutions affiliated to the Board. The pages of the register shall be serially

numbered and each entry in the registers shall be duly attested by the initials of the Registrar.

34. The registers of the Homoeopathic Practitioners of Class A and Class B shall be kept separately and shall contain the following particulars, namely:

- (a) Serial No.
- (b) Full name, nationality and residential address.....
- (c) (i) Date of his first admission to the register.....
(ii) Dates of renewal of certificate
- (d) (i) Qualifications for registration and the date of his acquiring those qualifications.....
(ii) Subsequent acquisition of additional qualifications with dates thereof
- (e) (i) Professional address
- (ii) Changes of address
- (f) Other particulars if any

35. The register of associations and institutions affiliated to the Board shall contain the following particulars, namely:

- (a) Serial No.
- (b) Name and address of the office
- (c) General objects of the association or institution.....
- (d) (i) Number of members of the association at the time of affiliation.....
(ii) Subsequent changes in the number of members
- (e) (i) Date of affiliation to the Board of the association or the date of starting of the institution
- (ii) Dates of renewal of affiliated certificate of the association.....
- (f) Number of the connected file in the office of the Register
- (g) Remarks, if any

36. Every change of address of the practitioner, the association and institution shall be reported to the Registrar forthwith. All communications sent by registered post to the last address reported shall be deemed to have been duly delivered to the practitioner, association or institution to have been duly delivered to the practitioner, association or institution for which the records in the Registrar's office shall be conclusive evidence.

Fees

37. Every practitioner applying for registration of his name under the Act shall remit either by postal money order, posted order or a bank draft on the State Bank of India or the Assam Co-operative Apex Bank, Ltd., at Shillong, the sum of fees prescribed in S. 10 (1) of the Act for the class he applies for. The fees so paid shall not refunded either in part or in whole even though his application for registration is rejected or is recommended by the Court for a lower class than the one applied for.

38. The practitioner so registered shall get his licence to practice renewed every year on payment of the fees prescribed in S. 10 (2) of the Act – the mode of payment being as prescribed in R. 37.

39. Every homoeopathic association seeking affiliation of the Board shall remit along with the application for affiliation a fee of R. 100 in case of a State (All Assam) Association, Rs. 50 in case of district association and Rs. 25 in case of a Sub-divisional association and shall abide by the rules and regulations that may be framed under the Act from time to time.

40. The fees for various entries and documents shall be as follows:

- (i) for recording additional qualification of the practitioner – Rs. 5;
- (ii) for every certified copy of an entry in the register – Rs. 3;
- (iii) for supplying a duplicate certificate of registration - Rs. 5;
- (iv) for registration of change of name or address – Rs. 3.

Removal of names from the register and restoration thereof

41. Whenever information is received that any registered practitioner has been convicted of a cognisable offence

or has been found to be guilty of unprofessional conduct the Registrar shall make an abstract of such information. Or where the information in question is in the nature of a complaint by a person or body which must contain the grounds of complaint, a declaration by the complaint that the facts stated in the complaint are true and the full address of the complaint, the Registrar shall make an abstract thereof in the same manner.

- 42.** The Registrar shall thereafter forward such abstracts and complaint to the Chairman who may, if he thinks fit, call upon the practitioner against whom such complaints have been received to submit his explanation or in case of the practitioner's failure to submit any explanation the Chairman may forward the case to the Court of Examiners for enquiry and order.
- 43.** The Court of Examiners on receipt of the papers and reports relating to the case shall institute an enquiry into the allegations made against the practitioner and may take such evidence and follow such procedure in conformity with the principles of natural justice as it thinks fit. The practitioner so charged shall however be given reasonable opportunities to substantiate his explanation.
- 44.** After enquiry the Court may pass such orders as it thinks proper either exonerating the practitioner from

the charges made against him or ordering that he be let off with a warning or that this name be removed from the Register for such period as it thinks proper. The order of the Court in such matters shall be final.

- 45.** Any practitioner registered under the Act failing to apply for renewal of his licence within one month after the due date his name shall be removed from the Register.
- 46.** The Registrar shall upon the removal of any name from the Register pursuant to the provisions of the foregoing rules forthwith send notice thereof to the practitioner by registered post addressed to his last known address. Intimation of such removal shall also be sent forthwith to the Sub-divisional Medical Officer, the Officer-in-charge of the Police Station within whose jurisdiction the practitioner generally carries on his profession.
- 47.** The practitioner whose name has been removed under R. 46 may appeal to the Board for restoration of his name. If the Board is satisfied that the delay in making the application for renewal of the license was for sufficient causes it may order his name to be restored on payment of a penalty of Rs. 5.

Court of Examiners

48. The State Government may, by notification in the official Gazette, constitute a Court of Examiners for purposes mentioned below or for any one or more of such purposes consisting of five persons including the Chairman as follows:

- (a) The Director of Health Services, Assam, who shall be the Chairman of the Court;
- (b) Two persons elected by the Board from among its members.
- (c) Two persons nominated by the State Government:

Provided that the persons elected under Cl. (b) shall hold office only so long as they are members of the Board;

Provided further that the State Government may nominate the two members under Cl. (b) for the first Court.

49. The functions of the Court shall be to scrutinize the applications for registration of the practitioners; to enquire into and pass orders on the complaints or allegations against the registered practitioners; to

examine and/or prepare schemes for educational institutions or examining Boards; or for such other purposes as the State Government may think necessary.

50. The State Government may at any time or for any purpose appoint any person from within or outside the State to advise the Court or the Board on any special or technical matter on such terms as the State Government may think reasonable.
51. The Board may at any time refer to the Court any matter or question relating to the purpose or purposes for which it is constituted for advice or decision.

Common Seal

52. The Board shall have a common seal which shall be kept in safe custody by the Registrar under proper lock and key and shall be affixed on such documents as the Board may generally or specially direct.
53. The common seal so affixed shall always bear the signature of the Chairman of the Board.

Registrar

54. The Registrar shall receive Rs. 50 per mensem as fee.

55. The appointment of a whole-time Registrar shall be on probation for a period of two years which may be extended to three years, if the Board so decides, after which he may be confirmed by the Board with the previous approval of the State Government.
56. The Registrar shall be the Secretary to the Board and shall sign all plaints, written statements, Vakalatnamas, verifications, petitions, etc., in any suit, proceeding or appeal by or against the Board.
57. The Registrar as Secretary of the Board shall take or cause to be taken the minutes of all meetings of the Board and shall conduct and have charge of the correspondence and the records of the Board.
58. When the Registrar goes out of the station he shall draw travelling allowances as admissible to a first-class officer of the State Government.

Miscellaneous

59. All fees received under the Act and the Rules together with any grants received from the State Government and donations from any other quarters shall form the fund of the Board. The Registrar may keep in hand a sum of not more than Rs. 100 at a time to meet day to day petty expenses of his office.

- 60.** Non-official members of the Board shall be paid Travelling Allowance as applicable to the 1st Grade Government servants with dearness allowance as prescribed under sub-R. 309 (a) (as amended) of Fundamental Rules and Subsidiary Rules read with Government Orders No. 35/48/2, dated 7th December, 1948, for attending meetings of the Board.

Official Members and MLA's will draw their Travelling Allowance and Dearness Allowance as admissible to them under the rules for attending meetings of the Board.

- 61.** The registered practitioners shall maintain a regular patients register which shall be made available for inspection by the Registrar or any of the members of the Board authorized for the purpose. The patients register shall contain the date of taking up the case, nature of the disease, the leading symptoms of the disease, results of clinical examinations, If any done, the medicines prescribed or supplied with the dilation thereof stage by stage, and results obtained.

FORM A

[Rule 5]

Notice of election

ELECTION OF A MEMBER OR MEMBERS OF THE BOARD OF HOMOEOPATHIC SYSTEM OF MEDICINE

Notice is hereby given pursuant to the provisions of Rule of the Assam Homoeopathic Rules, 1958, that the election of members of the Board of Homoeopathic System of Medicine to serve during the period commencing on day of is about to be held.

Nominations of eligible persons to fill the vacancy are hereby invited.

Every nomination paper shall be in form "B" appended to the Assam Homoeopathic Rules, 1958, giving all the details required therein.

The nomination paper must be delivered to the undersigned on or before 19, during office hours.

Nomination papers in respect of which provisions of the rules have not been complied with, or which are not received by the Returning Officer by the aforesaid date will be invalid.

The nomination paper may be obtained from the undersigned on application.

Returning Officer

Address

Date

FORM B
[Rule 9]
Nomination Paper

- (1) Name of candidate
- (2) Age
- (3) Qualification
- (4) Address and Registration No.
- (5) Signature of Proposer and Registration No.
- (6) Signature of Secunder and Registration No.

Returning Officer

INSTRUCTIONS

Nomination papers which are not received by the Returning Officer before on the day of19, shall be invalid.

FORM C
[Rules 11 and 15]

Voting Paper

Counterfoil

Serial No. of voting paper.....

Serial No. of voting
paper

Four members are to be elected to the
Board of Homoeopathic System of
Medicine, Assam by the persons entered
in the registered Homoeopaths.

For election under Cl.
(2) (a) of S.3

Serial No. of candidates duly nominated	Names and addresses of candidates duly nominated	Vote
--	--	------

I hereby declare that
my name appears on
the register of
Registered
Homoeopaths.

(Signature and
place of residence)

INSTRUCTIONS

1. Each elector has as many votes as there are members to be elected.
2. He shall vote by putting mark "X" opposite the name of the candidate or candidates whom he prefers. If the elector does not wish to use all his votes (in cases where more than one vote is allowed), he need not do so, but more than one vote may not be given to any one candidate.
3. The voting paper shall be invalid if his mark "X" is placed opposite the names of more candidates than are to be elected, or if the mark "X" denoting any vote is so placed as to render it doubtful as to which candidate such vote is intended to apply.
4. The elector shall sign the declaration on the counterfoil, and append his place of residence thereto. Without such signature and entry the voting paper shall be invalid.
5. If an elector fills in more than one voting paper, the first only of such voting papers received by the Returning Officer shall, if otherwise in so such voting papers was first received by him, both or all such voting papers shall be invalid.

6. Voting papers shall be sent to the Returning Officer by registered post. Voting papers which are not received by the Returning Officer before on the day of 19 ... will be rejected.

FORM D

[Rule 32]

BOARD OF HOMOEOPATHIC SYSTEM OR MEDICINE, ASSAM

Certificate of Registration for Class A/B Homoeopath

Certificate No.

.....19 .

Name	Address or appointment	Date and place of registration	Qualification and dates thereof
(1)	(2)	(3)	(4)

It is hereby certified that this is a true copy of the entries of the above specified name in columns b, c, d, e, and f of the Register of registered Homoeopaths.

Registrar

Seal

Important Notice

Every registered homoeopath should be careful to send to the Registrar immediately notice of any change in his address and also answer all enquired that may be sent to him by the Registrar in regard thereto, in order that his correct address may be duly inserted in the Registered Homoeopaths failing which his name shall be liable to be deleted from the Register under R. 45.

FORM E

[Rule 32]

**OFFICE OF THE BOARD OF HOMOEOPATHIC
SYSTEM OF MEDICINE, ASSAM,
SHILLONG**

**Licence issued under S. 10 of Assam Homoeopathic
Medicine Act , 1955**

Name in full.....

License No.

Address in full

Class of Homoeopath

Passport size Photo

Appointment

Signature of holder

Registrar, Board of Homoeopathic
System of Medicine, Assam.

Date of issue

Date of renewal

Seal

FORM F
[Rule 29]

The Board of Homoeopathic System of Medicine,
Assam

Application for Registration

1. Name – Shri/Shrimati/Kumari (In block letters)
2. Address (to be registered)
3. Date of Birth, if known Age on 1st January
19..... Proof vide enclosures.....
4. Home address
5. Father's/Husband's name and address
6. Length of practice years.

Proof vide enclosures.....
7. Qualifications –

(a) General education

Certificate of the Institution (or a true copy duly attested by a Gazetted Officer) enclosed vide enclosure No.

- (b) A registered medical practitioner under the Assam Medical Act, 1916, practicing exclusively homoeopathy since

Proof vide enclosure No.

- (c) Holding a degree from a foreign country entitling to practice medicine in the country

Name and Address of the Institution.

Certificate (True copy or Original) enclosure No.

- (d) Holding a Diploma or Certificate of having passed the four years' Course in Institution of State which is a recognized institution of that State.

Proof vide enclosure No.....

- (e) If not falling under categories (b), (c) and (d) above, please state here the date or month of the year since when you have been practicing the Homoeopathic

System of Medicine as a principal occupation.....

Proof vide enclosure No.....

8. Certificates of character from at least two respectable persons (not relations) with their addresses and professions.....

Certificates vide enclosures

I hereby solemnly affirm that the information furnished above are true to my knowledge. Further I promise to abide by the Rules and Regulations of the Board of Homoeopathic System of Medicine, Assam, as may be promulgated, amended or added to from time to time. I pray that I may be registered as a Homoeopathic Medical Practitioner under the Assam Homoeopathic Medicine Act, 1955. I further declare that I have been devoting and shall devote myself solely to practicing the Homoeopathic System of Medicine wholetime.

The Registration fee amounting to Rs. 20 (Rupees twenty)/Rs. 15 (Rupees fifteen) only is sent by Money Order/Postal Order vide M.O./P.O. receipt No. dated

Dated

(Signature of applicant)

- Note.** (1) Applicants failing under categories (b), (c) or (d) of item 7 above should send a sum of Rs. 20 as registration fee and applicants falling under category (e) of item 7 above should send a sum of Rs. 15 as registration fee.
- (2) The statements in this application should be supported by certificate of at least some Gazetted Officer and must be acceptable to the Board.

**** **