

HOMOEOPATHY

CHAPTER 117

HOMOEOPATHY

Act No. 7 of 1970.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A HOMOEOPATHIC COUNCIL WHICH WILL BE RESPONSIBLE FOR CARRYING OUT THE FOLLOWING OBJECTS, NAMELY, THE PROMOTION AND ENCOURAGEMENT OF THE HOMOEOPATHIC SYSTEM OF MEDICINE, THE REGISTRATION OF HOMOEOPATHIC PRACTITIONERS, THE RECOGNITION OF HOMOEOPATHIC INSTITUTIONS, THE REGULATION AND CONTROL OF THE IMPORTATION, SALE AND DISPENSING OF HOMOEOPATHIC MEDICINES, DRUGS AND OTHER PREPARATIONS AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

[1st March, 1979.]

Short title.

1. This Act may be cited as the Homoeopathy Act.

under this Act, in accordance with such regulations as may be made in that behalf by the Minister under this Act.

PART I

ESTABLISHMENT OF HOMOEOPATHIC COUNCIL

Establishment of Homoeopathic Council,

2. (1) There shall be established a Council to be called the Homoeopathic Council (in this Act referred to as "the Council") which shall consist of the persons who are for the time being members of the Council under section 3.

(4) There shall be a president of the Council who, during the period of ten years commencing on the appointed date, shall be appointed by the Minister from among the members of the Council.

(5) During the period of five years commencing on the appointed date, the Council may, subject to the provisions of section 14 relating to the quorum for a meeting of the Council, act, notwithstanding that all the seven members of the Council have not been appointed by the Minister.

(2) The Council shall, by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession and a common seal, and may sue or be sued in that name, and may hold, acquire and dispose of any property, movable or immovable.

4. A person shall be disqualified from being elected or appointed as a member of the Council—

Disqualification for membership of the Council

- (a) if he is less than twenty-five years of age; or
(b) if he is under any written law found or declared to be of unsound mind ; or
(c) if he is an undischarged bankrupt or insolvent, or
(d) if he is an employee of the Council; or
(e) if he is convicted by a competent court of an offence involving such degree or moral turpitude as in the

Constitution of the Council.

3. (1) The Council shall consist of seven members.

(2) During the period of ten years commencing on the appointed date, the members of the Council shall, subject to the provisions of section 5, be appointed by the Minister.

(3) After the expiration of the period of ten years referred to in subsection (2), the members of the Council shall be elected, by the homoeopathic practitioners registered

opinion of the appointing or electing authority renders him unfit to be a member of the Council.

Notice of intention to appoint the first members of the Council.

5. (1) Before appointing the first members of the Council, the Minister shall, by notice published in the Gazette and in such other manner as he may deem best calculated to give publicity thereto,—

- (a) declare his intention to appoint such members; and
- (b) request all interested parties to recommend to him, before such date as shall be specified in the notice, the names of not more than three persons, being persons who are qualified for membership of the Council and who, in their opinion, are fit and proper persons to be such members.

(2) No person other than a person entitled to be registered as a homoeopathic practitioner under the provisions of this Act shall be appointed as a member of the Council.

Appointment of members in the event of default in election.

6. If after having been given an opportunity to do so, there is default on the part of Registered Homoeopathic Practitioners in the election of a member of the Council, then, the Minister may, in lieu of such election, appoint a duly qualified person as such member ; and the member so appointed shall be deemed, for all the purposes of this Act, to be a member duly elected by such practitioners.

Notification in the Gazette of the appointment or election of members.

7. The Minister shall cause the appointment or election of a member of the Council to be notified in the Gazette. Such notification shall state the name and designation, if any, of the member, and the date of the commencement of the term of office of the member, being a date which is either the date of the publication of such notification in the Gazette, or a date earlier or later than the date of such publication.

Term of office of members.

8. Every member of the Council, including the president, shall, unless he vacates office earlier, hold office for a term of five years:

Provided that the person elected or appointed as the president or as a member of the Council in succession to any person who has ceased to be the president or a member of the Council before the expiry of his term of office shall, unless he vacates office earlier, hold office for the unexpired part of the term of office of the president or the member, as the case may be, whom he succeeds.

9. A member of the Council shall be deemed, for the purposes of this Act, to have vacated his office—

Vacation of office by members.

- (a) if he dies; or
- (b) if, being the president, he sends his resignation in writing, as such member to the Minister; or
- (c) if, not being the president, he sends his resignation in writing to the president; or
- (d) if he is absent, without excuse sufficient in the opinion of the Council, from three consecutive meetings of the Council; or
- (e) if, having been appointed or elected as such member by virtue of his being, or in his capacity as, a Registered Homoeopathic Practitioner, he ceases to be such practitioner; or
- (f) on his removal from office by the Minister under this Act; or
- (g) on his removal from office by a decision of the Council which has taken effect as provided in this Act; or
- (h) on the expiry of his term of office; or
- (i) if he becomes subject to any of the disqualifications specified in section 4.

10. Any vacancy in the office of a member of the Council shall be filled by the appointment or election of a member, as the case may be, in accordance with the

Filling of vacancies.

provisions of this Act. Any person who has vacated his office as a member, otherwise than by removal by the Minister or the Council, shall be eligible for reappointment or re-election as a member, as the case may be.

(b) that he has so abused his position as a member of the Council as to render his continuance in office detrimental to the interests of the Council.

Removal of members from office.

11. (1) The Minister may, without assigning any reason, remove from office, by Order published in the Gazette, any appointed or elected member of the Council. In the exercise of his powers under the preceding provisions of this section the Minister may act either on his own motion or on any recommendation made to him by the Council under subsection (2). Such Order shall take effect on the date of such publication.

(5) Any member of the Council who is aggrieved by the decision of the Council to remove him from office may, within a period of fourteen days after the service on him of the notice of such decision, prefer a written appeal against such decision to the Minister. The Minister may on such appeal, after giving both the Council and the appellant an opportunity of being heard, make an order either confirming or rejecting such decision. The Minister shall cause a notice of his order on such appeal to be served on both the appellant and the Council.

(2) The Council may recommend to the Minister that any appointed or elected member of the Council shall be removed from office on any ground specified in subsection (4).

12. The Council shall, in the exercise of its powers or the discharge of its functions and duties under this Act, be subject to such general or special directions as may, from time to time, be issued by the Minister.

The Council to be subject to The general or special directions of the Minister.

(3) The Council may remove from office any elected member of the Council on any ground specified in subsection (4). A written notice of the decision of the Council to remove such member shall be served on such member by the Council, No such decision shall take effect—

13. Subject to the provisions of this Act, the procedure of the Council shall be regulated by rules made under this Act or, in the absence of such rules, by the Council—

Procedure of the Council.

(a) where no appeal against the decision is preferred to the Minister under subsection (5) within the period stated therein, until the expiry of that period; and

14. The quorum for a meeting of the Council shall be five.

Quorum.

(b) where an appeal is so preferred, unless and until the decision is confirmed on such appeal.

15. The president shall preside at every meeting of the Council at which he is present. If he is not present at any meeting of the Council, the members attending such meeting shall elect from among themselves a chairman for such meeting.

Presiding authority at meetings of the Council.

(4) The Council may recommend to the Minister under subsection (2) that any member of the Council shall be removed from office, or may remove from office any elected member of the Council under subsection (3), on any of the following grounds:—

16. (1) Every question which comes up for consideration before the Council shall be dealt with at a meeting of the Council, and shall be determined by the majority of the members present and voting.

Proceedings of the Council.

(a) that, being an attorney-at-law, he has appeared in any legal proceedings, whether civil or criminal, against the Council.

(2) In the event of an equality of votes on any question considered at a meeting of the Council, the chairman of that meeting shall have a casting vote in addition to his original vote.

(3) The Council shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings

of, or any act or thing done by, the Council shall be valid notwithstanding that it was subsequently discovered that some person not entitled so to do sat or voted or otherwise took part in such proceedings.

Minutes of proceedings.

17. (1) The minutes of the proceedings of every meeting of the Council shall be entered in a book to be kept for the purpose and shall be signed by the chairman of the meeting.

(2) A copy of the minutes of the proceedings of every meeting of the Council shall, within fifteen days from the date of the meeting, be forwarded to the Minister.

Remuneration for attendance at meetings of the Council.

18. The members of the Council may be paid such remuneration for attendance at meetings of the Council as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

Delegation of powers, functions and duties of the Council to committees.

19. The Council may, from time to time, delegate any power, function or duty of the Council to a committee or committees consisting of members of the Council. Any such delegation may be made subject to such conditions and restrictions as the Council may deem necessary.

Registrar and other officers and servants of the Council.

20. (1) There shall be a registrar of the Council who shall also be the secretary of the Council.

(2) At the request of the Council, any Assistant Secretary to the Ministry may, with his consent and the consent of the Secretary to the Treasury, be temporarily appointed as registrar for such period as shall be determined by the Council with like consent.

(3) The provisions of subsection (2) of section 9 of the Motor Transport Act, No. 48 of 1957*, shall, *mutatis mutandis*, apply in relation to any Assistant Secretary to the Ministry who is temporarily appointed as registrar of the Council.

(4) The Council may appoint such officers and servants of the Council as may be necessary for carrying out the work of the Council.

(5) The officers and servants of the Council shall be remunerated in such manner and at such rates, and shall be subject to such conditions of service, as may be determined by rules made under this Act.

(6) The Council may in accordance with rules made under this Act, establish and regulate a provident fund for the benefit of its officers and servants, and make contributions to such fund out of the Homoeopathic Fund.

21. (1) The common seal of the Council shall be in the custody of the secretary of the Council.

(2) The common seal of the Council may be altered in such manner as may be determined by the Council.

(3) The common seal of the Council shall not be affixed to any instrument or document except in the presence of the registrar and two members of the Council all of whom shall sign the instrument or document in token of their presence.

22. Subject to the availability of moneys in the Homoeopathic Fund, the Council shall be responsible for carrying out the following objects:—

(a) the regulation and control of the practice of medicine according to homoeopathy;

(b) the promotion and encouragement of the practice of medicine according to homoeopathy;

(c) the promotion and encouragement of the study of, and research in, homoeopathy;

(d) the establishment and maintenance of a Homoeopathic Medical College;

(e) the taking, development or encouragement of measures for the investigation of diseases, and for the improvement of public health, according to homoeopathy ;

(f) the regulation and control of homoeopathic institutions; and

* Repealed by Transport Board Law, No. 19 of 1978.

(g) the regulation and control of the manufacture, importation, sale and distribution of homoeopathic medicines, drugs and other preparations.

Powers of the Council.

23. (1) The Council shall have the following powers :—

(a) to register homoeopathic medical practitioners;

(b) to recognize homoeopathic institutions, and to determine the circumstances in which such recognition shall be granted or refused;

(c) to prescribe the courses of study, curricula of general instruction or special or refresher courses in recognized homoeopathic institutions;

(d) to hold examinations and to grant and confer degrees on, and diplomas to, persons who have pursued a course of study in recognized homoeopathic institutions;

(e) to demand and receive from students such fees as may be prescribed for admission to the examinations conducted by the Council;

(f) to exercise general supervision and control over recognized homoeopathic institutions in order to ensure that the required standards are maintained;

(g) to appoint examiners, from among practitioners whose names appear in the general register and publish the results of the examinations conducted by the Council; and to appoint external examiners for such examinations;

(h) to suspend or withdraw recognition from any such recognized homoeopathic institution as is not conducted in accordance with such conditions as are required under this Act, or as are prescribed ;

Provided that no such suspension or withdrawal shall be imposed without affording the committee of management of any such institution an opportunity of making such representations as it may deem fit;

(i) to establish, and aid research in, recognized homoeopathic institutions, and to arrange for post-graduate study in homoeopathy, and to encourage the scientific manufacture of homoeopathic medicines;

(j) to publish homoeopathic journals;

(k) to make such grants of money out of the Homoeopathic Fund as may be necessary for the purpose of carrying out the objects of the Council;

(l) to do such acts, not inconsistent with the provisions of this Act, as are necessary for the furtherance of the objects of the Council.

(2) The Council may make rules for or in respect of any matters for which rules are required or authorized to be made by this Act. No such rule shall have effect until it is approved by the Minister and published in the Gazette.

24. The Council shall carry out its objects, exercise its powers and discharge its duties in accordance with—

(a) the provisions of this Act; and

(b) any such regulations made, and any such general or special direction issued, by the Minister under this Act.

Regulation of the manner in which objects, &c., of the Council are to be carried out.

PART II

REGISTRATION OF HOMOEOPATHIC PRACTITIONERS

25. (1) The Council shall keep and maintain in the prescribed form a general register and a provisional register for the registration of homoeopathic practitioners.

Registers.

(2) The registrar of the Council shall be responsible for keeping and maintaining the registers referred to in subsection (1).

(3) The Council may grant provisional registration as a homoeopathic practitioner to any person—

Application for registration as homoeopathic practitioners.

26. (1) Every application for registration as a homoeopathic practitioner shall be made in writing to the Council through the registrar in such form as may be prescribed.

(2) An application for registration as a homoeopathic practitioner shall not be refused by the Council except—

- (a) on the ground that the applicant is not entitled to such registration under section 27 ; or
- (b) on any ground specified in section 28.

Qualifications for registration as homoeopathic practitioners.

27. (1) No person shall be entitled to be registered as a homoeopathic practitioner, unless he—

- (a) possesses such academic qualification or qualifications obtained after following a course of study for not less than four years in a homoeopathic institution as would entitle him to be granted registration as a homoeopathic practitioner in India or Pakistan; or
- (b) is the holder of a diploma or degree granted by a recognized homoeopathic institution in Sri Lanka or abroad ; or
- (c) satisfies the Council that he has practised homoeopathy for a period of not less than ten years, and satisfies a board nominated for the purpose by the Minister that he possesses sufficient knowledge, experience and skill for the efficient practice of homoeopathy.

(2) The Council may grant registration as a homoeopathic practitioner to any person who satisfies the Council that he has practised homoeopathy for a period of not less than three years if he passes a written examination conducted for the purpose by the Council.

(a) who satisfies the Council that he has practised homoeopathy for a period of not less than ten years, but fails to satisfy the board nominated by the Minister under paragraph (c) of subsection (1) in respect of his knowledge, experience and skill; or

(b) who satisfies the Council that he has practised homoeopathy for a period of not less than five years ; or

(c) who has passed any such examination held in Sri Lanka as is recognized by the Council for eligibility to sit for the written examination conducted by the Council, if he satisfies the Council that—

- (i) he has practised homoeopathy for a period of not less than two years; and
- (ii) he possesses sufficient knowledge of homoeopathy for the grant of provisional registration.

(4) Where any person is granted provisional registration as a homoeopathic practitioner under subsection (3), his name shall be entered in the provisional register maintained under section 25.

(5) Where any person who has been granted provisional registration as a homoeopathic practitioner under subsection (3), passes, within a period of five years from the date of such registration, a written examination conducted by the Council for the purpose, he shall be granted registration as a homoeopathic practitioner and his name shall be transferred from the provisional register to the general register.

(6) Where any person who has been granted provisional registration as a homoeopathic practitioner under subsection (3), fails to pass the examination referred to in subsection (5) within the period referred to therein, the provisional registration granted to him shall be cancelled and his name removed from the provisional register.

(7) Notwithstanding anything in the other provisions of this Act, the persons specified in the Schedule to this Act shall, for all purposes of this Act, be deemed to be registered as homoeopathic practitioners under this Act.

Grounds on which registration may be refused, cancelled or suspended.

28. (1) The Council may, by order, refuse the application of any person for registration as a homoeopathic practitioner or cancel, or suspend for a specified period, the registration of any person as such practitioner on any of the following grounds:—

- (a) that he has been convicted by a competent court of any offence which, in the opinion of the Council, renders him unfit to be such practitioner;
- (b) that he has been guilty of any misconduct in his capacity as such practitioner; or
- (c) that he has been engaged in activities detrimental to the interests of homoeopathy.

(2) The Council may, by order, cancel or suspend for a specified period, the registration of any person as a homoeopathic practitioner on the ground that such person has not paid his annual fee for the continuance of such registration—

(3) Where any proceedings have been instituted before a court against a person who is a Registered Homoeopathic Practitioner in respect of any offence referred to in paragraph (a) of subsection (1), the Council may, by order, suspend the registration of that person as such practitioner until a final judgment, order or other determination is made or entered in respect of those proceedings.

(4) No order of refusal, cancellation or suspension shall be made by the Council under subsection (1) or subsection (2), in respect of any person until such person has been given an opportunity of being heard against the making of such order. At any such hearing—

- (a) the Council may employ the services of a lawyer to lead evidence and

present the case against such person and of another lawyer to advise the Council and to act as judicial assessor; and

- (b) such person may employ the services of a lawyer to lead evidence on his behalf and present his case.

(5) No order of refusal, cancellation or suspension made by the Council under this section in respect of any person shall take effect—

- (a) where no appeal is preferred under section 33, until the expiry of the period within which an appeal may be preferred; and
- (b) where an appeal is preferred under that section, unless and until the order is confirmed in appeal.

(6) The Council shall have power to frame rules for the professional conduct of all homoeopathic practitioners. In the event of any violation of such rules being proved to the satisfaction of the Council, the Council shall have power to act under this section.

29. A copy of an order made by the Council allowing or refusing an application of any person for registration as a homoeopathic practitioner, or cancelling or suspending the registration of any person as such practitioner, shall be sent by registered post to such person by the registrar.

Service of copies of orders made by the Council.

30. (1) An order made by the Council allowing the application of any person for registration as a homoeopathic practitioner shall take effect on the date specified in the order, and shall entitle that person to be registered with effect from that date in the general register of homoeopathic practitioners. It shall be the duty of the registrar to enter the name of, and such particulars as may be prescribed relating to, such person in such register.

Effect of orders by the Council and duty of the registrar to give effect to such orders.

(2) Where an order made by the Council cancelling the registration of any person as a homoeopathic practitioner takes effect, it shall be the duty of the registrar to remove the name and particulars of that person

from the general register, and the certificate of registration issued to such person shall be deemed to be cancelled.

(3) Where an order made by the Council suspending the registration of any person as a homoeopathic practitioner takes effect, he shall not exercise or enjoy, during the period of such suspension, the rights and privileges conferred by this Act on a Registered Homoeopathic Practitioner, and the certificate of registration issued to such person shall be deemed to be suspended during that period.

Registration fee and annual fee.

31. (1) The fee for registration as a homoeopathic practitioner shall be such sum as may be prescribed.

(2) The registrar shall not register the name of any person in the general register until the fee for registration as a homoeopathic practitioner is paid by that person.

(3) A person who is a Registered Homoeopathic Practitioner shall pay, in respect of each year, the prescribed annual fee for the continuance of such registration. Such fee shall be payable in respect of each year on or before December 31, of the preceding year. For the purposes of this subsection the term "year" means a period of twelve months commencing on January 1.

(4) Where a Registered Homoeopathic Practitioner obtains any recognized qualification relating to his profession which is not specified in the registration entry relating to him in the general register, such person shall be entitled, on payment of such fee as may be prescribed, to have such new qualification inserted in that entry.

In this subsection, "recognized qualification" means any qualification recognized for the purposes of this Act by the Council.

Certificate of registration.

32. Where a person is registered as a homoeopathic practitioner the registrar shall send by registered post to such person a certificate of registration in such form as may be prescribed.

Appeals.

33. (1) Where an order is made by the Council refusing the application of any person for registration as a homoeopathic practitioner, or cancelling or suspending such registration, such person may, within fourteen days after the communication of that order to him, appeal against that order to the Minister.

(2) Upon the hearing of any appeal under subsection (1), the Minister shall, after hearing any representations or evidence that may be adduced by, or on behalf of, the appellant or the Council, give such decision not inconsistent with any provisions of this Act as to the Minister may seem just.

(3) The decision of the Minister on any appeal preferred under subsection (1) shall be final and conclusive, and in any case where such decision is that the application for the registration of any such person as a homoeopathic practitioner shall be allowed, it shall be the duty of the registrar, subject to the provisions of subsection (2) of section 31, to enter the name of, and any such particulars as may be prescribed relating to, that person in the general register.

34. For the purposes of any written law, a Registered Homoeopathic Practitioner shall be deemed to be a legally or duly qualified practitioner of homoeopathy,

Meaning of "legally or duly qualified practitioner of homoeopathy".

35. (1) Every homoeopathic practitioner registered in the general register shall be entitled to practise homoeopathy.

Privileges of Registered Homoeopathic Practitioners.

(2) Every homoeopathic practitioner registered in the general register shall be entitled to sue for and recover in due course of law by action in a court of competent jurisdiction any reasonable sum claimed by him as—

(a) fees for any services rendered or advice given or work done in his professional capacity;

(b) charges for any medicines, medicinal preparations or appliances or medicated articles of food or drink, supplied by him in such capacity; or

(c) expenses incurred by him in connexion with, or for the purposes of, the homoeopathic treatment of any patient.

(3) Every homoeopathic practitioner registered in the provisional register shall be entitled to practise homoeopathy and to sue for and recover any reasonable sum claimed by him as fees for any services rendered in his professional capacity, but he shall not exercise or enjoy, during the period in which he is registered in the provisional register, any other rights or privileges conferred by this Act on a homoeopathic practitioner registered in the general register.

Disabilities of unregistered homoeopathic practitioners.

36. Subject to the provisions of subsection (3) of section 35, no person who is not a Registered Homoeopathic Practitioner shall be entitled to institute or maintain an action-at-law in any court for the recovery of any fees, charges or expenses of any description referred to in subsection (2) of section 35.

Pretence to be a Registered Homoeopathic Practitioner, or practising for gain as a homoeopathic practitioner when not registered, to be an offence.

37. (1) A person who, not being a Registered Homoeopathic Practitioner,—

(a) uses the title of "Registered Homoeopathic Practitioner" in Sinhala or its equivalent in any other language, either alone or in combination with any other word or letters; or

(b) uses any name, title, addition or description implying that such person is a Registered Homoeopathic Practitioner,

shall be guilty of an offence.

(2) Any homoeopathic practitioner who, not being a person whose name is included in the general register, uses any name, title, addition or description or otherwise does any act of any kind, implying that his name is so included shall be guilty of an offence.

(3) Any person who, not being a person whose name is included in the general or provisional register of homoeopathic practitioners, practises homoeopathy for gain shall be guilty of an offence.

38. Notwithstanding anything contained in any written law—

Qualified medical practitioners.

(a) a certificate or other document required by any written law from any medical practitioner may be validly issued by a Registered Homoeopathic Practitioner, and accordingly such certificate shall not be deemed to be invalid by reason only of the fact that it was issued by a Registered Homoeopathic Practitioner;

(b) a Registered Homoeopathic Practitioner shall be eligible to hold any appointment as a medical officer in any dispensary, hospital or infirmary supported by or receiving a grant from the Government and to treat patients according to homoeopathy;

(c) a Registered Homoeopathic Practitioner may validly —

(i) sign or authenticate the birth or death certificate required by any written law to be signed or authenticated by a duly qualified medical practitioner; or

(ii) sign or authenticate a medical or physical fitness certificate of such description as may be prescribed,

and accordingly no such certificate shall be deemed to be invalid by reason only of the fact that it was so signed or authenticated by such homoeopathic practitioner; and

(d) a Registered Homoeopathic Practitioner may give evidence at any inquest or at any court of law on any matter relating to homoeopathy.

PART III

FINANCE AND ACCOUNTS

39. (1) The Council shall establish and maintain a fund called the " Homoeopathic Fund ". There shall be placed to the credit of such Fund—

Homoeopathic Fund.

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

(2) There shall be paid out of the Homoeopathic Fund all expenses (including grants of money) incurred by the Council in carrying out its objects, and all other expenses incurred by the Council under the authority of this Act.

Accounts of the Council.

40. (1) The Council shall cause its accounts for each year to be kept in such form and such manner as may be approved by the Minister.

(2) The Council shall cause its accounts to be audited each year in such manner as may be decided by the Council.

(3) The financial year of the Council shall be the year commencing on the first day of January.

Annual report.

41. (1) As soon as may be after the end of each financial year, the Council shall prepare a report giving a true and fair account of its activities, and of its income and expenditure, during that year.

(2) The registrar shall transmit to the Minister a copy of the report prepared under subsection (1), in respect of each financial year, not later than the thirty-first day of March in the next succeeding year.

PART IV

GENERAL

Exemption of Registered Homoeopathic Practitioners from certain duties.

42. Every Registered Homoeopathic Practitioner shall be exempt, if he so desires, from serving as an inquirer at any inquest of death, or as a juror, under the provisions of the Code of Criminal Procedure Act. The preceding provisions of this section shall have effect notwithstanding anything to the contrary in that Act.

43. (1) It shall be an offence for any body other than the Council to confer a degree, diploma, or a licentiate qualification pertaining to homoeopathy.

Conferring, granting or issuing of diplomas, &c., by authorized persons.

(2) No Registered Homoeopathic Practitioner shall use any degree, diploma, licence or certificate relating to homoeopathy, unless such degree, diploma, licence or certificate is recognized by the Council:

Provided that any person specified in the Schedule to this Act may continue to use any degree or diploma which he has used prior to the commencement of this Act.

(3) Whoever contravenes the provisions of subsection (1) or subsection (2) shall be guilty of an offence under this Act.

44. Every person who contravenes or fails to comply with the provisions of any regulation made under this Act shall be guilty of an offence under this Act.

Contravention of regulations an offence.

45. Where an offence under this Act is committed in or in relation to any recognized homoeopathic institution, then, without prejudice to any proceedings that may be taken in respect of such offence against the person by whom it was committed, the person for the time being in charge thereof shall be guilty of such offence unless he proves that such offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of such offence.

Offences in relation to recognized homoeopathic institutions.

46. Every person who commits an offence under this Act shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees.

Punishment for offences under this Act.

47. (1) The Minister may make regulations for the purpose of carrying out and giving effect to the principles and provisions of this Act.

Regulations.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of all or any of the following matters:—

- (a) any matter for which regulations are authorized or required by this Act to be made, or stated or required by this Act to be prescribed;

(3) No regulation made by the Minister shall have effect until it is approved by Parliament, and notification of such approval is published in the Gazette.
- (b) the summoning of meetings of Registered Homoeopathic Practitioners for the purpose of electing members of the Council, and the procedure to be observed at such meetings;

48. The provisions of the Medical Ordinance shall not apply to, or in relation to, persons practising medicine, pharmacy, or nursing according to homoeopathy. Medical Ordinance not to apply to Registered Homoeopathic Practitioners.
- (c) the fixing of dates for the nomination of candidates for election as members of the Council, and the procedure relating to the nomination of such candidates;

49. No prosecution for an offence under this Act shall be instituted except by a member or officer of the Council authorized in writing for the purpose by the Council. Sanction for prosecutions
- (d) the procedure to be observed in respect of voting (including postal voting) for the election of members of the Council;

50. In this Act, unless the context otherwise requires,— interpretation.

"appointed date" means the 1st day of March, 1979;

"appointed member" means a member of the Council appointed under this Act;

"approved examination" means an examination approved by the Council;

"certificate of registration" means a certificate of registration issued by the Council under this Act;

"chairman" means the president, or any other person who presides at a meeting of the Council;

"elected member" means a member of the Council elected, or deemed to have been elected, under this Act;

"general register" means the general register of homoeopathic practitioners kept and maintained under this Act;

"Homoeopathic Fund" means the Homoeopathic Fund established and maintained by the Council under this Act;

"homoeopathy" means the system of medicine established by Dr. Hahnemann, and the term "homoeopathic" shall be construed accordingly;
- (e) the counting of votes and the declaration of the results of such election;
- (f) all matters necessary for, or connected with, or incidental to, the exercise of the powers, the carrying out of the objects or the discharge of the duties and functions of the Council;
- (g) the registration of persons as homoeopathic practitioners, and the cancellation or suspension of such registration;
- (h) the regulation and control of the professional conduct of such practitioners;
- (i) the regulation and control of the manufacture of, and the importation, sale and dispensing of, homeopathic medicines, drugs and other preparations by persons recognized or certified by the Council; and
- (j) the regulation and control of homoeopathic pharmaceutical laboratories and homoeopathic manufacturing concerns.

" president" means the president of the Council,

being registered under this Act in the general register;

" provisional register " means the provisional register of homoeopathic practitioners kept and maintained under this Act;

" registrar" means the registrar of the Council; and

" regulation " means any regulation made under this Act.

" recognized homoeopathic institution" means a homoeopathic institution recognized by the Council under this Act ;

SCHEDULE

[Section 27 (7).]

" Registered Homoeopathic Practitioner " means a person who is for the time

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