

The M.P. Regulation of Couching Act, 1944

MADHYA PRADESH

India

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Act 2 of 1944

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The M.P. Regulation of Couching Act, 1944(M.P. Act No. 2 of 1944)[26th March, 1944]Received the assent of the Governor on the 26th March, 1944; assent first published in the "Central Provinces and Berar Gazette" on the 31st March, 1944.An Act to prevent couching by unqualified persons.Preamble. - Whereas it is expedient to prevent couching by unqualified persons;And whereas the Governor of the Central Provinces and Berar has assumed to himself under the Proclamation, dated the 10th November, 1939, issued by him under Section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;Now, therefore, in exercise of the said powers, the Governor of the Central Provinces and Berar is pleased to make the following Act :-

1. Short title.

(1)This Act may be cited as the [Madhya Pradesh] [Substituted by M.P. Act No. 23 of 1958.] Regulation of Couching Act, 1944.(2)[It extends to and shall be in force in the whole of Madhya Pradesh.] [Substituted by M.P. Act No. 23 of 1958.]

2. Meaning of Registered Practitioner.

- In this Act, the expression "registered practitioner" shall have the meaning assigned to it in the Central Provinces and Berar Medical Registration Act, 1916 (1 of 1916).

3. Penalty for unlawful couching.

- Whoever, not being a Registered Practitioner, or not possessing a professional qualification entitling him to be registered under the Central Provinces and Berar Medical Registration Act, 1916 (1 of 1916), couches or attempts to couch or agrees or offers by physical means or interference with the eye to give vision to a person suffering from cataract, with or without that person's consent, shall on conviction, be punishable with imprisonment of either description for a term which may extend

to six months or with fine which may extend to one thousand rupees or with both.

4. Penally for abatement of offence.

- Whoever abets the commission of an offence under this Act shall, on conviction be punishable with the punishment provided for the offence in Section 3

5. Offence to be cognizable, bailable and compoundable.

- Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898) an offence punishable under this Act shall be cognizable and bailable and may be compounded with the permission of the Court.

6. Jurisdiction of Magistrates.

(1) No Magistrate having powers inferior to that of the second class shall try any offence punishable under this Act. (2) A Magistrate may take cognizance of an offence under this Act- (a) on a report of a police officer; (b) on information of any other person; (c) upon his own knowledge or suspicion that such offence has been committed : Provided that no cognizance shall be taken where the offence alleged was committed more than six months previously.