

# Tamil Nadu Homeopathy Council Regulations, 1973

TAMILNADU

India

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### Rule

## TAMIL-NADU-HOMEOPATHY-COUNCIL-REGULATIONS-1973 of 1973

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Tamil Nadu Homeopathy Council Regulations, 1973Published vide Notification No. 303/TNHC/76-D - No. SRO C-26/76No. 303/TNHC/76-D - No. SRO C-26/76. - In exercise of the powers conferred by section 37 of the Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy Act, 1971 (Tamil Nadu Act 5 of the 1972), the Tamil Nadu Homeopathy Council makes the following regulations with the previous sanction of the Government:-

### 1.

These Regulations may be called the Tamil Nadu Homeopathy Council Regulations, 1973.

### 2.

(1)In these Regulations, unless there is anything repugnant in the subject or context,-(a)"the Act" means the Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy Act, 1971 (Tamil Nadu Act 5 of 1972);(b)"the Council" means the Tamil Nadu Homeopathy Council established by the Government of Tamil Nadu under section 3 of the Act;(c)"Agenda" means the list of business proposed to be transacted at a meeting of the Council;(d)"President" means the President of the Council nominated by the Government of Tamil Nadu under sub-section (2) of section 5 of the Act;(e)"Presiding Authority" means the President or, in his absence, any person elected to preside over any meeting of the Council as provided for in clause (8) of these regulations;(f)"meeting" means the meeting of the Council, whether ordinary or extraordinary;(g)"member" means a member of the Council, elected or nominated, as the case may be, under section 4 of the Act;(h)"Register" means the Registrar of the Council appointed under section 14 of the Act;(2)Other expressions have the meanings, respectively, assigned to them under the Act and rules thereunder.(3)If any doubt arises as to the interpretation of these regulations, the

dispute shall be referred to the Government whose decision thereon shall be final. Meetings of the Council

### 3.

(a) The Council shall meet ordinarily once in two months, the date, time and place of the meeting being fixed by the President. (b) The President, may, however, if he thinks fit and shall, on receipt of a written requisition from not less than five members, call for a special meeting and fix the date, time and place for the special meeting within 15 days from the date of such requisition.

### 4.

Fifteen clear days' notice of every meeting shall be given to all members. The necessity of the notice may be waived, if the date, time and place of the ensuing meeting have already been fixed at the previous meeting. However, the President, on his own behalf or at the written request of any five members of the Council, shall convene extraordinary meetings of the Council with at least three clear days notice given by the telegraphic message and the Agenda notes sent by express letter. In the case of a member who is out of India at the time fixed for the meeting, the notice of such member may be dispensed with.

### 5.

All meetings of the Council shall be convened under the instructions from the President and, in the absence of the President, the Registrar shall convene the meeting by letter addressed to each member stating time and place of the meeting.

### 6.

The notice for any meeting shall specify the purpose of the meeting, whether for general business or for any (named) special business. At any meeting which is convened for special business, no business shall be entered on further than such as has been specified in the notice, unless the Council by resolution agrees to consider such business.

### 7.

Previous to any meeting of the Council, the Registrar shall, in consultation with the President, prepare a provisional programme of business with notes and include any other subjects proposed by any member and shall furnish a copy thereof to each member of the Council not less than seven days before the day of meeting; and, at the same time, forward to all members of the Council copies of the documents and evidence in any special cases to be brought before the Council during that session.

**8.**

The President shall preside at the meetings of the Council or, in his absence, the Council shall elect one of their own members to preside over the meetings.

**9.**

All motions and amendments shall be in writing, shall be signed by the mover and, before they are spoken to by other members, shall be read from the Chair or by the Registrar under the authority of the Chair.

**10.**

Any motion standing over from the previous meeting shall take precedence over new matters, unless the Council otherwise determines.

**11.**

No motion or amendment shall be withdrawn after having been read from the Chair or by the authority of the Chair unless by permission of the Council.

**12.**

The proceedings of the meetings of the Council shall be preserved in the form of typed minutes, authenticated, after confirmation by the signature of the President.

**13.**

The minutes of each meeting shall be typed, marked "confidential" until confirmed, and a copy sent to each member within fifteen days of the meeting.

**14.**

The minutes of each meeting shall contain such motions and amendments as have been proposed and adopted or negatived, with the names of the proposer and seconder, but without any comment or observation of members annexed thereto. If any question arises as to the interpretation of the expression "motion", the question shall be referred to the President whose decision shall be final.

**15.**

The minutes shall be taken as confirmed if no objection as to their correctness is received by the Registrar from any member within fifteen days of the receipt by such member of a copy of the minutes under regulation 13. If any such objection is received, confirmation of the minutes shall

await the next meeting of the Council.

**16.**

The minutes of the Council, after final revision, shall be kept in order that, as soon as convenient after the session, they may be made up in sheets and consecutively paged for insertion in the yearly volume. For the Convening of the Meeting of the Executive Committee, for the Conduct of Business and for the Preservation of the Minutes of the Executive Committee

**17.**

The President, or, in his absence, the Registrar may summon a meeting of the Executive Committee, at any time, by giving eight days' notice, and shall summon a meeting on a written requisition signed by not less than three members of the Executive Committee.

**18.**

The notice of the meeting shall be addressed to each member by the Registrar stating the time and place of the meeting.

**19.**

Previous to any meeting of the Executive Committee, the Registrar shall, in consultation with the President, prepare a provisional programme of business and shall furnish a copy thereof to each member of the Committee not less than three days before the meeting of the Committee, and shall, at the same time, forward to all members copies of all papers and records (if any) on any subject to be considered at the meeting of the Committee.

**20.**

The President may place before the Executive Committee any urgent subject not mentioned in the programme on which he wished to have the opinion of the Committee.

**21.**

The President may obtain the views of the Executive Committee on any subject or subjects by circulation after furnishing the necessary information to the members. In case of difference of opinion, the subjects shall be placed before the next meeting of the Executive Committee. In case of unanimity of opinion, the subject or subjects may be added to the minutes of the Executive Committee.

**22.**

Every meeting of the Executive Committee shall be presided over by the President and, in his absence, the Committee shall elect one member from amongst themselves, as the Chairman of the meeting.

**23.**

The proceedings of the Executive Committee shall be preserved in the form of typed minutes, copies of which shall be supplied to the members of the Executive Committee within eight days after the date of such a meeting.

**24.**

A copy of the minutes of the Executive Committee shall be furnished to any member on request. Appointment, Control, Pay and Allowances of the Establishment Employed Under Section 14 of the Act

**25.**

No employee shall, ordinarily, be continued in service after he has attained the age of 60 years. The Council shall maintain a record of the services of each of the employees recording therein his rank, emoluments, promotions, leave earned and availed of. All changes effected shall be attested by the President in the case of the Registrar, and in other cases, by the Registrar.

**25A. [ Added by No. 400/TNHC/80 published in Notification SRO C 22/86.]**

Provided further that under extraordinary circumstances, the Registrar, if he is found physically fit, may be retained in service by a resolution of the Council subject to approval of Government, even after he attains 60 years of age.]

**25B. [ Added by No. 400/TNHC/80 published in Notification SRO C 22/86.]**

Applications, if any, for extension shall be made by the employee sufficiently early and, subject to his being physically and otherwise fit, the Council shall not grant extension to any employee for more than a year at a time, and no more than two such extensions shall be given to an. employee under any circumstances. No employee shall be retained in service inclusive of extensions beyond the date on which he attains 62 years of age.]

**25C. [ Added by No. 400/TNHC/80 published in Notification SRO C 22/86.]**

Every person appointed to a post shall, ordinarily, be on probation for a period of two years within a continuous period of three years. If, on the completion of probation, he is found competent, he may

be confirmed in the post.]

**25D. [ [Added by No. 400/TNHC/S0 published in Notification SRO C 22/86.]**

No person shall be employed by the Council if he is more than 28 years of age on the date of his appointment, provided this rule shall not apply to the Registrar and employment to the Council by Government. Provided that there is also no age limit for Backward Classes or S.C/S.T. candidates if they possess qualification higher than the minimum general educational qualification prescribed in the rule, if the minimum qualification prescribed for any post is lower than a degree: Provided that, for direct recruitment to a post for which the minimum qualification required is not higher than the minimum general educational qualification, the age limit prescribed shall be increased by five years in respect of candidates belonging to S.C/S.Ts. who do not possess a general educational qualification, which is higher than the minimum general educational qualification. Every vacancy of fresh appointment of the Registrar shall be advertised in two of the leading daily newspapers (one in English and one in Tamil). Appointments will be made by calling for candidates from the Employment Exchange for the posts of Junior Assistants, Typists, Office Assistants, etc.]

**26.**

Security shall be taken from the Registrar, Clerks and Peons for such amounts as may be fixed by the Council, from time to time.

**27.**

No person shall be continued in service if a moiety of his salary is constantly being attached or is continually attached for two years or if his liabilities cannot be discharged by him in two years.

**28.**

During suspension, an employee shall be given subsistence allowance amounting to one-half of the monthly salary for a period of three months. When an employee is under suspension, he shall leave his address with the permission of the President. He shall obey all orders to attend any enquiry into his conduct at his own cost. If he fails to do so, the enquiry shall be held in his absence.

**29.**

An employee may resign after giving one month's notice in writing to the President. But, the resignation shall not be accepted if any proceedings against him are contemplated or pending.

**30.**

The Registrar shall, ordinarily, be any person with experience in secretarial work.

**31.**

The minimum qualification for a Clerk shall be S.S.L.C. and a working knowledge in Shorthand and Typewriting.

**31A. [ [Added by No. 400/TNHC/80 published in Notification SRO C-22/86.]**

The salary of the Junior Assistant shall be on the scale of pay as may be prescribed for a Junior Assistant in the Government scale, from time to time. A Graduate Junior Assistant shall be allowed three advance increments in that scale. The Council may, in suitable cases with the approval of Government, grant to a Junior Assistant, the Assistant scale or such higher scales belonging in Government Officer's, from time to time. The staff of the Council shall be eligible to draw all such allowances as are admissible to Government Servants holding similar appointments.]

**31B. [ [Added by No. 400/TNHC/80 published in Notification SRO C-22/86.]**

The salary of the Junior Assistant shall be on the scale of pay as maybe paid by the Council, from time to time in addition to the allowances provided for in by-law, 31-A. The pay of the office assistant shall be on the scale of pay as may be prescribed for an Office Assistant in the Government scale and allowances, from time to time.]

**31C. [ [Added by No. 400/TNHC/80 published in Notification SRO C-22/86.]**

The Registrar shall also be paid any other allowances as may be fixed by the Council, from time to time, in addition to the salary provided for in bylaw 32, subject to the prior approval by the Government.]

**31D. [ [Added by No. 400/TNHC/80 published in Notification SRO C-22/86.]**

Every person employed in the permanent service of the Council shall subscribe to the Provident Fund under the provisions of Contributory Provident Fund Rules (Tamil Nadu).]

**31E. [ [Added by No. 400/TNHC/80 published in Notification SRO C-22/86.]**

Members of the office establishment shall be eligible for regular leave in accordance with the provisions of the Tamil Nadu Leave Rules, 1933. Such leave may be granted by the President. Members of the office establishment shall be eligible for leave salary on surrender of earned leave as provided for in G.O. Ms. No.783, Finance, dated the 10th September 1968 or as ordered by the Government, from time to time. The leave and leave salary may be sanctioned by the President.]

**31F. [ [Added by No. 400/TNHC/80 published in Notification SRO C-22/86.]**

The State Government holidays excepted, the officers and servants shall attend the office from 10.00 a.m. to 5.30 p.m.]

**32.**

The salary of the Registrar shall be in the scale of Rs. 250-15-400. But, it shall be competent for the Council, at its discretion, to employ a Registrar who is not a whole-time man on payment of such salary as the Council may decide. The Council may, with the approval of Government in suitable cases, appoint a whole-time Registrar on a higher initial pay than Rs. 250, but not to exceed Rs.400, the maximum prescribed.

**33.**

The Registrar shall have the general control of the management of the office, authority over the clerks and servants and superintendents of buildings.

**34.**

The duties of the clerks shall be such as shall be assigned to them by the Registrar under the directions of the President.

**35.**

The President may appoint substitutes in the place of those who proceed on regular leave and report the fact to the Council at its next meeting for formal approval.

**36.**

The following penalties may, for good and sufficient reasons as hereinafter provided, be imposed upon members of the establishment employed under section 14 of the Act, namely:-(i)Censure;(ii)Withholding of increments or promotion;(iii)Reduction to lower post on time-scale or to a lower stage in time-scale;(iv)Recovery from pay of the whole or part of the pecuniary loss caused to the Council by negligence or breach of orders;(v)Suspension;(vi)Removal from service which does not disqualify from future employment;(vii)Dismissal from service, which disqualifies from future employment.Explanation. - The discharge of a person appointed on probation during the period of probation does not amount to removal or dismissal within the meaning of this regulation.



**37.**

Subject to the provisions of section 14(1)(b) and (c) of the Act, the President may impose any of the penalties specified in regulation 36 on any member of the establishment referred to therein.

**38.**

No Order of dismissal, removal or reduction shall be passed on a member of the establishment (other than an order based on facts which have led to his conviction in a Criminal Court) unless he has been informed in writing of the grounds on which it is proposed to take action and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of definite charge or charges, which shall be communicated to the person charged together with a statement of the allegations on which each charge is based and of any circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required, within a reasonable time, to put in a written statement of his defence and to state whether he desires to be heard in person. If he so desires or if the authority concerned so direct, an oral enquiry shall be held. At that inquiry, oral evidence shall be heard as to such of the allegations as are not admitted and the person charged shall be entitled to cross-examine the witness, to give evidence in person and to have such witnesses called, as he may wish, provided that the officer conducting the inquiry may, for special and sufficient reason to be recorded in writing, refuse to call a witness. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof. This regulation shall not apply where the person concerned has absconded, or where it is, for other reasons, impracticable to communicate with him. All or any of the provisions of this regulation may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived, where there is a difficulty in observing exactly the requirements of the regulation and those requirements can be waived without injustice to the person charged.

**39.**

An appeal from staff and lower grade staff other than Registrar shall lie with the Executive Committee for every order imposing any of the penalties specified in regulation 36 passed by the President and in case any such penalty was imposed on the Registrar, an appeal shall lie to the Council. An appeal in both cases shall be filed within a month after the date of the order of the President.

**40.**

In the case of such an appeal, the Executive Committee or the Council shall consider-(i)whether the facts on which the order was based have been established;(ii)whether the facts established afford sufficient ground for taking action; and(iii)whether the penalty is excessive, adequate or inadequate and after such consideration shall pass such order as it thinks proper. Executive Committee, Its Powers, Etc.

**41.**

(a)The Executive Committee shall meet ordinarily once in a month and when the Council meets, the Executive Committee shall meet on the previous day.(b)If any member of the Executive Committee absents himself without sufficient reasons for three consecutive meetings of the Executive Committee, he shall be deemed to have been removed from the Executive Committee.

**42.**

The Executive Committee will be competent to discuss and decide on any point at an emergency. Such decisions taken should, however, be got ratified by the Council at its next meeting.

**43.**

The Executive Committee may invite a member of the Council not being a member of the Executive Committee to attend any meeting of the Executive Committee. Any member so invited shall be free to participate in the discussions, but shall not function as a member of the Executive Committee by way of voting or otherwise.

**44.**

The Executive Committee may direct the Registrar to bring such subjects as it deem necessary to be brought before a meeting of the Council.

**45.**

The Registrar shall, with previous information to the President, convene all meetings of the Executive Committee. However, when any three of the members direct the Registrar intimating him of the subjects to be discussed at the meeting, it shall be the duty of the Registrar to convene a meeting of the Executive Committee within eight days time and the manner of intimation shall be the same as that of the Council meeting detailed in Regulation 17.

**46.**

The Agenda for the Executive Committee meeting shall be prepared by the Registrar and that shall include all matters sent by any member to Executive Committee for favour of consideration at the meeting.

**47.**

Should any elected member of the Executive Committee be absent from three consecutive meetings without leave of the Committee or if the period of leave exceeds six months, he shall cease to be a member of the Committee.

**48.**

The Executive Committee shall keep minutes of its proceedings which shall be dealt with according to the same procedure as that indicated for the minutes of the Council.

**49.**

The Executive Committee shall superintend the publication of the register which shall be prepared by the Registrar. The Registrar shall cause it to be printed after entering therein, annually, the statement of distribution of the copies of the register. The copies shall be distributed to such of the officers of the Government as may be approved by the Government, to the Pharmacy Council of India and to such others as may be directed by the Executive Committee.

**50.**

The Executive Committee shall order each year such number of copies of the register to be printed as may seem to the Registrar to be required on a revision of the annual distribution list.

**51.**

The Executive Committee shall consider and prepare reports upon any subjects that may seem to require the attention of the Council and such reports shall be typed and circulated among the members of the Council at least ten days before the meeting of the Council.

**52.**

Subject to the provisions of the proceeding regulation, all petitions addressed to the Council immediately before or during the sessions of the Council shall be laid on the table of the Council for such action as it deems fit.

**53.**

The Executive Committee shall prepare reports on such subjects as may be indicated to it by the Council at its sittings or by the President at other times. The reports when finally approved by the Executive Committee shall be presented to the Council.