

The Orissa Homoeopathic Rules 1997

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Rule THE-ORISSA-HOMOEOPATHIC-RULES-1997 of 1997

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The Orissa Homoeopathic Rules 1997 Published vide Notification No. 33970-AH.-IXM. 22/96-H., 24th September, 1998, Orissa Gazette Extraordinary No. 1377 dated 26.10.1998 No. 33970-AH.-IXM. 22/96-H. 24th September, 1998. - Whereas the draft of the Orissa Homoeopathic Rules, 1997 was published as required under Sub-Section (1) of Section 54 of the Orissa Homoeopathic Act, 1956 (Orissa Act 8 of 1957) in the extraordinary issue No. 807 of the Orissa Gazette, dated the 25th June 1997 in the notification of the Government of Orissa in the Health and Family Welfare Department No. 12972-H-22/96-H., dated the 25th June 1997 as S.R.O. No. 311/97 Inviting objection or suggestion from all person likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the said notification in the Orissa Gazette. And, whereas no objection or suggestion has been received the State Government in respect of said draft during the period so specified; Now therefore, in exercise of the powers conferred by Section 54 of the Orissa Homoeopathic Act, 1956, the State Government do hereby makes the following rules, namely :

1. Short title and commencement.

(1) These rules may be called the Orissa Homoeopathic Rules 1967. (2) They shall come into force on the date of their publication in the Orissa Gazette.

2. Definitions.

(1) In these rules, unless the context otherwise requires (a) "Act" means the Orissa Homoeopathic Act, 1956; (b) "Form" means a form appended to these rules; (c) "Government" means the State Government of Orissa; (d) "President" means the President of the Board nominated under Clause (a) of Sub-Section (2) of Section 3 of the Act; (e) "Secretary" means the Secretary and ex officio Registrar to the Board appointed under Section 12 of the Act; (f) "Section" means a section of the Act. (2) The words, phrases and expression used in these rules but not defined shall have the same meaning as has been respectively assigned to them under the Act.

3. Procedure in filling up casual vacancies.

- When a casual vacancy is caused by reason or death, resignation removal or otherwise of a nominated member, the President within seven days of his knowledge thereof shall report the incident to the Government and the Government shall take expeditious action to fill up the said vacancy or vacancies within three months from the date of receipt of the said report :Provided that if the unexpired period of the term of member in whose place, the vacancy has occurred is not less than six months, the Government may decide that the vacancy may be left unfilled.

4. Election of members from the Orissa Legislative Assembly.

(1)The Government shall address the Secretary of the Orissa Legislative Assembly, with a request of forward the address of two members duly elected by the said Assembly from amongst its members for the constitution of the Board as provided in Clause (c) of Sub-Section (2) of Section 3.(2)The Government on receipt of the names under Sub-rule (i) from the Secretary of the Assembly, shall take steps for notification in the Gazette as required under Section 6.

5. Management of property.

(1)The Secretary shall be in charge of the management of all properties of the Board.(2)The Board shall have power to transfer, any property both movable and immovable, the value of which does not exceed rupees twenty thousand only, and, with the prior approval of the Government when the value of the property to be transferred exceeds rupees twenty thousand.(3)A Stock Register of all movable and immovable properties belonging to the Board shall be maintained and shall be checked by the Secretary at least once a year.

6. Conditions of Service of the Secretary and other employees.

(1)The posts of the Secretary and other employees shall be non-pensionary and shall carry Contributory Provident Fund benefits if the employee is not on deputation from a Government Office or on re-employment.(2)For purpose of leave, travelling allowance and other conditions of service the Secretary to such benefits as are applicable to the employees of the Government belonging to similar grade or grades.(3)Save as otherwise provided in Sub-rule (1) other employees of the Board shall be entitled to such benefit as are applicable to the employees of the Government belonging to similar grade or grades.(4)The contribution of the Board towards Provident Fund shall not be less than 8% of the basic pay.(5)The rules of the Government in force in the matter of suspension, punishment, dismissal discharge and removal and for imposing minor and major penalties shall apply mutatis mutandis to the officer and employees of the Board.

7. Travelling allowance of President and Members.

- The President and the Members, shall be paid travelling allowance daily allowance and halting allowance at the same rate as is provided for the Grade-A officer of the Government under the

Orissa Travelling Allowances Rules and the instructions issued by the Government from time to time in this behalf.

8. Register of Homoeopathic Practitioners.

(1)The Registrar shall maintain a Register of Registered Homoeopathic Practitioners in Form 'A' and the Register of listed Homoeopathic Practitioner in Form 'B'.(2)The names shall be entered in the register in the order in which the applications for registration are admitted and sufficient space shall be left for future additions and alteration in the qualifications and address of the practitioners whose names appear therein.(3)Each page of the register shall be verified and signed by the Registrar.(4)A statement showing the following particulars shall be prepared every year by the Secretary namely :(a)the total number of person in the list published under Section 27;(b)the number of persons added by registration during the year;(c)the number of persons restored to the register;(d)the number of persons removed from the register stating the section under which the name has been so removed; and(e)the number of persons removed from the register by season of death.

9. Licence.

(1)The registrar shall grant a licence in Form 'C' to every practitioner who has been registered under the Act.(2)In the event of a licence issued under Sub-rule (1) being lost or destroyed the holder at any during the period for which such licence was granted apply to the Registrar for a fresh licence and Registrar may if he thinks fit on satisfactory proof as to the identify of the applicant, grant such a licence on payment of a fee of rupees two hundred. The licence issued under this Sub-rule shall be marked Duplicate.(3)It shall be the duty of every registered practitioner who changes his address to intimate the fact to the Registrar within one month after such change.

10. Application for registration.

- An application for registration shall be in Form 'D'.

11. Duration of licence and fees.

(1)The registration of a person shall remain valid for the entire life-time of a registrant unless his name is removed from the register under the provisions for the Act.(2)The fee for registration shall be rupees five hundred only.

12. Application, Registration of additional qualification and alteration in the entries.

(1)An application for registration of additional qualification shall be made in Form 'E' accompanied by a fee of rupees fifty only.(2)On registration of additional qualification the Registrar shall grant such Practitioners a certificate in Form 'F'.(3)On registration of substituted entries or additional

entries other than additional qualification, the Registrar shall grant a certificate in Form 'G'(4) Copies of the entries in the register shall be certified as true copy only by the Registrar and issued to practitioner in Form 'H' free of charges.

13. Mode of payment of fees.

- The fees prescribed under these rules may be paid in person, by postal money order, by postal order, or draft drawn on a Nationalised Bank payable to the Registrar.

14. Appeal.

(1) An appeal against any order of the Registrar shall lie to the Board. (2) An appeal preferred to the Board under Section 22 against the orders of the Registrar shall be received by the Secretary to the Board. After fixing the date, time and place for hearing the appeal the Board may give at least 15 days notice of such date, time and place to the appellant by registered post with acknowledgement due. The Board may pass such orders as it deems fit after giving the appellant an opportunity of being heard. The appellant may either appear in person or through a duly authorised representative, if he so chooses to represent his case before the Board. (3) The Board shall have power to call for the original diploma or licence from the appellant for inspection and also such other documentary or oral evidence as may be considered necessary for the purpose. (4) The appeal petition should contain, besides other particulars the grounds of appeal, the academic qualification attained with the dates of such attainments and details of institution and authority from which such qualification have been obtained.

15. Fee payable for re-entry.

- The fee payable for the re-entry of the name of a practitioner under the provision to Section 23 shall be rupees two hundred only.

16. Certificate under Section 2.

(1) A certificate granted under Clause (d) of Section 29 shall contain among other particulars necessary for the purpose, the name and address of the patient, age and the nature of the ailments or details of the injuries so certified. (2) A registered Homoeopathic practitioner may sign or authenticate a medical or physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified Medical practitioner.

17. Allotment of funds for disposal by the Board.

- When Government place a lump sum allotment at the disposal of the Board for distribution to the Homoeopathic dispensaries and institutions in the state imparting instruction in Homoeopathic or carrying on any other activity, concerned with the aims and objects of the Act, the Board shall distribute the same on such specific or general conditions as would be specified in the allotment

order. The Board shall be responsible for proper utilization of the allotment.

18. Filing of complaint.

- The President of the Board or with his written authority other officer of the Board shall be competent to file complains before a Magistrate having jurisdiction for taking cognizance of any offence under the Act.

19. Account.

(1)The Board may open an account in the State Bank of India or any other Nationalised Commercial Bank.(2)The Secretary shall receive all moneys payable to the Board. He shall be entitled to retain in his hand a permanent advance of sum of rupees two thousand only, the balance being deposited in the account of the Board. The advance shall be utilised for meeting party expenses of which a record shall be maintained:(3)The Secretary shall check the accounts of the Board shall at each ordinary meeting of the Board submit a statement of accounts showing the transaction of the Board for the period intervening between such meeting and the meeting which was held previous to that.(4)The Secretary shall in the month of April every year prepare a statement of income and expenditure of the preceding financial year ending with the 31st March and shall place before same the Board at its next meeting.(5)All bills or vouchers shall be received and examined by the Secretary. If such bill or voucher is for a sum not exceeding rupees five hundred and is in order, the Secretary shall be competent to make the payment and if it is for a sum exceeding rupees five hundred the payment shall be made by him after the same is sanctioned by the President.(6)The Secretary shall immediately bring into account in the General Cash Book all moneys received or spent by the Board.(7)All cheques for withdrawal of money shall be signed by the President and the Secretary jointly. In the absence of the President the cheques shall be signed by the Secretary and a member of the Board specifically authorised by the President in this behalf.(8)The Board shall maintain such books of account, in such forms as may be approved by the Examiner of Local Accounts. The Cash Book shall be closed every day and at the end of every month a memorandum recording the balance shall be recorded and signed by the President. The vouchers and sub-vouchers of the payment, paid out of the impress shall be preserved to be produced at the time of audit.(9)The word 'Paid' or 'Cancelled' as the case may be, shall be stamped on every voucher and sub-voucher after payment or cancellation thereof, as the case may be.(10)There shall be a printed receipt book with counter-foils and a receipt shall be granted for every payment made to the Board.(11)A register of contingent expenditure shall be maintained in the form prescribed for the purpose in the Civil Account Code. The headings of the form may be slightly altered according to the needs of the Board. The rules of the Civil Account Code shall, mutatis mutandis, be observed in the maintenance of the Contingent Register.(12)All claims shall be discharged either by payment from the imprest at the disposal of the Secretary or by issue of cheques on the Bank where the Board has an account in favour of the actual payee.

20. Board Meeting.

(1)The Secretary shall be present at every meeting of the Board and shall take down the minutes of the proceedings at such meeting in Minute Book.(2)The Secretary shall conduct and have charge of the correspondences of the Board and shall issue all requisite notices in the manner required under these rules.

21. Working day of the Board.

- The office of the Board shall be kept open during the days when Government Secretariat offices are kept open.

22. Duties and Responsibilities of the Secretary.

(1)The Secretary shall not absent himself from duties without the permission of the President.(2)The President shall grant leave to the Secretary in accordance with the principles laid down in the Orissa Leave Rules applicable to Government servants of similar case.(3)The Secretary shall have general control over the management of the office and superintendence of the land, building and equipment belonging to the Board.

23. Appeal against the order of the Board under Section 33.

(1)Any institution aggrieved by the order of the Board under Section 33 may prefer an appeal to the Government in writing setting forth concisely the grounds of objections to the order appealed against accompanied by the certified copy of that order. The appeal shall be filed in duplicate before the Secretary to Government in Health Department.(2)After receipt of the appeal petition under Sub-rule (1) the Government may after giving at least fifteen days notice of the date, time and place of hearing to the appellant and to the Board who also shall be supplied with a copy of the appeal petition and after hearing such of the parties in person or through their authorised representative pass such orders as they deem fit.

24. Removal of names from the Register.

- The Register shall upon removal of any name from the register pursuant to the provisions of Section 25, forthwith send notice of such removal to the concerned registered practitioner, such notice shall be sent by registered post addressed to the registered address of the practitioner. The Registrar shall also sent forthwith intimation of such removal to the concerned Dean or Secretary or Principal or Headmaster or other corresponding officer of any body or bodies from which the practitioner had received his qualification. If it is only a warning or censure, the fact should be entered in the remarks column of the register maintained in Form-A or Form-B, as the case may be, under intimation to the registered practitioner.

25. Repeal and Saving.

(1)The Orissa Homeopathic Rules, 1960 are hereby repealed.(2)Notwithstanding such repeal any order issued, appointment made, action taken and things done under any of the provision of rule so repealed, shall be deemed to have been issued, made, taken and done under the corresponding provisions of these rules.

Form - A[Rule 15]

1. Serial No.

2. Name in full

3. Father's name

4. Nationality

5. Date of Birth

6. Educational qualification

7. Homoeopathic qualification with dates thereof

8. The period of practice from

9. Professional address

10. Residential address

11. Date of registration

12. Date of renewal of registration

13. Date of removal of the names for default in payment of renewal for

14. Additional qualification with date of registration

15. Remarks

Form - BForm of Register for Listed Homoeopathic Practitioners

- 1. Serial No.**
- 2. Name in full**
- 3. Father's name**
- 4. Nationality**
- 5. Date of birth**
- 6. Educational qualification**
- 7. Homoeopathic qualification with dates thereof**
- 8. The period of practice from**
- 9. Professional address**
- 10. Residential address**
- 11. Date of registration**
- 12. Date of renewal of registration**
- 13. Date of removal of the names for default of payment of renewal for**
- 14. Additional qualification with date of registration**
- 15. Date of passing the qualifying examination held under Section 30**
- 16. Remarks**

Form 'C'[See Rule 18(1)]Form of Licence for Registered and listed Homoeopathic PractitionerThe Orissa State Board for Homoeopathic MedicinePhotographLicence No. (or Registration No.).....Dated.....Shri/Smt.....Son/Daughter/Wife of(Permanent residence).....has duly been registered as a Registered/Listed Homoeopathic Practitioner under Sub-Section (4) of Section 21 of the Orissa Homoeopathic Act, 1956 and he is hereby authorised to practice the Homoeopathic system of Medicine in the State of Orissa. In witness whereof are herewith affixed the seal of the Orissa State Board of Homoeopathic Medicine and the signature of the Registrar.Seal :RegistrarForm 'D'[Rule 19]Form of Application for RegistrationToThe Secretary, the Orissa State Board of Homoeopathic

Medicine, New Capital, Bhubaneswar Sir, I request that my name may be registered as a registered Homoeopathic Practitioner/Listed Homoeopathic Practitioner under Sub-Section (4) of Section 21 of the Orissa Homoeopathic Act, 1956 and that I may be furnished with a certificate of Registration. The information required for the purpose of registration is given below. The certificates of qualifications or testimonials I possess is/are also forwarded herewith In original and may be returned with the certificate of registration

Place..... Yours faithfully

Date..... Signature.....

Particulars to be Filled in by Applicants for Registration

- 1. Name in full (Block letters)**
- 2. Father's name (in case of a female, name of husband, if any In addition).**
- 3. Place of profession**
- 4. Home address**
- 5. Date of birth**
- 6. General Educational qualification with particulars**
- 7. Homoeopathic qualification, if any (write particulars)**
- 8. Other occupation, if any, the nature of occupation and since when**
- 9. Years of regular and continuous Homoeopathic practice**
- 10. Main profession for subsistence**

I hereby declare that the above particulars are true Signature.....Form 'E'[See Rule 20(2)]Application for re-entry in the Register of Homoeopathic Practitioner To The Registrar, State Board of Homoeopathic Medicine, Orissa.

1. I, the undersigned (a).....holding, the qualification of (b).....do solemnly declare as follows :

2. My name was duly registered in the Register on (c).....in respect of the following qualifications viz., (d).....

3. Re-entry after removal : - The Register removed my name from the Register on (e).....

4. Since the removal of my name from the Register, I have been residing at (f)..... and my occupation has been (g) It is my intention that my name is restored in the Register to (h).....

5. At the date of the removal of my name, I was registered in respect of the following additional qualifications namely, (d).....

6. I enclose herewith for your perusal and return the certificate in original of degree/diploma.

7. I enclose herewith my certificate of registration in original which is still with me.

Yours faithfully
Signature
Witness (f) Signature.....
Address.....
Registration No(a)
Insert full name(b)
Insert qualification(c)
Insert date of registration(d)
Insert qualification(e)
Insert additional qualification, if any(f)
Insert date of removal(g)
State address(h)
Give particulars(i)
Insert particulars as to proposed future profession.
Instructions for Filling up the Form

1. Under Item No. (5) the date of birth should be according to School Certificate or horoscope, the certified copies of which should be enclosed.

2. Under Item No. 10 persons who practice Homoeopathic System of Medicine only [as defined under Section 2(c) of the Orissa Homoeopathic Act, 1956] as a profession for subsistence should apply.

For the whole time practitioner the applicant will give a certificate under his signature whether he is a Government servant or has any other profession other than Homoeopathic as his main profession in the following manner :
Certify that Homoeopathic is my main profession for subsistence [Vide Section 2(2) (d)]

3. Under Item No. 6 attested copies of the school certificates should be enclosed.

4. Under Item No. 7 attested copies of certificate or diploma or degree of Homoeopathic qualification from a State recognised Institution should be enclosed [Vide Section 2(a)(b)(c) of the Orissa Homoeopathic Act, 1956].

5. Under Item No. 9 evidence showing ten or below ten years regular, whole time and efficient Practice should be furnished as such-

(a)Correspondence or invoices if any, from Homoeopathic firms from whom homoeopathic medicines have been indented;(b)Ten years/three years daily patients attendance register in which names of homoeopathic medicines prescribed with dates have been noted;(c)Any other ten years/three years authenticated documentary evidence wherein he mentions homoeopathy as his profession and subsistence;(d)Testimonials and certificates and visiting remarks of persons in position and authority, if any;(e)Ten years or three years case taking records of patient treated [Vide Sections 21 (2)(d)(c) and 21 (3)(a), (b) of the Act.]Form 'F'[Rule 21(1)]Form of application for registration of additional qualificationsToThe Registrar, State Board of Homoeopathic Medicine, OrissaSir,I request that additional qualification of which I have obtained fromin may be registered. The Diploma or Certificates of the qualification are enclosed herewith. These may be returned as soon as done with.I am already registered under the Orissa Homoeopathic Act, 1956 and my Registration Number is..... Date.....The prescribed fee to be notified by Government from time to time.Yours faithfullySignature of applicantForm 'G'[Rule 21(2)]Certificate of Registration of additional qualificationThe additional Diploma/Certificate appearing below, has been inserted in the Register of Homoeopathic Practitioners for the Orissa State against the name of.....

Registration No.

Diploma or Certificate already registered

Diploma or Certificates newly registered

.....

.....

Date.....

Seal :

Registrar

Form 'G' (1)[Rule 21 (2)]Certificate of Registration of additional or substituted entries other than additional qualificationsThe addition or substitution of entries appearing below has been inserted in the registered/listed Homoeopathic Practitioners for Orissa State against the name of.....Registration No.Entries newly made in the

Register.....DateSealRegistrarForm

'H'[Rule 23(3)]Certified copy of entries in the Registration Office of the State Board of Homoeopathic Medicine, Orissa. Certified to be true copy of the entry in the Register of the name specified below :

Registration No. Name Address Date of Registration Qualification

RegistrarN.B.: This certified copy remains evidence of registration only until the publication of the printed register for 20..... It is not to be used as evidence of the identity of the holder with the person named therein.