

Tripura Homoeopathic System of Medicine Act, 1979

TRIPURA

India

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Act 9 of 1979

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Tripura Homoeopathic System of Medicine Act, 1979(Tripura Act No. 9 of 1979)Last Updated 3rd March, 2020An Act to provide for development of the homoeopathic system of medicine, to regulate the practice thereof and to deal with certain other connected matter.Be it enacted by the Legislative Assembly of Tripura in the Twenty-ninth Year of the Republic of India as follows : -

1. Short title, extent and commencement.

(1)This Act may be called the Tripura Homoeopathic System of Medicine Act, 1979.(2)It extends to the whole of Tripura.(3)It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Council" means the Council of Homoeopathic Medicine, Tripura, constituted under section 3 ;(b)"Homoeopathy" means the system of medicine founded by Dr. Samuel Hahnemann and includes the Biochemic system of medicine founded by Dr. Schussler and the expression "Homoeopathic" shall be construed accordingly ;(c)"member" means a member of the Council ;(d)"prescribed" means the prescribed by rules ;(e)"President" means the President of the Council ;(f)"register" means the Register of Homoeopathic practitioners maintained under this Act ;(g)"registered Homoeopathic practitioner" means a Homoeopathic practitioner registered under the provisions of this Act ;(h)"Registrar" means the Registrar of the Council ;(i)"regulations" means regulations made by the Council under this Act ;(j)"rules" means rules made by the State Government under this Act ;(k)"teacher" means any person appointed by a Homoeopathic institution affiliated to or recognised by the Council to hold a teaching post ;(l)"Vice-President" means the Vice-President of the Council.

3. Constitution of the Council of Homoeopathic Medicines, Tripura.

- As soon as may be after the commencement of this Act, the State Government shall, by notification in the Official Gazette, establish a body corporate with perpetual succession and a common seal named the Council of Homoeopathic Medicine, Tripura. The Council shall be entitled to acquire and hold movable and immovable property, to transfer such property, to contract and to do all things necessary for the purposes of this Act and shall by its name sue and be sued.

4. Constitution of the Council.

(1)The Council shall consist of the following members, namely : -(a)a President nominated by the State Government :Provided that on the expiry of the first two terms of office of the President as specified in sub-section (1) of section 12, the State Government shall nominate a President from among three persons recommended by the Council in such manner as may be prescribed ;(b)four members nominated by the State Government of whom two shall be registered Homoeopathic practitioners, whose names are entered in Part-A of the Register ;(c)six members, who are Citizens of India, elected from such constituencies and in such manner as may be prescribed, by the registered Homoeopathic practitioners, from among themselves.(2)Notwithstanding anything contained in the foregoing sub-section or elsewhere in this Act, on the first constitution of the Council all the members of the Council shall be nominated by the State Government and the State government shall also nominate one of the members to be the Vice-President.

5. Power of State Government to nominate members in certain circumstances.

- If the electoral body referred to in clause (c) of sub-section (1) of section 4 fails by the prescribed date to elect the requisite number of member or members which such body is entitled to elect, the State government shall fill up the office of such member or members by nomination of a person or persons qualified to be elected by such body. Any person so nominated by the State Government shall be deemed to have been duly elected as member by such body.

6. Disqualification for nomination or election.

- A person shall be disqualified for being nominated or elected a member of the Council, if-(a)he has been convicted of any offence involving moral turpitude ;(b)he is an undischarged insolvent ;(c)he has been adjudged by a competent court to be of unsound mind ;(d)he is an employee of the Council ;(e)he has directly or indirectly any share or interest in any contract with, by or on behalf of the Council ;(f)he has been dismissed from the service of the Central Government or a State Government or a local authority on a charge of gross misconduct or an offence involving moral turpitude ;(g)he is a person under the age of 25.

7. Publication of names of members.

- The name of every member nominated or elected under section 4 or section 5 shall be published by the State Government in the Official Gazette.

8. Cessation of membership.

- A person shall cease to be a member of the Council-(a)if, without obtaining the permission of the Council, he is absent from three consecutive meetings of the Council ; or(b)if having been nominated or elected as a registered Homoeopathic practitioner he ceases to be such a registered practitioner ; or(c)if he becomes subject to any of the disqualifications referred to in section 6.

9. Filling of casual vacancies.

(1)If any member dies or resigns his office or ceases to be a member for any other reason the vacancy shall be filled up within six months by a fresh nomination or election under section 4 or section 5, as the case may be, and the member so nominated or elected shall hold office for the unexpired period of the term of office of the member whose place he fills.(2)If any member referred to in clauses (b), (c) of sub-section (1) of section 4 is nominated President under the proviso to clause (a) of that subsection, there shall be a vacancy in that membership which shall be filled up under sub-section (1).

10. Term of Office of members.

(1)Subject to the provisions of section 9, the term of office of the members nominated or elected under section 4 or section 5 shall be for three years commencing from the date of the first meeting of the Council after its first constitution or any subsequent periodical reconstitution, as the case may be.(2)The term of three years referred to in sub section (1) shall be held to include any period which may elapse between the expiry of the said period of three years and the date of the first meeting of the Council following its reconstitution at which a quorum is present.

11. Resignation.

- The President, the Vice-President or a member may resign his office by writing under his hand addressed to the State Government, of which he shall send a copy to the Council.

12. The President.

(1)The President shall hold office for the period mentioned in section 10, or until his successor is nominated, whichever is longer.(2)If the President dies or resigns his office or ceases to hold office, the State Government shall nominate another person as President and such President shall hold office for the unexpired portion of the term of office of the previous President in whose place he is nominated.(3)In the event of the occurrence of any vacancy in the office of the President under

sub-section (2), the Vice-President shall discharge the functions of the President until a new President is nominated.(4)When the President is unable to discharge his functions owing to absence, illness or any other cause, the Vice-President shall discharge his functions until the date on which the President resumes his duties.

13. The Vice-President.

(1)The members of the Council shall, at the first meeting after every periodical reconstitution, elect a Vice-President from among themselves in such manner as may be prescribed.(2)The Vice-President shall hold office for the period mentioned in section 10 :Provided that a Vice-President shall cease to hold office if he ceases to be a member of the Council.(3)If the Vice-President dies or resigns his office or ceases to hold office, the members of the Council shall elect, from among themselves, another Vice- President in such manner as may be prescribed and such Vice- President shall hold office for the unexpired portion of the term of office of the previous Vice-President whose office he fills.

14. Executive Committee.

(1)The members of the Council shall constitute from among themselves, an Executive Committee to perform such functions, discharge such duties and exercise such powers as may be delegated to it by the Council.(2)The Executive Committee shall consist of the President and the Vice-President ex-officio, and three other members elected by the members of the Council in the prescribed manner from among themselves.(3)The President and the Vice-President of the Council shall be the President and the Vice-President respectively of the Executive Committee.(4)The term of office of an elected member of the Executive Committee shall be three years from the date of his election, but, subject to his being a member of the Council, he shall be eligible for re-election to the Executive Committee.(5)No business shall be transacted at any meeting of the Executive Committee unless a quorum of three members be present.(6)The Council may also, subject to the approval of the State Government from time to time appoint one or more Committees consisting of members of the Council or outsiders or both, on such terms as may be approved by the State Government, for the purpose of advising it on such matters as it deems necessary and may appoint a Chairman for any such committee who shall convene and preside over the meetings of the committee.

15. Meetings.

(1)The Council shall hold its meetings at such intervals and at such places as may be provided for by regulations.(2)No business shall be transacted at any meeting of the Council unless a quorum of five members be present.(3)Save as provided in clause (b) of sub-section (2) of section 22, all questions arising at any meeting shall be decided by votes of the majority of the members present and voting and in case of an equality of votes by the casting vote of the President or, in his absence, of the member presiding at the meeting.

16. Expenses to be paid to members and other persons.

- The council shall pay to its President, Vice President and members and other persons appointed by it to any committee referred to in sub-section (6) of section 14, such fees for attending at meetings of the Council, of the Executive Committee or of such Committee and such travelling expenses for journeys undertaken in the performance of duties as may be prescribed.

17. Powers of the Council.

- The Council shall have the following powers namely :-(a)with the approval of the State Government, to establish institution teaching the Homoeopathic system of medicine and to grant or refuse affiliation to such institutions or to withdraw, after giving the authority of an institution an opportunity to show cause against the action proposed to be taken, such affiliation ;(b)to call on the authority of an institution affiliated to the Council, or of an institution applying for affiliation, to furnish within such period as may be specified, such reports returns or other information as the Council may require to judge the efficiency of the institution ;(c)to hold examinations for persons who shall have pursued a course of study in institutions affiliated to the Council, and to confer degrees, diplomas and certificates on them on having passed the necessary examination ;(d)to provide by regulations courses of study for different examinations held by the council ;(e)to provide for instruction or for refresher courses in such branches of medical science as would be useful to persons studying the Homoeopathic system of medicine ;(f)to appoint examiners and to fix their remuneration and to publish the results of the examinations held by it ;(g)to grant scholarships, prizes and medals to students of institutions affiliated to the Council who are meritorious, or stipends to students who are poor and deserving ; and with the sanction of the State Government, to grant to students Scholarships for research or special study in any institution that the Council may think fit, whether in India or abroad and to endow chairs of Homoeopathic system of medicine in institutions affiliated to the Council ;(h)to collect prescribed fees or charges for admission to the examinations held by the Council and for certificates, diplomas or degrees granted or conferred by it ;(i)to exercise general supervision over the residential and disciplinary arrangements made by the institutions affiliated to the Council and arrangements for promoting the health and general welfare of the students of such institutions ;(j)to recommend to the State Government the sanction of a grant to an affiliated institution teaching the Homoeopathic system of medicine or the withdrawal or suspension, after giving the institution concerned an opportunity of showing cause against the action proposed, of any such grant ;(k)to appoint such number of inspections for the inspection of institutions teaching the Homoeopathic system of medicine as the Council may deem fit on such terms as the Council may, with the previous sanction of the state Government, determine ;(l)to receive grants, donations, gifts and endowments ;(m)to incur such expenditure, to adopt such measures and to do such acts as may be necessary for the furtherance of the objects mentioned in this section ;(n)to advise the State Government in the matter of research in Homoeopathic system of medicine ;(o)to perform such other functions as the State Government may direct or, on the recommendation of the Council, approve for carrying out the provisions of this Act.

18. Registrar and staff.

(1)The Council shall, with the previous approval of the State Government, appoint a Registrar. The Registrar shall receive such salary and allowances as may be prescribed. The Council may from time to time grant him leave and may appoint a person to act in his place. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all purposes of this Act.(2)the Council may, by order, suspend, punish, remove or dismiss the Registrar from office :Provided that any such order of the Council shall be subject to appeal to the State Government.(3)The Council may appoint such other officers and servants as it deems necessary :Provided that the number and designation of such officers and servants and their salaries and allowances shall be subject to the previous approval of the State Government.(4)The Registrar shall act as the Secretary to the Council and the Executive Committee.(5)The Registrar and all Officers and servants appointed by the Council shall work under the direct control and supervision of the president or, in his absence, of the Vice-President.

19. Registration of Homoeopathic Practitioners.

(1)The Council shall maintain a Register of Homoeopathic Practitioners in two Parts ; A and B, in such form as may be prescribed.(2)The Registrar shall from time to time make necessary entries in the Register in respect of the persons whose names are to be registered, their qualifications and their addresses and may also from time to time make such alterations or modifications as may be required in consequence of any orders passed by the Council or otherwise.

20. Persons entitled to be registered.

(1)Every person who possesses any qualification mentioned in the Second Schedule of the Homoeopathic Central Council Act, 1973 (59 of 1973), shall subject to the provisions of this Act, and on payment of such fee as may be prescribed, be eligible to have his name entered in Part A of the Register.(2)Any person practicing in the Homoeopathic system of medicine for not less than five years prior to the such date as may be fixed by the State Government in this behalf, shall subject to the provisions of this Act, and on payment of such fee as may be prescribed, be entitled to have his name entered in Part B of the Register :Provided that a person who possesses a qualification mentioned under this sub-section shall have passed an examination to be held by the Council in the manner as may be prescribed.(3)Any person who possesses a qualification under sub- section (1) and (2) having registration in any other State, Shall subject to the provisions of this Act, and on payment of such fee as may be prescribed, be entitled to have his name entered in Part A or Part B of the Register, as the case may be.

21. Information required of applicant for registration.

(1)Every person who desires to have his name entered in the register shall submit to the Registrar an application in the prescribed form stating : -(a)Particulars of his qualifications,(b)the Period for which he has been in practice, and(c)his address which is to be his registered address.(2)Every application shall be accompanied by the prescribed fee and such proof as may be available or

necessary in support of the qualifications stated in the application.

22. Power of the Council to refuse or to remove name from Register in certain cases.

(1)The Council may, on being satisfied that a person is qualified for registration under section 20 and has paid the prescribed fee, direct that his name be entered in Part A or Part B of the Register, as the case may be, and the Registrar shall thereupon make necessary entries in the Register and grant him a certificate of Registration.(2)The Council may refuse to permit the registration, or direct the removal from the Register, of the name of any person -(a)Who has been convicted of any offence involving moral turpitude ; or(b)Who has been found guilty of infamous conduct in his professional capacity by a majority of at least two-third of the members of the Council after a due enquiry into his conduct at which he has had an opportunity of being heard in person or of being duly represented.(3)Any refusal or removal under sub-section (2) may be rescinded if the conduct on the basis of which refusal or removal was directed is condoned for good and sufficient reasons.

23. Renewal.

(1)Every person whose name is entered in the Register shall, for the retention of his name in the Register, pay to the Council quinquennially such renewal fee and at such time as may be prescribed.(2)Where the renewal fee is not paid by the due date, the Registrar shall remove the name of the defaulter from the Register :Provided that a name so removed may be restored to the Register on such conditions as may be prescribed.(3)On payment of the Renewal fee, the Registrar shall in the prescribed manner, endorse the certificate of registration.

24. Transfer of name from part B to Part A of the Register.

- If any person whose name is entered in Part B of the Register obtains any qualification mentioned in sub-section (1) of section 20 he shall be entitled, on payment of such fee as may be prescribed, to have his name transferred from Part B to Part A of the Register.

25. Entry of additional qualification.

- If any person whose name is entered in the Register obtains any qualification mentioned in the section 20 other than the qualification in respect of which he has been registered, he shall, on payment of such fee as may be prescribed, be entitled to have such qualification entered against his name in the Register either in substitution for or in addition to any entry previously made and the Registrar shall add to or amend the entry accordingly.

26. Appeal to the Council from decision of the Registrar.

- If any person is dissatisfied with any decision of the Registrar refusing to enter his qualification under section 25 in the Register, he may, at any time within three months from the date of such

decision, appeal to the Council in the prescribed manner and the decision of the Council shall be final.

27. Cancellation of fraudulent and incorrect entries.

- Any entry in the Register which is proved to the satisfaction of the Council to have been fraudulently or incorrectly made, may be cancelled under an order in writing of the Council.

28. Appeal to State Government from decision of the Council.

- An appeal shall lie to the State Government against decision or order of the Council refusing to enter a person's name in Part A or Part B of the Register or to transfer his name from Part B to Part A of the Register or removing his name from the Register, if filed within three months of the date of decision or order and the decision of the State Government shall be final.

29. Notice of death and removal of name from Register.

- The Council may, on receipt of reliable information regarding the death of a person whose name is entered in the Register, and on making such enquiry as it may think fit, direct the removal of his name from the Register and thereupon the Registrar shall cancel the entry relating to such person.

30. Penalty on unregistered person representing that he is registered.

- If any person whose name is not entered in the Register falsely pretends that it is so entered or uses representing that his name is so entered, he shall, whether any person is actually received by such representation or not, be punishable on conviction by a Judicial Magistrate of the First Class, with imprisonment which may extend to six months or with fine which may extend to five hundred rupees.

31. Penalty for failure to surrender certificate of registration.

(1) If any person whose name has been removed from the Register under sub-section (2) of section 23 fails, without sufficient cause, forthwith to surrender his certificate of registration, he shall be punishable with fine which may extend to fifty rupees. (2) Cognizance of an offence punishable under this section shall not be taken except upon complaint made by an order of the Council.

32. Prohibition of un-authorised conferment of degrees, etc. and penalty for such conferment.

(1) No person, association or institution other than the Council shall confer, grant or issue, or hold himself or itself out as entitled to confer, grant or issue, any degree, diploma, licence, certificate or any other document stating or implying that the holder, grantee or recipient thereof is qualified to practise the Homoeopathic system of medicine. (2) Any contravention of the provisions of

sub-section (1) shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees, or with both ; and if an association or institution is guilty of such contravention, every member thereof who knowingly or wilfully authorises or permits the contravention, shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees, or with both.

33. Penalty for improper assumption of Homoeopathic qualifications.

(1)No person shall use any letters or figures after his name indicating or implying that he possesses any degree, diploma, licence, or certificate as a Homoeopathic practitioner unless such degree, diploma, licence or certificate has been conferred by the Council, or is recognised by it with the approval of the State Government.(2)Whoever contravenes the provisions of sub-section (1) shall be punishable on first conviction with fine which may extend to two hundred rupees, and on any subsequent conviction with fine which may extend to five hundred rupees.

34. Publication and use of registration list.

(1)The Registrar shall, from time to time as occasion may require, on or before the date to be fixed in this behalf by the council, cause to be printed and published (provided that at least twelve months shall have elapsed from the date of the last publication) a correct list of the names for the time being entered in the Register under each of the two Parts, A and B, setting forth thereon -(a)name of all registered Homoeopathic practitioners arranged in alphabetical order according to surname ;(b)the registered address of each such person ; and(c)the registered qualifications of each such person and the date on which qualification was obtained.(2)The Registrar shall, from time to time as occasion arises, cause to be printed and published a list supplementary thereto, containing additions and alterations in the Register since the publication of the list under sub-section (1).(3)Every court shall presume that any person whose name is entered in the latest list printed and published under sub-section (1) read with the latest list supplementary thereto, if any, printed and published under subsection (2) is duly registered under this Act, and that any person whose name is not so entered is not registered under this Act :Provided that, in the case of any person whose name does not appear in the latest list printed and published under sub-section (1) read with the latest list supplementary thereto, if any, printed and published under subsection (2), a certified copy, signed by the Registrar, of the entry of the name of such person in the register, shall be evidence that such person is registered under this Act.

35. Certain prevellages of registered Homoeopathic practitioners.

- A Registered Homoeopathic practitioner shall be entitled -(a)to grant a death certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner or medical Officer ;(b)to grant a medical or physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner or medical officer ;(c)to give evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872 (1 of 1872).

36. Homoeopathic practitioners other than those registered under part A, of the Register not eligible for certain appointments.

- Except with the special sanction of the State Government, no Homoeopathic practitioner other than a registered Homoeopathic practitioner whose name is entered in Part A of the register shall be competent to hold any appointment as a Physician, medical Officer or teacher, in any Homoeopathic Hospital, asylum infirmary, dispensary, or lying-in-hospital, which is supported wholly or partially by grants made by the State Government, the council, or a local authority, or in any Homoeopathic educational institutions which is so supported or which is affiliated under clause (a) of section 17 :Provided that a registered Homoeopathic practitioner whose name is entered in Part B of the Register shall be competent to hold any such appointment if he has held any such appointment from a date prior to the publication of this Act in the official Gazette.

37. Bar of suit or other legal proceedings.

- No suit, prosecution or other legal proceedings shall lie in respect of any act or thing done or omitted to be done in the exercise or purported exercise of any power conferred by or under this Act on the State Government or the Council or the Executive Committee or any Committee appointed by the Council or the Registrar.

38. Validation.

- No act or thing done by the Council, the Executive Committee or a Committee appointed by the Council shall be invalid merely on the ground of any vacancy in or defect in its composition.

39. Finance, Audit and budget.

(1)All fees payable and prescribed under this act shall be paid to the Council.(2)An account of all assets and liabilities of the Council and of all fees, sums, grants, donations, gifts and endowments received by it and of all expenses and disbursements incurred or made by it shall be maintained in the Prescribed manner.(3)The account shall be audited annually in such manner and by such officer or authority as may be prescribed. A copy of the audit report shall be submitted to the State Government by the Council.(4)The Council shall prepare in the Prescribed manner a budget for every financial year showing the probable receipt and expenditure, which shall be submitted to the State Government for approval.

40. Power to make rules.

(1)The State Government may, from time to time make rules for carrying out the provisions of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-(i)the election of members of the Council members of the Executive Committee and the Vice-President ;(ii)the function to be performed by the President and the Vice-President ;(iii)the fees payable under this Act ;(iv)the expenses to be paid

under section 16 ;(v)the salary and allowances to be paid to the Registrar ;(vi)the manner in which the account referred to in subsection (2) shall be maintained :(vii)the procedure to be followed by the Council in-(a)conducting an enquiry under this Act,(b)disposing of appeals from the decision of the Registrar preferred under section 27 ;(viii)any other matter which may be or is required to be prescribed under this Act.(3)Every rule made under this Act shall be laid as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of session in which it is so laid or the session aforesaid the Legislative Assembly makes any modification in the rule or decides that the rule shall not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

41. Regulations.

(1)The Council may, with the previous approval of the State Government, make regulations, not inconsistent with this Act or the rules made thereunder, for discharging its functions under this Act.(2)In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :-(i)the conduct of business of the Executive Committee and of Committee appointed by the Council ;(ii)the time and place at which each meeting shall be held ;(iii)the issue of notices convening such meeting ;(iv)the conduct of business thereat ;(v)the conditions of appointment and service and the scales of pay and allowances of all the officers and servants appointed by the Council ;(vi)any matter for which power to make regulations is conferred expressly or by implication on the Council by this Act.(3)Every regulation made under this Act shall be laid as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or two to or more successive sessions and if before expiry of the session in which it is so laid or the session aforesaid the Legislative Assembly makes any modification in the regulation or decides that the regulation shall not be made, the regulation shall there after have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without pre-judic to the validity of anything previously done under that regulation.

42. Publication of rules and regulations.

- All rules and regulations shall be published in the Official Gazette.

43. Control over the Council by State Government.

- If, at any time, it appears to the State Government that the Council has failed to exercise or has exceeded or abused a power conferred upon it by or under this Act or has failed to perform a duty imposed upon it by this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, after giving the Council an opportunity of being heard, notify the particulars thereof to the Council and if the Council fails to remedy such failure, excess or abuse

within such time as may be fixed by the State Government in this behalf, the State Government may supersede the Council for a period not exceeding one year and cause all or any of the powers and duties of the council to be exercised and performed by such agency as it may think fit during the period of supersession.