

# **Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy Act, 1971**

TAMILNADU

India

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### **Act 5 of 1972**

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Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy Act, 1971(Tamil Nadu Act 5 of 1972)Statement of Objects and Reasons - Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy Act, 1971 (Tamil Nadu Act 5 of 1972). - There is at present no law in force in this State governing Homeopathy. The Government have decided to recognise the homoeopathic system of medicine and to regulate the practice in that system of medicine by undertaking suitable legislation. It is proposed to establish a council of Homeopathy as in the case of modem medicine and provide for the registration of practitioners of homoeopathic medicine who hold recognised qualifications. There are also a large number of persons in this State who do not possess any recognised qualification in homeopathy but who have been practising Homeopathy for a long time and such practice is the sole means of their livelihood. It is considered that such of those practitioners who have been in practice of homeopathy for a period of not less than ten years should be allowed to continue to practice and that to enable them to do so they should get themselves registered within a period of one year from the commencement of the proposed Act. Such of those who do not possess any of the recognised qualifications and who are not in regular practice as practitioners for a period of not less than ten years but who have been in regular practice for a period of not less than four years before the commencement of the Act will be allowed registration in the register for the registration of homeopathic practitioners, subject to their passing a written test to be conducted within a period of three years from the commencement of the proposed Act. After the expiry of the said period no person who has not been registered will have the right to practice homeopathy. The issue of degrees, diplomas, certificates, etc., by unauthorised persons will be an offence punishable under the proposed Act. The unqualified persons and unregistered institutions will thus be eliminated from the field of practice of homoeopathic medicine.<sup>2</sup> The Bill seeks to give effect to the above objects. The provisions of the Bill are explained in the Notes on Clauses.Published in Part IV-Section 3 of the Tamil Nadu Government Gazette Extraordinary, dated the 23rd July 1971.Received the assent of the President on the 26th February

1972 and first published in Part IV-section 4 of the Tamil Nadu Government Gazette Extraordinary dated the 8th March 1972. An Act to provide for the development of the Homeopathy system of medicine and registration of practitioners of Homeopathy and for matters connected therewith in the State of Tamil Nadu. Be it enacted by the Legislature of the State of Tamil Nadu in the Twenty-second Year of the Republic of India as follows:-

## **Chapter I**

### **Preliminary**

#### **1. Short title, extent and commencement.**

(1) This Act may be called the Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy Act, 1971. (2) It extends to the whole of the State of Tamil Nadu. (3) It shall come into force on such date as the Government may, by notification, appoint; and different dates may be appointed for different provisions of this Act.

#### **2. Definitions.**

- In this Act, unless the context otherwise requires,-(1) "approved institution" means a hospital, health centre or other such institution recognised by a University as an institution in which a person may undergo the training, if any, required by his course of study before the award of any medical qualification to him; (2) "commencement of this Act", in relation to any provision of this Act, means the date of the coming into force of that provision; (3) "council" means the Council of Homeopathy established under section 3. (4) "Government" means the State Government; (5) "Homeopathy" means the system of medicine founded by Dr. Hahnemann and includes Schussler's system of biochemic remedies and the expression "homoeopathic" shall be construed accordingly; (6) "hospital", "asylum", "infirmary", "dispensary", "lying-in-hospital", "sanatorium" means an institution where the methods of treatment carried on are those approved by the council; (7) "member" means a member of the council; (8) "modern medicine" means modern scientific medicine commonly known as allopathic medicine in all its branches and includes surgery and obstetrics, but does not include veterinary medicine and surgery; (9) "practitioner" means any person engaged in the practice of Homeopathy; (10) "president" means the president of the council; (11) "register" means a register maintained under section 16; (12) "registered practitioner" means a practitioner whose name is for the time being entered in a register; (13) "registrar" means the registrar of the council appointed under section 14; (14) "regulation" means a regulation made by the council under this Act; (15) "rule" means a rule made by the Government under this Act; (16) "University" means any University in India established by law and having a faculty of Homeopathy.

## **Chapter II**

### **Establishment of Council**

### **3. Establishment of Council.**

(1)The Government shall, by notification, establish for the State of Tamil Nadu, a council to be called the Council of Homeopathy.(2)The council shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by its name, sue and be sued.

### **4. Constitution of the council.**

- The council shall consist of the following fifteen members, namely:-(a)(i)six members elected from among themselves by registered practitioners who possess any of the qualifications specified in the Schedule; and(ii)three members elected from among themselves by practitioners registered under clauses (b) and (c) of sub-section (1) of section 15;(b)six members nominated by the Government of whom-(i)three shall be registered practitioners;(ii)one shall be either the Secretary to the Government in the Department dealing with Health and Family Planning or one of the Deputy Secretaries to the Government in that Department;(iii)one shall be either the Director of Health Services and Family Planning or one of his assistants who shall be a medical officer; and(iv)one shall be the head of a Government teaching institution in Homeopathy.

### **5. President.**

(1)There shall be a president for the council.(2)The president shall be nominated by the Government from among the members who are registered practitioners.

### **6. First council to be nominated by the Government.**

- Notwithstanding anything contained in this Chapter, the first council shall be nominated by the Government and shall hold office for a period of five years from its constitution.

### **7. Disqualification for membership.**

- No person shall be eligible for being elected or nominated as a member, if he-(1)is not ordinarily resident in the State of Tamil Nadu;(2)in a case falling under clause (a) or sub-clause (i) of clause (b) of section 4, is not such registered practitioner as is referred to in that clause or, as the case may be, sub-clause;(3)is an applicant to be adjudicated an insolvent or is an undischarged insolvent;(4)is of unsound mind and stands so declared by a competent court;(5)has been sentenced by a Criminal Court to imprisonment for any offence involving moral turpitude;(6)is a paid employee of the council; or(7)has not completed twenty-five years of age.

### **8. Term of office of members.**

(1)Save as otherwise provided in this Act, the term of office of a member (including the member nominated as president) shall be five years from the date of his election or nomination as

member.(2)An outgoing member (including the member nominated as president), if otherwise qualified, shall be eligible for re-election or re-nomination.

## **9. Cessation of membership.**

- A member shall be deemed to have vacated his seat-(1)on sending his resignation in writing to the president or the registrar;(2)on his absence without excuse sufficient in the opinion of the council from three consecutive meetings of the council;(3)on his ceasing to ordinarily reside in the State of Tamil Nadu for twelve consecutive months;(4)on removal of his name from the register;(5)on his applying to be adjudicated, or on his being adjudicated, an insolvent;(6)on his being declared to be of unsound mind by a Competent Court;(7)on the expiry of the term mentioned in sub-section (1) of section 8;(8)on his being sentenced by a Criminal Court to imprisonment for any offence involving moral turpitude; or(9)in the case of any officer nominated under sub-clause (ii), (iii) or (iv) of clause (b) of section 4, also on his ceasing to hold the post; or(10)on his becoming a paid employee of the council.

## **10. Removal of member.**

(1)The Government may, by order, remove any member (including the president) if the member is, in the opinion of the Government, guilty of gross misconduct in any respect, professional or otherwise, which renders him unfit to be a member.(2)The Government shall, when they propose to take action under sub-section (1), give the member concerned an opportunity for explanation.

## **11. Filling of vacancies.**

- When the seat of any member becomes vacant, the vacancy for the remaining period shall be filled by election or nomination, as the case may be, in accordance with the provisions of section 4: Provided that any vacancy in the office of any-(1)selected member, or(2)nominated member, occurring within six months before the date of the expiry of the term of office of the members under sub-section (1) of section 8-(a)in a case falling under clause (1), shall not, without the previous sanction of the Government, be filled; or(b)in a case falling under clause (2), may, if the Government deem fit, be kept unfilled.

## **12. Executive committee.**

(1)There shall be an executive committee of the council consisting of the president ex-officio, and four other members of the council who shall be elected in the prescribed manner by the council at its first meeting.(2)Every member of the executive committee so elected shall hold office so long he continues to be a member of the council and, if any casual vacancy occurs before the said period, the council shall fill the vacancy for the remaining period by electing a member of the council.(3)The council may, subject to such rules as may be made by the Government in this behalf and with the previous sanction of the Government, delegate any of its powers and duties to its executive committee.(4)The Government shall have power to cancel any delegation made under sub-section

(3).

### **13. Meetings of the council and executive committee.**

(1)The council and the executive committee shall meet at such time and place and every meeting of the council or the executive committee shall be summoned by such person and in such manner as may be specified by regulations:Provided that until such regulations are made, it shall be lawful for the president to summon a meeting of the council or of the executive committee at such time and place as he may deem expedient by letter addressed to each member of the council or of the executive committee.(2)All questions at any meeting of the council or its executive committee shall be decided by the votes of the majority of the members present and voting at the meeting and in the case of an equality of votes, the member presiding shall have and exercise a second or casting vote:Provided that in the case of an equality of votes at an election, the choice shall be by casting lots.(3)The members of the council and the members of the executive committee shall be paid such daily and travelling allowances as may be prescribed.

### **14. Registrar and other officers and servants.**

(1)(a)The council shall appoint a registrar who shall be the secretary to the council. The registrar shall act as treasurer of the council, unless the council appoints another person as treasurer under sub-section (3). The registrar shall also be the secretary of the executive committee.(b)The council may, at any time, remove the registrar from office by a resolution passed at a special meeting convened for the purpose and supported by the votes of not less than two-thirds of the total number of members present and voting at the meeting.(c)The appointment of the registrar or his removal from office shall be subject to the approval of the Government and shall not take effect until such approval has been accorded.(2)In the temporary absence of the registrar, on leave by reason of illness or other cause, or pending the filling of a vacancy caused in any other manner, his powers and duties shall, for a period of not more than three months, be exercised and performed by such person and in such manner as the president may direct.(3)The council may also appoint such other officers and servants as it may deem necessary for the purposes of this Act. The remuneration and other conditions of service of the registrar and other officers and servants of the council shall be such as may be specified by regulations.(4)All officers and servants of the council appointed under this section shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

## **Chapter III**

## **Registration of Practitioners**

### **15. Registration of practitioners.**

(1)Subject to the other provisions contained in this Act-(a)every person who possesses any of the qualifications specified in the Schedule and who furnishes to the registrar proof of his qualification for registration whether or not such person practises or intends to practise Homeopathy;(b)every

person who does not possess any of the qualifications referred to in clause (a), but who, [xxx] [The expression 'within the period of one year from the commencement of this Act or such further period not exceeding one year may be fixed by the Government in this behalf was omitted by section 2(a)(i) of the Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy (Amendment) Act, 1975 (Tamil Nadu Act 37 of 1975), with effect from 10th June 1975.](i)[ makes an application in the prescribed manner so as to reach the council on or before the 4th day of May 1976; and] [Substituted for the following original sub-clause by section 2(a)(ii) of the Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy (Amendment) Act, 1975 (Tamil Nadu Act 37 of 1975):- '(i) makes an application in the prescribed manner to the council;'](ii)proves in the prescribed manner to the satisfaction of the council that he has been in regular practice as a practitioner for a period of not less than ten years [on the 4th day of May 1974] [Substituted for 'on the date of the application by section 2 (a)(ii) of the Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy (Amendment) Act, 1975 (Tamil Nadu Act 37 of 1975):- '(i) makes an application in the prescribed manner to the council;']; and(c)every person who neither possesses any of the qualifications referred to in clause (a) nor has been in such practice as is referred to in clause (b), but who, [xxx] [The expression 'within the period of one year from the commencement of this Act or such further period not exceeding one year as may be fixed by the Government in this behalf was omitted by section 2(b)(1) of the Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy (Amendment) Act, 1975 (Tamil Nadu Act 37 of 1975):-](i)[ makes an application in the prescribed manner so as to reach the council on or before the 4th day of May 1976;] [Substituted for the following original sub-clause by section 2(b)(ii) of the Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy (Amendment) Act, 1975 (Tamil Nadu Act 37 of 1975):- '(i) makes an application in the prescribed manner to the council'.](ii)proves in the prescribed manner to the satisfaction of the council that he has been in regular practice as a practitioner for a period of not less than four years [on the 4th day of May 1974] [Substituted for 'on the date of the application' by section 2(6)(iii) of the Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy (Amendment) Act, 1975 (Tamil Nadu Act 37 of 1975), which was deemed to have come into force on the 10th June 1975.]; and(iii)passes a written test to be conducted by the council within a period of five years from the commencement of this Act,shall be entitled to have his name entered in the relevant register of practitioners maintained under sub-section (2) of section 16.(2)The place and time at which the written test referred to in sub-clause (iii) of clause (c) of sub-section (1) shall be conducted and the syllabus for the test shall be prescribed by regulations.(3)Every application for registration under this Act shall be sent to the registrar together with the prescribed fee and such proof of qualifications for registration, as may be prescribed.(4)The council may refuse to permit the registration of any person who has been convicted of any such offence as implies in the opinion of the council a defect of character or who, after inquiry at which opportunity has been given to the candidate to be heard in person or by pleader, has been held by the council to have been guilty of infamous conduct in any professional respect.

## **16. Registers of practitioners and their maintenance.**

(1)Subject to the provisions of this Act and subject to any general or special order of the council, it shall be the duty of the registrar to maintain the registers referred to in sub-section (2) and, from

time to time, to revise those registers and publish the same in the prescribed manner.(2)There shall be maintained the following registers, namely:-(i)a register containing the names of practitioners who possess any of the qualifications specified in the Schedule and who are registered or deemed to be registered under clause (a) of sub-section (1) of section 15;(ii)a register containing the names of practitioners registered or deemed to be registered under clause (b) of sub-section (1) of section 15;(iii)a register containing the names of practitioners registered under clause (c) of sub-section (1) of section 15.(3)Every register maintained under sub-section (2) shall be in such form and shall contain such particulars as may be prescribed.(4)The registrar shall maintain every register in accordance with this Act and the rules made thereunder and shall remove from such register the name of any registered practitioner who is dead or whose name is directed to be removed or deleted from the register under section 19. For this purpose, information regarding the death of any registered practitioner shall be furnished to the registrar by such officer, in such form and in such manner as may be prescribed.(5)Every register maintained under sub-section (2) shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872 (Central Act I of 1872).

## **17. Fees for registration.**

(1)Every person who applies to be registered under this Act shall pay such registration fee not exceeding one hundred rupees as may be prescribed.(2)Every registered practitioner who applies to the registrar for registration under a new name or in respect of any additional qualification obtained subsequent to registration under this Act shall pay such registration fee not exceeding ten rupees as may be prescribed.

## **18. Certificate of registration.**

(1)Every person whose name has been entered in a register maintained under sub-section (2) of section 16 shall be issued a certificate of registration in the prescribed form.(2)Where it is shown to the satisfaction of the registrar that the certificate of registration issued under sub-section (1) has been lost or destroyed, the registrar may, on payment of such fee not exceeding ten rupees as may be prescribed, issue a duplicate thereof.

## **19. Alteration of register by council.**

(1)The council may, if it deems fit and after giving due notice to the person concerned and inquiring into his objections, if any, order that any entry in the relevant register, which shall be proved to the satisfaction of the council to have been fraudulently or incorrectly made or brought about, be cancelled or amended.(2)(a)The council may direct the removal altogether or for a specified period from the relevant register of the name of any registered practitioner for the same reasons for which registration may be refused under sub-section (1) or sub-section (4) of section 15 and the said sub-section (4) shall apply to any inquiry under this section.(b)The council may also direct that any name so removed shall be restored.(3)Nothing contained in sub-section (2) shall relieve a registered practitioner of any obligation or code of ethics which may be imposed upon registered practitioners generally by the council.(4)Any registered practitioner may make an application to the council for the deletion of his name from the relevant register and the council may, subject to such rules as may

be made by the Government in this behalf, direct such deletion. Any such practitioner may apply for fresh registration under section 15.(5)Whenever the name of any registered practitioner is directed to be removed or deleted from the register by the council, it may publish or cause to be published the fact of such removal or deletion in such manner as it deems fit.

## **20. Appeals.**

(1)Any person aggrieved by-(a)any decision of the registrar refusing to register under sub-section (1) of section 15, may appeal to the Council; or(b)any decision of the council under sub-section (4) of section 15 or section 19, may appeal to the Government.(2)The appeal under sub-section (1) shall be preferred within three months from the date of the receipt by the appellant of the decision appealed against:Provided that the appellate authority may, in its discretion, allow further time not exceeding three months for preferring any such appeal, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.(3)In disposing of an appeal under sub-section (1), the appellate authority may, after giving the party an opportunity of making his representations, pass such order thereon as it may deem fit.(4)The order of the appellate authority on such appeal shall be final.(5)The appellate authority may, pending the exercise of its powers under this section, pass such interlocutory orders as it may deem fit.

## **21. Procedure of council in inquiries and appeals.**

(1)Any inquiry under section 15 or section 19 may be held by a committee consisting of three members of the council elected for the purpose by the council. The council or the committee, as the case may be, may, at its discretion, hold such inquiry in camera. When the inquiry is held by a committee, it shall make a report to the council which shall pass orders under section 15 or section 19, as the case may be.(2)For the purpose of any such inquiry or of any appeal under clause (a) of sub-section (1) of section 20, the council or any committee thereof elected as aforesaid shall be deemed to be a Court within the meaning of the Indian Evidence Act, 1872 (Central Act I of 1872), and shall exercise all the powers of a Commissioner appointed under the Public Servants (Inquiries) Act, 1850 (Central Act XXXVII of 1850), and such inquiries and appeals shall be conducted as far as may be, in accordance with the provisions of section 5 and sections 8 to 20 of the Public Servants (Inquiries) Act, 1850 (Central Act XXXVII of 1850).

## **22. Powers of council.**

- The council shall have the following powers, namely:-(1)to establish with the approval of the Government institutions teaching Homeopathy, to aid institutions teaching Homeopathy and to grant or refuse affiliation to such aided institutions or to withdraw, after giving the governing body or authority of the aided institution an opportunity to show cause against the action proposed to be taken, such affiliation;(2)to call on the governing body or 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;(3)to hold examinations for persons who shall have pursued a course of study in institutions established by, or affiliated to, the council, and to confer degrees, diplomas and



certificates on them on having passed the necessary examinations;(4)to provide by regulations courses of study for different examinations held by the council;(5)to provide for instruction or for refresher courses in such branches of t medical science as would be useful to persons studying Homeopathy;(6)to appoint examiners and to fix their remuneration and to publish the results of the examinations held by it;(7)to grant scholarships, prizes and medals to students of institutions established by, or affiliated to, the council who are meritorious, or stipends to students who are poor and deserving; and with the sanction of the Government to grant to students scholarships for research or special study in any institutions that the council may think fit, whether in India or abroad and to endow chairs of Homeopathy in institutions established by, or affiliated to, the council;(8)to confer honorary degrees on practitioners of extraordinary merit;(9)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;(10)to exercise general supervision over the residential and disciplinary arrangements made by the institutions established by, or affiliated to, the council and arrangements for promoting the health and general welfare of the students of such institutions;(11)to recommend to the Government the sanction of a grant to an affiliated institution teaching Homeopathy or the withdrawal or suspension, after giving the governing body or authority of the institution concerned an opportunity of showing cause against the action proposed, of any such grant;(12)to appoint such number of inspectors for the inspection of institutions teaching Homeopathy as the council may deem fit on such terms as the council may, with the previous sanction of the Government, determine;(13)to receive grants, donations, gifts and endowments;(14)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;(15)to advise the Government in the matter of research in Homeopathy; and(16)to perform such other functions as the Government may direct or, on the recommendation of the council, approve for carrying out the provisions of this Act.

### **23. Control by Government.**

- Whenever it appears to the Government that the council has neglected to exercise or has exceeded or abused any power conferred upon it by this Act or any rule made thereunder or has neglected to perform any duty imposed upon it by this Act or any rule made thereunder, the Government may notify the particulars of such neglect, excess or abuse to the council, and, if the council fails to remedy such neglect, excess or abuse within such time as may be fixed by the Government in this behalf, the Government may, for the purpose of remedying such neglect, excess or abuse, cause any of the powers and duties of the council to be exercised and performed by such person or authority and for such period as the Government may deem fit.

### **24. Reference to special officer.**

(1)In every case mentioned in section 23, the Government may, whether or not they have already taken action under that section, appoint as special officer, a person who is, or has been, or is qualified for appointment as, a District Judge and refer to such special officer the particulars of any neglect, excess or abuse referred to in that section and such special officer shall inquire in a summary manner and report to the Government, as to the truth of the particulars referred to him

and, in case of any such neglect, excess or abuse being found by the special officer to have been established, the special officer shall recommend the remedies, if any, which are, in his opinion, necessary.(2)The Government may direct the council to adopt the remedies so recommended within such time as, having regard to the report of the special officer, they may deem fit; and if the council fails to comply with any such direction, the Government may pass such orders or take such action as they deem necessary to give effect to the recommendations of the special officer.(3)The special officer shall have power to administer oaths and to enforce the attendance of witnesses and the production of documents and shall have all such other necessary powers for the purpose of any inquiry conducted by him, as are exercised by a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908).

## **25. Privileges of registered practitioners.**

- Notwithstanding anything contained in any other law for the time being in force-(i)a certificate required by law to be given by a medical practitioner shall be valid if it is signed by any registered practitioner belonging to such class of registered practitioners as may be specified by the Government, from time to time; and(ii)the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word or expression importing reference to a person recognized by law as a medical practitioner or as a member of the medical profession, shall, in any Provincial Act as defined in clause (46) of section 3 of the General Clauses Act, 1897 (Central Act X of 1897), or in any State Act as defined in clause (59) of the said section 3 or in any Central Act in its application to the State of Tamil Nadu in so far as any such Act relates to any of the matters specified in List II or List III in the Seventh Schedule to the Constitution, be deemed to include a practitioner, registered or deemed to be registered under clause (a) of sub-section (1) of section 15.

## **Chapter IV Penalties**

### **26. Prohibition of practice of Homeopathy by persons not registered.**

(1)Notwithstanding anything contained in any other law for the time being in force-(a)no person other than a practitioner registered or deemed to be registered under clause (a) or clause (b) of sub-section (1) of section 15 or registered under clause (c) of that sub-section shall practise Homeopathy in the State of Tamil Nadu;(b)no registered practitioner, unless authorised by the Government in this behalf, shall be entitled to-(i)sign or authenticate a birth or a death certificate or a medical or a physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner; or(ii)give evidence at any inquest; or in a Court of law as an expert under section 45 of the Indian Evidence Act, 1872 (Central Act I of 1872), on any matter relating to medicine, surgery or midwifery; or(c)except with the special sanction of the Government, no person other than a practitioner registered or deemed to be registered under clause (a) of subsection (1) of section 15 shall hold any appointment as physician, surgeon, or other medical officer in any hospital, asylum, infirmary, dispensary, lying-in-hospital, sanatorium or other similar institution of Homeopathy only or of both Homeopathy and modern medicine, whether supported

entirely by voluntary contributions or not. Explanation. - For the purposes of this sub-section, a person who-(i)mechanically fits or sells lenses, artificial eyes, limbs or other apparatus or appliances; or(ii)is engaged in the mechanical examination of eyes for the purposes of constructing or adjusting spectacles, eye-glasses or lenses; or(iii)practises physio-therapy or electro-therapy or chiropody or naturopathy or hydropathy or yogic healing; or(iv)does domestic administration of family remedies; or(v)being registered under the Dentists Act, 1948 (Central Act XVI of 1948), limits his practice to the art of dentistry; or(vi)being a nurse, midwife, health visitor, or auxiliary nurse-midwife registered under the Tamil Nadu Nurses and Midwives Act, 1926 (Tamil Nadu Act III of 1926), or a dhai, attends on a case of labour, shall not be deemed to practise Homeopathy.(2)Any person who contravenes sub-section (1) shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both.

## **27. Conferring, granting or issuing colourable imitation of degrees, diplomas, etc. to be an offence.**

(1)No person other than-(a)a University; or(b)an institution established by, or affiliated to, the council; or(c)an authority empowered or recognised as competent by the Government to confer, grant or issue any degree, diploma, licence, certificate or any other like award entitling the holder thereof to practise Homeopathy, shall confer, grant or issue or hold himself out as entitled to confer, grant or issue any degree, diploma, licence, certificate or any other like award which is identical with or is a colourable imitation of, any degree, diploma, licence, certificate or award conferred, granted or issued by a University or an institution or authority referred to in clauses (b) and (c) and purports to entitle the holder thereof to practise Homeopathy.(2)Any person who contravenes sub-section (1) shall be punishable-(i)for the first offence, with fine which may extend to one thousand rupees; and(ii)for the second or any subsequent offence, with imprisonment for a term, which may extend to six months or with fine which may extend to two thousand rupees, or with both.

## **28. Prohibition against addition of any title, description, etc., to name of any person unless authorised to do so.**

(1)No person shall add to his name any title, description, letter or abbreviation which implies that he holds a degree, diploma, licence, certificate or any other like award as his qualification to practise Homeopathy, etc., unless,-(a)he actually holds such degree, diploma, licence, certificate or any other like award; and(b)such degree, diploma, licence, certificate or any other like award-(i)is recognised by any law for the time being in force in India or in any part thereof; or(ii)has been conferred, granted or issued by a University or an institution or authority referred to in clauses (b) and (c) of sub-section (1) of section 27.(2)Any person who contravenes sub-section (1) shall be punishable-(i)for the first offence, with fine which may extend to five hundred rupees; and(ii)for the second or any subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

## **29. Penalty for falsely pretending to be a registered practitioner.**

- Any person who falsely pretends to be a registered practitioner shall, whether any person is actually deceived by such pretence or not, be punishable-(i)for the first offence, with fine which may extend to five hundred rupees; and(ii)for the second or any subsequent offence, with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both.

## **Chapter V**

### **Miscellaneous**

## **30. Jurisdiction of Criminal Courts.**

(1)No Court shall take cognizance of any offence punishable under this Act except on complaint in writing made by the registrar in this behalf.(2)No Court inferior to that of a Presidency Magistrate or a magistrate of the first class shall try any offence punishable under this Act.According to clauses (a) and (c) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), any reference to a Magistrate of the first class shall be construed as a reference to a Judicial Magistrate of the first class and any reference to a Presidency Magistrate shall be construed as a reference to a Metropolitan Magistrate with effect on and from the 1st April 1974.

## **31. Bar of jurisdiction of Courts.**

- No act done in the exercise of any power conferred by or under this Act on the Government or the council or any committee thereof or the registrar shall be questioned in any court of law.

## **32. Offences by companies.**

(1)If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.(2)Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed, with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.Explanation. - For the purposes of this section-(a)"company" means anybody corporate, and includes a firm or other association of individuals; and(b)"director" in relation to a firm, means a partner in the firm.

### **33. Acts of council, committee, etc., not to be invalidated by certain defects.**

- No act of the council or any committee thereof or of any person acting as president or as member of the council or of the committee shall be deemed to be invalid merely on the ground of-(a)any vacancy or defect in the constitution of the council or of the committee;(b)the president or any member of the council or committee not being entitled to hold or continue in office by reason of any disqualification or any irregularity or illegality in his election or nomination; or(c)any defect or irregularity in such act not affecting the merits" of the case.

### **34. Alteration in the list of qualifications mentioned in the Schedule.**

- The Government may, if they are satisfied on the report of the council or otherwise, that the course of study and examinations prescribed by any University, medical college, school or any other institution conferring, granting or issuing any degree, diploma, licence, certificate or any other like award-(1)included in the Schedule are not such as to secure the possession by persons obtaining such degree, diploma, licence, certificate or any other like award of the requisite knowledge and skill for the efficient practice of Homeopathy, or(2)not included in the Schedule are such as to secure the possession by the persons aforesaid of such knowledge and skill, by notification, direct that such degree, diploma, licence, certificate or any other like award-(a)in a case falling under clause (1), be removed from the Schedule, or(b)in a case falling under clause (2), be included in the Schedule, and upon the issue of any such notification, the Schedule shall be deemed to have been amended accordingly.

### **35. Power to make rules.**

(1)The Government may make rules to carry out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for-(a)all matters expressly required or allowed by this Act to be prescribed;(b)the election of members to the council;(c)the election and term of office of the president of the council;(d)the notification of election or nomination to, or any vacancy in, the office of the president or member of the council;(e)the powers and duties of the president;(f)the election of members of the executive committee of the council;(g)the number of members necessary to constitute a quorum for meetings of the council and its executive committee;(h)the procedure at any inquiry held under section 15 or section 19;(i)the particulars to be stated in, and the proof of qualifications to be sent along with, applications for registration under this Act;(j)the institution, hearing and disposal of appeals under section 20;(k)the fees to be paid for applications and appeals under this Act;(l)the compilation and publication of the registers referred to in sub-section (2) of section 16;(m)the allowances of non-official members of the council;(n)the disposal of fees received under this Act;(o)the qualifications and conditions required for any registered practitioner performing surgery and post-mortem in any approved institution.

### **36. Publication of rules, commencement of rules and notifications and placing them before the Legislature.**

(1) All rules made under this Act shall be published in the Tamil Nadu Government Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published. (2) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published. (3) Every rule made under this Act and every notification issued under section 34. shall, as soon as possible, after it is made or issued, be placed on the table of [the Legislative Assembly] [Substituted for 'both Houses of Legislature' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1987.], and if, before the expiry of the session in which it is so placed or the next session, [the Legislative Assembly agrees] [Substituted for 'both Houses agree' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1987.] in making any modification in any such rule or notification or the [Legislative Assembly agrees] [Substituted for 'both Houses agree' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1987.] that the rule or notification should not be made or issued, the rule or notification 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 or notification.

### **37. Power to make regulations.**

(1) The council may, with the previous sanction of the Government, by notification, make regulations not inconsistent with this Act and the rules made thereunder for enabling it to perform its functions under this Act. (2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for—(a) the convening of meetings of the council and its executive committee; (b) the conduct of business at such meetings; (c) the delegation of powers or duties of the council to its president; (d) the appointment, control, remuneration and other conditions of service of the officers and servants of the council referred to in section 14; (e) the place and time at which the written test referred to in sub-clause (iii) of clause (c) of sub-section (1) of section 15 shall be conducted and the syllabus for the test.

### **38. Repeals and savings.**

(1) Any law corresponding to this Act in force in the added territories immediately before the commencement of this Act including the Andhra Ayurvedic and Homoeopathic Medical Practitioners Registration Act, 1956 (Andhra Act XXVI of 1956) (hereafter in this section referred to as the corresponding law), shall, in so far as the corresponding law relates to Homeopathy, stand repealed on such commencement. (2) The repeal by sub-section (1) of the corresponding law shall not affect—(i) the previous operation of the corresponding law or anything duly done or suffered thereunder; or (ii) any right, privilege, obligation or liability acquired, accrued or incurred under the corresponding law; or (iii) any fine, penalty, forfeiture or punishment incurred in respect of any offence committed against the corresponding law; or (iv) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, fine, penalty, forfeiture or

punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such fine, penalty, forfeiture or punishment may be imposed, as if this Act had not been passed. (3) Subject to the provisions of sub-section (2), anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, or any rule, regulation or form framed, certificate granted or registration effected, under the corresponding law shall be deemed to have been done or taken under this Act and shall continue to have effect accordingly, unless and until superseded by anything done or any action taken under this Act. (4) For the purpose of facilitating the application of this Act in the added territories, any Court or other authority may construe this Act with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court or other authority. (5) Any reference to the corresponding law in any law which continues to be in force in the added territories after the commencement of this Act shall, in relation to those territories, be construed as a reference to this Act. (6) After the commencement of this Act, every practitioner in the added territories who—(a) possesses any of the qualifications specified in the Schedule and who is registered under the Andhra Ayurvedic and Homoeopathic Medical Practitioners Registration Act, 1956 (Andhra Act XXVI of 1956) as in force in the added territories immediately before the commencement of this Act, shall be deemed to be a practitioner registered under clause (a) of sub-section (1) of section 15; and (b) does not possess any of the qualifications referred to in clause (a), but who is registered under the Andhra Ayurvedic and Homoeopathic Medical Practitioners Registration Act, 1956 (Andhra Act XXVI of 1956), as in force in the added territories immediately before the commencement of this Act, by virtue of his practice in Homeopathy for the period specified in that Act, shall be deemed to be a practitioner registered under clause (b) of sub-section (1) of section 15. (7) The registrar shall, on receipt of an application made in this behalf in the prescribed manner by any such practitioner as is referred to in sub-section (6) and after making such inquiry as he deems fit, enter in the relevant register maintained under sub-section (2) of section 16 the name of such practitioner. No fee shall be payable for making any such entry. (8) Notwithstanding anything contained in this Act or in any other law for the time being in force, all persons possessing any of the qualifications specified in the Schedule, who at the commencement of this Act are practising both Homeopathy and modern medicine shall be entitled to continue such practice. Explanation. - For the purpose of this section, the expression "added territories" shall mean the territories specified in the Second Schedule to the Andhra Pradesh and Tamil Nadu (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959).

## Schedule

Qualifications In Homeopathy [See sections 4(1), 15(1)(a), 16(2)(i), 22, 34, 38(6)(a) and (8)]

### 1. Any of the following post-graduate diplomas of the Faculty of Homeopathy (London), namely:-

(1) F.F. Horn. (Lond.). (2) M.F. Horn. (Lond.). (3) D.F. Horn. (Lond.).

**2. Any diploma granted by any of the following institutions in West Bengal, namely:-**

(1)The Calcutta Homoeopathic Medical College.(2)D. N. De Homoeopathic Medical College.(3)The Prathap and Herring Homoeopathic Medical College.(4)The Midnapore Homeopathy Medical College.(5)The Bengal Alien Homeopathy Medical College.

**3. Government diploma in Integrated Medicine (HOMEOPATHY) awarded by the Board of Indian Medicine, Hyderabad.**

**4. Any degree, diploma, licence, certificate or any other like award conferred, granted or issued on passing the final examination held by the General Council and State Faculty of Homoeopathic Medicine, West Bengal**

**5. Any degree, diploma, licence, certificate or any other like award conferred, granted or issued on passing the final examination held by the Council of Homoeopathic Medicine, Calcutta, West Bengal.**

**6. Any degree, diploma, licence, certificate or any other like award conferred, granted or issued on passing the final examination held by the Andhra Board for Ayurveda and Homeopathy, Hyderabad, Andhra Pradesh.**

**7. Any degree, diploma, licence, certificate or any other like award conferred, granted or issued on passing the final examination held by the State Board of Homoeopathic System of Medicine, Patna, Bihar.**

**8. Any degree, diploma, licence, certificate or any other like award conferred, granted or issued on passing the final examination held by the Board of Homoeopathic System of Medicine, Delhi.**

**9. Any degree, diploma, licence, certificate or any other like award conferred, granted or issued on passing the final examination held by the Council of Homoeopathic System of Medicine, Trivandrum, Kerala State.**

**10. Any degree, diploma, licence, certificate or any other like award conferred, granted or issued on passing the final examination held by the Board of Homoeopathic and Bio-Chemical Systems of Medicine,-Madhya Pradesh, Bhopal.**



**11. Any degree, diploma, licence, certificate or any other like award conferred, granted or issued on passing the final examination held by the Court of Examiners in Homeopathy, Bombay, Maharashtra.**

**12. Any degree, diploma, licence, certificate or any other like award conferred, granted or issued on passing the final examination held by the State Board of Homoeopathic System of Medicine, Lucknow, and Agra University, Agra.**