

Maharashtra Homoeopathic Practitioners' Act, 1960

MAHARASHTRA

India

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Act 12 of 1960

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Maharashtra Homoeopathic Practitioners' Act, 1960 Act No. 12 of 1960 For Statement of Objects and Reasons, see Bombay Government Gazette, 1959, Part V, pages 652-655. [This Act received the assent of the President on the 12th March, 1960; assent first published in the Maharashtra Government Gazette, Part IV on the 18th March, 1960.] An Act to consolidate and amend the law relating to the regulation of qualifications and registration of Homoeopathic [***] [The words 'and Biochemic' were deleted by Maharashtra 19 of 1988, Section 2.] Practitioners in the State of Bombay Whereas it is expedient to consolidate and amend the law relating to the regulation of qualifications and registration of Homoeopathic [* *] [The Words 'and Biochemic' were deleted by Maharashtra 19 of 1988, Section 3(a).] Practitioners in the State of Bombay with a view to encourage the study and spread [of this system] [These words were substituted for the words 'of these systems' by Maharashtra 19 of 1988, Section 3(b).]; It is hereby enacted in the Tenth Year of the Republic of India as follows, namely:-

Chapter I Preliminary

1. Short title, extent and commencement.

(1) This Act may be called [The Maharashtra Homoeopathic Practitioners' Act] [This Short title was substituted for the Short title 'the Bombay Homoeopathic Practitioners' Act, 1959' by Maharashtra 24 of 2012, Schedule entry No. 83 (w.r.e.f. 1.5.1960)]. (2) It extends to the whole of the [State of Maharashtra] [These words were substituted for the words 'State of Bombay' by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.]. (3) It shall come into force on such [day] [27th day of October, 1961, vide G.N. U.D. & P.H.D., No, BHP. 1059 (a)-Unification, dated the 26th October, 1961.] as the State Government may, by notification in the Official Gazette appoint.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context,-(1)"Appointed day" means the day on which this Act comes into force;(2)[* **] [Clause (2) was deleted by Maharashtra 19 of 1988, Section 5(a).](3)[* **] [Clause (3) was deleted by Maharashtra 16 of 1988, Section 2(a).](4)"By-laws" means the by-laws made under section 35;(4A)["Central Council" means the Central Council of Homoeopathy constituted under section 3 of the Homoeopathy Central Council Act, 1973;] [Clause 4A was inserted by Maharashtra 19 of 1988, Section 5(b).](5)["Council" means the Maharashtra Council of Homoeopathy [* **] [Clause 5 was substituted by Maharashtra 16 of 1988, Section 2(b)] established under section 3;](6)[* ** *] [Clauses (6) and (7) were deleted by Maharashtra 16 of 1988, Section 2(c).](7)[* ** *] [Clauses (6) and (7) were deleted by Maharashtra 16 of 1988, Section 2(c).](8)["Homoeopathy" means the Homoeopathic System of Medicine and includes the use of Biochemic remedies;] [Clause (8) was substituted by Maharashtra 19 of 1988, Section 5(d).](9)"Inspector" means an Inspector appointed by the [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 2(d).](10)[* ** *] [Clause (10) was deleted by Maharashtra 16 of 1988, Section 2(e).](11)["Member" means a member of the council;] [Clause (11) was substituted by Maharashtra 16 of 1988, Section 2(f).](12)"Practitioner" means a practitioner of the Homoeopathic [* *] [The words 'or Biochemic' were deleted by Maharashtra 19 of 1988, Section 5(e).] System of Medicine;(13)"President" means the President of the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 2(g).](14)"Recognised institution" means any institution recognised under section 30 for giving instructions in the courses leading to the examinations held by the [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 2(h).];(14A)["recognized medical qualification" means any of the medical qualifications in Homoeopathy, included in the Second or Third Schedule to the Homoeopathy Central Council Act, 1973;] [Clause (14A) was inserted by Maharashtra 19 of 1988 Section 5(f)](15)"Register" means the register of practitioners prepared and maintained under section 20 [* **] [The words 'or section 21' as added by Maharashtra 16 of 1988, were deleted by Maharashtra 19 of 1988, Section 5(g).](16)"Registered practitioner" means a practitioner whose name is for the time being entered in register;(17)"Registrar" means the Registrar appointed under section 1 [* **] [The words 'or section 21' as added by Maharashtra 16 of 1988, were deleted by Maharashtra 19 of 1988, Section 5(g).](18)"Regulations" means the regulations made under section 35;(19)"Rules" means the rules made under section 33;(20)"Schedule" means a Schedule appended to the Act.(21)["Vice-president" means the Vice-President of the Council.] [Clause (21) was added by Maharashtra 16 of 1988, Section 2(f).]

Chapter II

Constitution, Functions and Powers of the [Council] [This word was substituted by Maharashtra 16 of 1988, Section 3.]

3. [Establishment and incorporation of Council, and appointment of Administrator. - (1) (a) On the date of commencement of the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985, a Council to be called 'The Maharashtra Council of Homoeopathy [*] [Section 3 was substituted by Maharashtra 16 of 1988, Section 4.] shall be deemed to have been established.**

(b)The Council shall be a body corporate by the name aforesaid, and have perpetual succession and a common seal, with power to acquire, hold and dispose of property and to contract and may by the said name sue and be sued.(2)Notwithstanding anything contained in section 36 or 39, or any other provisions of this Act,-(a)the State Government may appoint any person as an Administrator under this section to exercise all the powers and perform all the duties of the Council established under sub-section (1) during the period he holds office of the Administrator under sub-section (3);(b)Without prejudice to the provisions of clause (a), on and with effect from the date of commencement of the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985, the persons appointed under section 36 to exercise all the powers and perform all the duties of the Board or the Court and holding office immediately before such commencement date shall be deemed to have been appointed as an Administrator and he shall exercise all the powers and perform all the duties of the Council established under sub-section (1) during the period he holds office of the Administrator under sub-section (3).(3)The term of office of the Administrator functioning under sub-section (2) shall expire on the day immediately preceding the date on which the first meeting of the Council is held, after election of the members, under clause (a) of sub-section (3) of section 4.(4)The Administrator shall be paid from the fund of the Council such salary and allowances as the State Government may from time to time determine.]

3A. [Constitution of Council. - (1) The Council shall consist of the following eleven members, including the President and the Vice-President,-

(a)the Deputy Director of Homoeopathy, ex-officio;(b)four members nominated by the State Government from amongst persons having special knowledge or practical experience in respect of Homoeopathy [***](c)three members elected by registered practitioners whose names are entered in the register maintained under section 20, from amongst themselves;(d)(i)one member elected by the Principals or Heads of recognised institutions, from amongst themselves; and(ii)two members elected by the teachers (other than Principals or Heads) of recognised institutions, from amongst themselves;who are registered practitioners possessing [any of the recognised medical qualifications] [These words were substituted for the words 'any of the qualifications specified in the First Schedule' by Maharashtra 19 of 1988, Section 7(b)(1).] and are engaged in teaching [in the Homoeopathic system of] [These words were substituted for the words 'in any of the systems of Homoeopathic or Biochemic' by Maharashtra 19 of 1988, Section 7(b)(ii).] medicine in any recognized institution for a period of not less than two years immediately preceding the day fixed for the nomination of candidates for such election:Provided that, the members to be elected under sub-clauses (i) and (ii) shall be persons other than those nominated or elected under the preceding clauses.(2)If at any election the electors fail to elect the requisite number of members to the Council,

the State Government shall nominate such registered practitioners as it deems fit, to fill the vacancies which remain unfilled after the election; and references to elected members or election of the members in this Act shall be construed as including references to members so nominated or such nomination of the members.(3)The President and the Vice-President of the Council shall be elected by the members of the Council by ballot, from amongst themselves.] [Section 3A was inserted by Maharashtra 16 of 1988, Section 5.]

4. Time, place and manner of election of members [President and Vice-President.] [These words were added by Maharashtra 19 of 1988, Section 6(d).]

- [(1) (a)] [Sub-section (1) of section 4 was renumbered as clause (a) of that sub-section and clause (b) was inserted by Maharashtra 42 of 1975, Section 2.] The election of members under [section 3A] [This word, figure and letter was substituted for the word and figure 'section 3' by Maharashtra 16 of 1988, Section 6(a)(i).] shall be held at such time and at such place and in such manner as may be prescribed by rules.(b)[If any dispute arises regarding any election referred to in clause (a), it shall be referred for decision of the State Government [within thirty days from the date of the election] [Sub-section (1) of section 4 was renumbered as clause (a) of that sub-section and clause (b) was inserted by Maharashtra 42 of 1975, Section 2.] and its decision shall be final.](2)The Registrar shall, at least three months before the date fixed for the election of the [Council] [This word was substituted for the word 'Board' by Maharashtra 42 of 1975, Section 6(b).], cause to be printed and published a correct list of the names and qualifications of all practitioners for the time being entered in the register and the dates when such qualifications were acquired.(3)[(a) Within seven days after the nomination and election of members under the foregoing provisions, a meeting shall be called for the election of the President and Vice-President on such date as the Deputy Director of Homoeopathy may fix. Such election shall be by ballot.(b)The meeting called under clause (a) shall be presided over by the Deputy Director of Homoeopathy, and he shall have the right to vote. The Deputy Director presiding over such meeting (hereinafter referred to in this section as "the Presiding Officer") may, for reasons recorded in writing which in his opinion are sufficient, refuse to adjourn such meeting, or as the case may be, adjourn such meeting.(c)If in the election of the President or Vice-President, there is an equality of votes, the result of the election shall be decided by lot to be drawn in the presence of the Presiding Officer, in such manner as he may determine.(d)In the event of a dispute arising as to the validity of the election of a President or Vice-President, the Presiding Officer may, within thirty days from the date of the election, refer the dispute to the State Government for decision. The decision of the State Government in such dispute shall be final and conclusive and shall not be questioned in any Court.(4)The election of the President and Vice-President on any occasion other than the one referred to in sub-section (3) shall be held before the expiry of their term or soon after the occurrence of a casual vacancy in the office of the President or Vice-President and in such manner as may be prescribed by rules.] [Sub-sections (3) and (4) were added by Maharashtra 16 of 1988, Section 6(c).]

5. Term of Office.

(1) Save as otherwise provided by this Act, the term of office of the members, whether elected or nominated, shall be for a period of five years commencing from the date on which the first meeting of the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 7(a)(i).] is held [under clause (a) of sub-section (3) of section 4.] [These words, brackets, letter and figures were substituted for the words and figure 'after the election of the members under section 3' by Maharashtra 16 of 1988, Section 7(a)(ii).] (2) The term of office of an outgoing member shall be deemed to extend to and expire with the day immediately before the day of the first meeting referred to in sub-section (1). (3) An outgoing member shall be eligible for re-election or re-nomination. (4) [The term of office of the President and Vice-President shall be for a period of one year from the date of their election as President or Vice-President, as the case may be: Provided that, at no time the term of office of the President or Vice-President shall exceed the term of such President or Vice-President, as a member.] [Sub-section (4) was added by Maharashtra 16 of 1988, Section 7(b).]

6. Extension of period of [Council.] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 8.]

- Notwithstanding anything contained in section 5, the State Government may by a notification in the Official Gazette extend the term of office of the members of the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 8.] for a further period not exceeding one year in the aggregate.

7. Casual vacancies.

- [(1) Any casual vacancy, prior to the expiry of the term, in the office of the President or Vice-President due to death, resignation, removal, disability or disqualification of the President or Vice-President or any other reason shall be filled by election.] [Sub-section (1) was substituted by Maharashtra 16 of 1988, Section 9(a).] (2) Any such vacancy in the office of a member of the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 9(b).] nominated by the State Government shall be filled by nomination. (3) [Any such vacancy in the office of the member of the Council elected by the registered practitioners, or the Principals or heads, or the teachers, of the recognized institutions, shall be filled by the State Government by nomination of a person from a panel of three registered practitioners, or the Principals or heads, or the teachers, as the case may be, by a resolution of the Council recommended by a resolution passed by a majority of all the then members of the Council: Provided that, if the Council fails to pass such a resolution within a period of thirty days from the date of occurrence of the vacancy, the State Government may appoint any registered practitioner, or Principal or head, or teacher, as the case may be, to fill the vacancy and the practitioner, or the Principal or head or the, teacher so appointed shall, for purposes of this sub-section be deemed to have been duly nominated.] [Sub-section (3) was substituted by Maharashtra 16 of 1988, Section 9(c).] (4) Any person nominated or elected to fill a casual vacancy under this section shall, notwithstanding anything contained in section 5, hold office only so long as the person in whose place he is nominated or elected would have held office, if the

vacancy had not occurred.

8. [Resignation. - (1) A nominated member may at any time resign his office by a notice in writing to the State Government. An elected member may at any time resign his office by a notice in writing to the President. Such resignation shall take effect from, the date on which the resignation is accepted by the State Government, or the President, as the case may be.

(2)The President or the Vice-President may at any time resign his office by a notice in writing to the State Government. The resignation shall take effect from the date on which such resignation is accepted by the State Government.] [Sub-section (8) was substituted by Maharashtra 16 of 1988, Section 10.]

9. Disqualification and disability.

(1)No person-(a)who is an undischarged insolvent;(b)who has been adjudged to be of unsound mind by a competent Court;(c)whose name has been removed from the register; or(d)who is a full time officer or servant of [the Council; [**] [The words 'the Council; or' were substituted for the words the Board or the Court' by Maharashtra 16 of 1988, Section 11(a).]] shall be eligible to be elected or nominated or to continue to be a member.(2)If any member-(a)absents himself from three consecutive ordinary meetings of the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 11(b)(i).] without such reasons as may, in the opinion of the State Government in the case of the President [and the Vice-President] [These words were inserted by Maharashtra 16 of 1988, Section 11(b)(ii).] and in the opinion of the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 11(b)(i).] in the case of any other member, be sufficient; or(b)becomes or is found to be subject to any of the disqualifications mentioned in sub-section (1), the State Government shall declare his office vacant.(3)The State Government may, on the recommendation of the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 11(c).] supported by at least two-thirds of the whole number of members, remove any member elected or nominated under this Act, if such member has been guilty of misconduct in the discharge of his duties as a member or of any disgraceful conduct or has become incapable of performing his duties as a member:Provided that no resolution recommending the removal of any member shall be passed by the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 11(c).] unless the member to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

10. Meetings of the [Council.] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 12(f).]

(1)The meetings of the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 12(a).] shall be convened, held and conducted in such manner as may be prescribed by rules.(2)[The President, if present, shall preside at every meeting of the Council. If at any

meeting the President is absent, then the Vice-President, and in the absence of both, some other member elected by the members present, from amongst themselves, shall preside at such meeting.] [Sub-section (2) was substituted by Maharashtra 16 of 1988, Section 12(b).](3)All questions at a meeting of the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 12(c).] shall be decided by the votes of the majority of the members present and voting at the meeting.(4)[The presiding authority at a meeting shall have and exercise a second or a casting vote in case of an equality of votes.] [Sub-section (4) was substituted by Maharashtra 16 of 1988, Section 12(d).](5)[six members of the council including the President and Vice-President] [These words were substituted for the words 'Eight members including the President' by Maharashtra 16 of 1988, Section 12(e).] shall form a quorum. When a quorum is required but not present, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as it may notify and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or any subsequent adjournment thereof, whether there be a quorum present or not.

11. Proceedings of meetings and validity of acts.

(1)The proceedings of every meeting of the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 13(a).] shall be treated as confidential and no person shall, without the previous permission of the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 13(a).] disclose any portion thereof:Provided that nothing in this section shall be deemed to prohibit any person from disclosing or publishing the text of any resolution passed or considered by the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 13(a).] unless the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 13(a).] directs such resolution to be treated as confidential.(2)No disqualification of or defect in election, nomination or appointment of any person as a member or as the President [or as the Vice-President] [These words were inserted by Maharashtra 16 of 1988, Section 13(b)(i).] of a meeting shall of itself be deemed to vitiate any act or proceedings of the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 13(b)(ii).] in which such person has taken part, whenever the majority of persons, parties to such act or proceedings, were entitled to vote.(3)During any vacancy in the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 13(c).] the continuing members may act as if no vacancy had occurred.[12 . Fees and allowances for meetings. - There shall be paid to the President, the Vice-President and other members of the Council and to the members of the committees, such fees and allowances for attendance at meeting, and such travelling allowances as may from time to time be prescribed by rules] [Section 12 was substituted by Maharashtra 16 of 1988, Section 14.]

13. [Income and expenditure of Council. - (1) ,The income of the Council shall consist of,-

(a)fees received from the practitioners;(b)fees received from the examinees;(c)any other fees collected by the Council;(d)grants received from the State Government;(e)donations and any other sums received by the Council.(2)It shall be competent for the Council to incur expenditure for the

following purposes, namely:-(a)salaries and allowances of the Registrar and the staff including the Inspectors appointed by the Council;(b)fees and allowances paid to the members of the Council, its committees;(c)remuneration paid to paper setters, examiners, moderators and other, persons appointed by the Council for the conduct of examinations;(d)other expenses for the conduct of examinations;(e)such other expenses as are necessary for performing its duties and functions under this Act, rules made thereunder or the regulations or by-laws made by the Council.]

14. [Powers, duties and functions of Council. - Subject to such condition as may be prescribed by or under the provisions of this Act, the powers, duties and functions of the Council shall be-

(a)to provide for registration of practitioners and to maintain the register;(b)to hear and decide appeals from any decision of the Registrar;(c)to reprimand a registered practitioner, or to suspend or remove him from the register or to take such other disciplinary action against him as may, in the opinion of the Council, be necessary or expedient;(d)to hold examinations, to make all the necessary arrangements of such examinations and to charge fees therefor;(e)to [* *] conduct the courses of training leading to the examinations held by the Council;(f)to grant degrees, diplomas and marks of honour;(g)to award stipends, scholarships, medals, prizes and other rewards;(h)to recommend recognition of institutions for the purpose of giving instructions for the courses leading to the examinations held by the Council, or to recommend the cancellation of such recognition;(i)[****]
[Clause (i) was deleted by Maharashtra 19 of 1988, Section 9(b).](j)to prepare, publish and prescribe text books, and to publish statements [of courses of study prescribed by the Central Council.] [These words were substituted for words 'of prescribed courses of study' by Maharashtra 19 of 1988, Section 9(c).](k)to provide for the maintenance of an adequate standard of proficiency for the practice of Homoeopathic [system of medicine] [These words were substituted for the words and Biochemic system of medicine' by Maharashtra 19 of 1988, Section 9(d).];(l)to found and maintain libraries;(m)to recommend and promote schemes for post-graduate training and research in Homoeopathy and Biochemistry;(n)to provide for the inspection of recognised institutions or any other institutions giving instructions for any of [the recognised medical qualifications] [These words were substituted for the words The qualifications included in the First Schedule' by Maharashtra 19 of 1988, Section 9(e).] and to require such institutions to furnish such information as may be necessary;(o)to appoint boards of studies and committees consisting of persons who may or may not be members of the Council, but at least half of the number of such persons on the board or committee shall be the practitioners whose names are entered in register, and to make regulations for the constitution, duties and functions of such boards and committees;(p)subject to the approval of the State Government, to receive donations and to determine the conditions of acceptance of donations;(q)to exercise such other powers and perform such other duties and functions as are laid down in this Act, or may be prescribed by rules or by regulations or by-laws.]

15. Registrar and other employees of [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 17(g).]

- [(1) The-State Government shall, after consulting the Council, appoint a Registrar; who shall be the Secretary and Executive Officer' of the Council. The salary, allowances and other conditions of service of Registrar shall be such as may be prescribed by rules.] [Sub-section (1) was substituted by Maharashtra 16 of 1988, Section 17(a).];(2)The [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 17(b).] may from time to time grant leave to the Registrar:Provided that if the period of leave does not exceed two months the leave may be granted by the President.During any such temporary vacancy in the office of the Registrar due to leave or any other reason, the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 17(c).] may with the previous sanction of the State Government appoint another person to act in his place and any person so appointed shall for the period of such appointment be deemed to be the Registrar for the purposes of this Act:Provided that when the period of such vacancy does not exceed two months the appointment may be made by the President, who shall forthwith report such appointment to the State Government.(4)[The State Government may, after consulting the Council, suspend, dismiss or remove any person appointed as the Registrar, or impose any other penalty upon him, as it may deem necessary.] [Sub-section (4) was substituted by Maharashtra 16 of 1988 Section 17(d).](5)[*****] [Sub-section (5) was deleted by Maharashtra 16 of 1988, Section 17(e).](6)The [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 17(f).] shall from time to time prescribe by regulations the number and designation and the salaries, allowances and .other conditions of service of other officers and servants as may be necessary for the purposes of carrying out its duties and functions under this Act:Provided that the power to make appointment of any such officer or servant shall vest in the President.(7)The Registrar and any other officer or servant appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

15A. [Executive Committee of [Council] [Section 15A was inserted by Maharashtra 20 of 1962 Section 4.]. - (1) The [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 18.] shall, as soon as may be, constitute an Executive Committee consisting of the President, ex-officio, and such number of other members elected by the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 18.] from amongst its members, as may be prescribed by rules.

(2)The term of office of, the manner of filling casual vacancies among, and the procedure to be followed by, the members of the Executive Committee shall be such as may be prescribed by rules.(3)The Executive Committee shall exercise such powers, perform such duties, and discharge such functions, of the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 18.] as may be delegated to it by rules or entrusted to it, from time to time, by the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 18.].] [Section 14 was substituted by Maharashtra 16 of 1988, Section 16]

Chapter III

(Sections 16, 17, 18, 19 and 19A)

[Deleted by Maharashtra 16 of 1988, Section 19]

Chapter IV

[Registration of Practitioners] [The heading of Chapter IV was substituted by -Maharashtra 16 of 1988, Section 20.]

20. Preparation of Register.

(1)As soon as may be after the appointed day, the Registrar shall prepare and maintain thereafter a register of Homoeopathic [* *] [The words 'and Biochemic' were deleted by Maharashtra 19 of 1988, Section 10(a).] practitioners for the [State of Maharashtra] [These words were substituted for the words 'State of Bombay' by Maharashtra 16 of 1988, Section 21(a)] in accordance with the provisions of this Act.(1A)[The register shall contain the names of practitioners, whose names are,-(i)continued on the register under sub-section (4); and(ii)entered in the register under sub-section (3) or (5) on or after the date of commencement of the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985.](2)The registers shall include the following particulars, namely:- (a)the full name, nationality and residential address of the registered practitioners;(b)the date of his admission to the register;(c)the qualifications for registration and the date of which he obtained his degree, diploma or any other like award in Homoeopathy [* *] [The words 'or Biochemistry' were deleted by Maharashtra 19 of 1988, Section 10(c).] if any, and the authority which conferred or granted it;(d)his professional address; and(e)such further particulars as may be prescribed by rules.(3)Every person who possesses any of the [recognised medical qualifications] [These words were substituted for the words 'qualifications specified in the First Schedule' by Maharashtra 19 of 1988, Section 10(d)(i).] shall, at any time on an application made in the form prescribed by rules to the Registrar and on payment of [such fee as the State Government may by notification in the Official Gazette, specify] [These words were substituted by Maharashtra 22 of 2011, Section 2(a), (w.e.f. 22.7.2011)] be entitled to have his name entered in the register.(3A)[(a) If the courses of study to be undergone for obtaining any of the recognised medical qualifications include a period of training after a person has passed the qualifying examination, and before such qualification is conferred on him, any such person shall, on an application made to the Registrar, in the form prescribed by the Rules and on payment of such fee, as the State Government may, by notification in the Official Gazette, specify, be granted a provisional registration in order to enable him to practice Homoeopathic system of medicine in the Recognised Institution for the purpose of such training and for no other purpose, for the period aforesaid;(b)every person who is granted a provisional registration under clause (a) shall be given a certificate of provisional registration in the form prescribed by the Rules, which shall remain in force for such period as may be specified therein.](4)[The register maintained under this section and in force on the day immediately preceding the date of commencement of the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985 (hereinafter in this sub-section referred to as "the Amending Act") shall be

deemed to be the register maintained under the principal Act as amended by the Amending Act and the name of every person whose name is entered in such register shall, subject to the provisions of this Act, continue to be on the register. (5) Notwithstanding anything contained in any law for the time being in force, every person entitled to be or is enrolled on the register maintained under the Homoeopathy Central Council Act, 1973, but not enrolled on the register maintained under this Act, shall, on an application and on payment of the fee as provided in sub-section (3), be entitled to have his name entered in the register maintained under this Act. [Sub-section (4) and (5) were substituted for sub-sections (4) to (11) by Maharashtra 16 of 1988, section 21(c).] (12)(a) Every registered practitioner shall be given a certificate of registration in the form prescribed by rules [and shall practice [Homoeopathy] [These words were inserted by Maharashtra 16 of 1988, Section 21(d)(i).] only. The registered practitioner shall display the certificate of registration in a conspicuous place in his dispensary, clinic or place of practice. [Sub-section (3A) was inserted by Maharashtra 22 of 2011, Section 2(b), (w.e.f. 22.7.2011)] (b) [Such certificate shall be valid until it is duly cancelled and the name of the practitioner is removed from the register under the provisions of this Act; and every certificate of registration given before the commencement of the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1974, which is valid on such commencement shall, subject to the provisions of section 26, be valid likewise, and shall continue accordingly.] [Clause (b) was substituted for the original by Maharashtra 39 of 1974, Section 2(b).] (c) [where it is shown to the satisfaction of the Registrar that a certificate of registration has been defaced, lost or destroyed, the Registrar may on payment of the prescribed fee, issue a duplicate certificate in the form prescribed under clause (a).] [Clause (c) was added by Maharashtra 16 of 1988, Section 21(d)(ii).] (13) (a) Any registered practitioner to whom a certificate of registration is issued before the day immediately preceding the date of commencement of the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985, and such certificate is still in operation, may, at any time, by an application in writing, accompanied by such certificate (in original) and a fee of five rupees; apply to the registrar for issue of a fresh certificate of registration in lieu of the certificate issued earlier. (b) On receipt of such application, the Registrar shall cancel such certificate and issue a fresh certificate of registration in the form prescribed by rules made under clause (a) of sub-section (12).]

21.

[Deleted by Maharashtra 19 of 1988, Section 11.]

22. Undertaking to be given for entering in Register [* *] [The words 'or list' were deleted by Maharashtra 16 of 1988, Section 23(g).]

- Notwithstanding anything contained [in section 20] [These words were substituted for the words 'in sections 20 and 21' by Maharashtra 19 of 1988, Section 12.], the name of any practitioner shall not be entered in the register [* *] [The words 'or the list' were deleted by Maharashtra 16 of 1988, Section 23(a).] unless he gives an undertaking in writing executed in such manner as may be prescribed by rules that he shall not use any degree, diploma, [licence or certificate] [These words were substituted for the words 'or licence' by Maharashtra 16 of 1988, section 23(b).] which is identical with or is colourable imitation of any degree, diploma, [licence or certificate] [These words

were substituted for the words 'or licence' by Maharashtra 16 of 1988, section 23(b).] granted by a body or institution authorised under the Indian Medical Degrees Act, 1916, the Indian Medical Council Act, 1956, [the Maharashtra Medical Practitioners' Act, 1961,] [These words were substituted for the words and figures 'the Bombay Medical Act, 1912 or the Bombay Medical Practitioners Act, 1938' by Maharashtra 16 of 1988, Section 23(c).] or under any corresponding law for the time being in force in any part of the [State of Maharashtra] [These words were substituted for the words 'State of Bombay' by the Maharashtra Adaptation Laws (State and Concurrent Subjects) Order, 1960.]. It shall be lawful for such person to use after his name the words "Registered Homoeopathic Practitioner" [*] **[The word 'or' as inserted by Maharashtra 16 of 1988, was deleted by Maharashtra 19 of 1988, Section 12(b).]** [*] [The words 'Registered Biochemic Practitioner, as the case may be' were deleted by Maharashtra 19 of 1988, Section 12(b).] [* * * *] [The words 'enlisted Homoeopathic Practitioner' or enlisted Biochemic Practitioner' were deleted by Maharashtra 16 of 1988, Section 23(e).] in full to indicate that his name has been entered in the register [* * *] [The words 'or that list ., respectively' were deleted by Maharashtra 16 of 1988, section 23(f).] under this Act.

23. Removal of names from register.

(1)(a)If a registered practitioner has been, after due inquiry held by the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 24(a)(i).] in the manner prescribed by rules, found guilty of any misconduct, the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 24(a)(i).] may-(i)issue a letter of warning addressed to such practitioner, or(A)to be removed from the register for such period as may be specified in the direction, or(B)to be removed from the register permanently.(ii)direct the name of such practitioner-Explanation.- For the purposes of this section "misconduct" shall mean-(i)conviction of the registered practitioner by a criminal court for an offence which involves moral turpitude and which is cognizable within the meaning of the [Code of Criminal Procedure, 1973] [These words were substituted for the words 'Code of Criminal Procedure, 1898', ibid, Section 24(a)(ii).] or(ii)conviction under the Army Act, 1950, of the registered practitioner subject to military law for an offence which is cognizable within the meaning of the [Code of Criminal Procedure, 1973] [These words were substituted for the words 'Code of Criminal Procedure, 1898', ibid, Section 24(a)(ii).] or(iii)any conduct, which, in the opinion of the Board, is infamous in relation to the profession.(b)The Board may, on sufficient cause being shown, direct at any time that the name of the practitioner so removed shall be re-entered in the register on such conditions and on the payment of such fees as may be prescribed by rules and on such further conditions as the Board may impose.(2)[If the name of any such practitioner is entered in the register maintained under the Maharashtra Medical Practitioners' Act, 1961, or the Maharashtra Medical Council Act, 1965, or any other corresponding law for the time being in force in any part of the State of Maharashtra, it shall be the duty of the Council to give intimation of such removal to the authority responsible to maintain the said register.] [Sub-section (2) was substituted by Maharashtra 16 of 1988, Section 24(b).](3)[If the name of registered practitioner is also entered in the register maintained under any of the laws referred to in sub-section (2) and it is removed from the said register, the Registrar, with the approval of the Council, shall also remove his name from the register under this Act.] [Sub-section (3) was substituted by Maharashtra 16 of 1988, Section 24(c).](4)The [Council] [This

word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 24(d).] may, on its own motion or on the application of any person, after due and proper enquiries and after giving an opportunity to the person concerned of being heard, cancel or alter any entry in the register, if, in the opinion of the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 24(d).], such entry was fraudulently or incorrectly made.(5)In holding inquiries under this section, the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 24(d).] shall have the same powers as are vested in civil courts under the Code of Civil Procedure, 1908 when trying a suit, in respect of the following matters, namely:-(a)enforcing the attendance of any person and examining him on oath;(b)compelling the production of documents;(c)issuing of commissions for the examination of witnesses.(6)All inquiries under this section shall be deemed to be judicial proceeding within the meaning of sections 193, 219 and 228 of the Indian Penal Code.(7)(a)[(a) For the purpose of advising the Council or the Executive Committee on any question of law arising in any inquiry before it, there may be appointed by the Council an assessor who has been-for not less than ten years-(i)an Advocate enrolled under the Advocates Act, 1961; or(ii)an attorney of a High Court.](b)Where an assessor advises the [Council or the Executive Committee] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 24(e).] on any question of law as to evidence, procedure or any other matter, he shall do so in the presence of every party, or person representing a party, to the inquiry who appears thereat, or if the advice is tendered after the [Council or the Executive Committee] [This word was substituted for the word Board by Maharashtra 16 of 1988, Section 24(e).] has begun to deliberate as to their findings, every such party or person as aforesaid shall be informed what advice the assessor has tendered. Such party or person shall also be informed, if in any case the Board does accept the advice of the assessor on any such question as aforesaid.(c)Any assessor under this section may be appointed either generally or for any particular inquiry or class of inquiries and shall be paid such remuneration as may be prescribed by rules.(8)[*****] [Clause (8) was deleted by Maharashtra 16 of 1988, Section and figures 24(g).]

24. Persons not entitled to registration [* *] [The words 'or enlistment' were deleted by Maharashtra 16 of 1988, Section 25(c).]

[Clause (a) was substituted by Maharashtra 16 of 1988, Section 24(f)(I).] - Notwithstanding anything contained [in section 20] [These words were substituted for the words 'in sections 20 and 21' by Maharashtra 19 of 1988, Section 13(a).], no person whose name has been removed for infamous conduct in a professional respect from any register [*** *] [The words 'or list' were deleted by Maharashtra 16 of 1988, Section 25(a).] kept under-(i)the Bombay Homoeopathic Act, 1951;(ii)the Madhya Pradesh Homoeopathic and Biochemic Practitioners' Act, 1951; or(iii)any law for the time being in force in India or any part thereof regulating the registration of practitioners of medicine, shall be entitled to have his name entered in the register [prepared under section 20] [These words were substituted for the words, 'or the list prepared under sections 20 and 21 respectively' by Maharashtra 16 of 1988, Section 25(b).], unless his name is duly restored to the register [* *] [The words 'or the list' were deleted by Maharashtra 19 of 1988, section 13(b).] from which it was removed.

25. Maintenance of register [* *] [The words 'and list' were deleted by Maharashtra 16 of 1988, Section 26(c).]

[Sub-section (13) was added by Maharashtra 16 of 1988, Section 21(e),](1) It shall be the duty of the Registrar to make entries in the register, from time to time, to revise the same and to issue the certificates of registration [* *] [The words 'and renewal slips' were deleted by Maharashtra 39 of 1974, Section 4.] in accordance with the provisions of this Act, the rules made thereunder and the orders of the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 26(a).](2)The names of registered practitioners who die or whose names are directed to be removed from the register under sub-section (1) of section 23 shall be removed therefrom.(3)No alteration in the entries as respects additional qualifications or change of name of the practitioner shall be made except on payment of such fees as may be prescribed by rules.(4)[*****]
[Sub-section (4) was deleted by Maharashtra 16 of 1988, Section 26(b).]

26. [Renewal of registration. - Notwithstanding anything contained in this Act, the certificate of registration or renewed certificate of registration issued to every Registered practitioner on or after the commencement of the Bombay Homoeopathic Practitioners' (Amendment) Act, 2011 shall be valid for a period of five years from the date of its issue or, as the case may be, of its renewal :

Provided that, any such certificate of registration or renewed certificate of registration, as the case may be which is valid on the date of commencement of the Bombay Homoeopathic Practitioners' (Amendment) Act, 2011, shall expire after a period of five years from the date of such commencement.] [Section 26 was substituted by Maharashtra 22 of 2011, Section 3, (w.e.f. 22.7.2011).]

26A. [Procedure for renewal of registration - (1) Every Registered practitioner who has been given a certificate of registration or who has obtained the renewed certificate of registration may get his certificate renewed by following the procedure mentioned in this section.

(2)Any application for renewal of the certificate of registration shall be made to the Registrar. The application shall be in such form and shall be submitted along with such documents, as may be prescribed by the RuleSection The application shall be accompanied by the certificate of registration and such renewal fee and late fee as the State Government may, by notification in the Official Gazette, specify :Provided that, such application shall be made not less than two months prior to the date on which the registration is to expire:Provided further that, the Registrar may, on sufficient cause being shown, entertain any such application made at any time before or within a reasonable time after expiry of the registration.(3)The Registrar shall, upon receipt of the application, make such enquiry as he may deem fit, and renew the certificate.(4)When the certificate is renewed, the Registrar shall endorse such renewal on the certificate of registration and return the same to the

Registered practitioner.

26B. Issue of Identity Card.

- The Registrar shall, at the time of issue of the certificate of registration as provided in sub-section (12) of section 20, also issue an Identity Card to the Registered practitioner. The Identity Card shall be in such form and shall contain such particulars as may be prescribed by the Rules: Provided that, in case of Registered practitioner holding the certificate of registration on the date of commencement of the Bombay Homoeopathic Practitioners' (Amendment) Act, 2011, the Registrar shall issue such Identity Card at the time of renewal of the certificate of registration.] [Section 26A and 26B were inserted by Maharashtra 22 of 2011, Section 4 (w.e.f. 22.7.2011)]

27. No refund of fees.

- Fees paid under sections 20, [*] [The figure 21 was deleted by Maharashtra 19 of 1988, Section 15.], [23] [The figure 23 was added by Maharashtra 16 of 1988, Section 28.], 25 and 26 shall be not refunded.

28. Right of registered practitioner.

- Notwithstanding anything in any law for the time being in force, -(i) the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word importing a person recognised by law as a medical practitioner or member of the medical profession shall, in all Acts of the Legislature in the [State of Maharashtra] [These words were substituted for the words State of Bombay, Maharashtra 16 of 1988, Section 29(a).] and in all Central Acts (in their application to the [State of Maharashtra] [These words were substituted for the words State of Bombay, Maharashtra 16 of 1988, Section 29(a).] in so far as such Acts relate to any matters specified in List II or List III in the Seventh Schedule to the Constitution of India, include a practitioner whose name is entered in the register under this Act; (i) a certificate required by any Act from any medical practitioner or medical officer shall be valid if such certificate has been signed by a practitioner whose name is entered in the register under this Act; (iii) a practitioner whose name is entered in the register shall be eligible to hold any appointment as a physician or other medical officer in any Homoeopathic [* * *] [The words 'or Blochemlc' were deleted by Maharashtra 19 of 1988, Section 16.] dispensary, hospital or infirmary supported by or receiving a grant from the State Government and treating patients according to the Homoeopathic, [* * *] [The words 'or Blochemlc' were deleted by Maharashtra 19 of 1988, Section 16.] system of medicine or in any public establishment, body or institution dealing with such system of medicine; (iv) every registered practitioner shall be exempt, if he so desires, from serving on an inquest, [under the Code of Criminal Procedure, 1973] [These words were substituted for the words 'or as a Junior under the Code of Criminal Procedure, 1898' by Maharashtra 16 of 1988, Section 29(b).].

Chapter V

Examinations Held by the [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 30.] [and] [This word was substituted for the words 'Courses of Studies' by Maharashtra 19 of 1988, Section 17(a).] Recognition of Institutions [* * *] [The words 'and recognition of Qualifications' were deleted by Maharashtra 19 of 1988, Section 17(b).]

29. Examinations held by the [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 31(c).] [* * *] [The words 'and course of Studies' were deleted by Maharashtra 19 of 1988, section 18(b)]

[Sub-section (1A) as inserted by Maharashtra 16 of 1988 was substituted by Maharashtra 19 of 1988, Section 10(b).] - The [Council] [The word was substituted for the word 'Court' by Maharashtra 16 of 1988, section 31(a).] shall by by-laws under section 35 prescribe the examinations to be held by it. [* * *] [The portion beginning with the words, 'the necessary' was deleted by Maharashtra 19 of 1988, Section 18.]

30. Recognition of Institutions.

(1) Every institution recognised under this section shall be entitled to train students for the examinations [in accordance with the regulations made by the Central Council for conferring the medical qualifications in Homoeopathy recognised by the Central Council.] [These words were substituted for the words 'of the Council for which it is recognized' *ibid.* Section 19(a).] (2) Any institution desirous of recognition under this Act shall send an application to the Registrar giving full information in respect of the following matters, namely:-(a) the constitution and personnel of the managing body; (b) subjects and courses in which it gives or proposes to give instruction and the examination for which it seeks recognition; (c) accommodation, equipment and the number of students for whom provision has been or is proposed to be made; (d) the strength of the staff, their salaries, qualifications and the research work carried out by them; (e) fees, levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for continued maintenance and efficient working of the institution: Provided that no application shall be entertained by the Registrar unless the institution agrees in writing to give all facilities to any inspectors, members, visitors or any other persons authorised by the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 12(a).] to make an inspection or enquiry or to attend any examination under sub-sections (3) to (9). (3) The Registrar shall place the application before the [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 32.] and the [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 32.] may direct the Registrar to call for any further information

which it may deem necessary. The [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 32.] may also direct a local inquiry to be made by a competent person or persons authorised by it in this behalf.(4)After recording the report of such local inquiry and after making such further inquiry as may be necessary, the [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 32.] shall forward the application together with its report to the State Government with its opinion whether the recognition asked for should or should not be granted. The State Government may thereupon grant or refuse the recognition or may grant it subject to such conditions as it deems fit. The decision of the State Government shall be final.(5)It shall be the duty of the [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 32.] to secure the maintenance of an adequate standard of proficiency for the practice of the Homoeopathic [* * *] [The words, 'or the Biochemic' were deleted by Maharashtra 19 of 1988, Section 19(b)(i).] system of medicine ,[as prescribed by the Central Council] [These words were inserted by Maharashtra 19 of 1988, Section 19(b)(ii).]. For the purpose of securing such standard, the [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 32.] shall have authority to call on the governing body or authorities of any recognised institutions to permit inspectors or any members or visitors appointed by the [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 32.] in this behalf to inspect the recognised institutions and the hospitals attached to them and to attend and be present at all or any of the examinations held by the institutionSection Every recognized institution shall comply with any reasonable direction issued by the [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 32.] from time to time.(6)The inspectors, members or visitors shall not interfere with the conduct of any examination but it shall be their duty to report to the [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 32.], their opinion as to the sufficiency or insufficiency of every examination which they attend and any other matters in regard to such institutions on which the [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 32.] may require them to report.(7)Every recognised institution and every examination held by such institution shall be inspected by the [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 32.] through its inspectors or members or visitors at least once in five years and more frequently if the [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 32.] so desires.(8)The [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 32.] shall forward a copy of every such report to the authorities of the institution in respect of which the said report was made and shall also forward a copy of such report, together with any observations thereon made by the said body, to the State Government [and the Central Council] [These words were added by Maharashtra 19 of 1988, section 19(c).].(9)An inspector, a member or a visitor shall receive such remuneration to be paid as part of the expenses of the [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 32.], as may be prescribed by by-laws under section 35.(10)[The provisions of this section shall be in addition to, and not in derogation of the relevant provisions in this behalf in the Homoeopathy Central Council Act, 1973.] [Sub-section (10) was added by Maharashtra 19 of 1988, Section 19(d).]

31. Withdrawal of recognition of Institutions.

- If it appears to the State Government on the report of the [Council or Central Council] [These words were substituted for the words 'Council or otherwise' by Maharashtra 19 of 1988, Section 20(a).] that any institution "recognised under section 30 is not maintaining an adequate standard of training according to the requirements of the [Central Council] [These words were Substituted for the word 'Council' by Maharashtra 19 of 1988, Section 20(b).], the State Government may at any time withdraw the recognition granted to such institution: Provided that before any direction for the withdrawal of the recognition is made under this section, the institution shall be given a reasonable opportunity and time to come up to the required standard by the [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 33.] if a report has been made by the [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 33.] and in any other case by the State Government.

32. [Amendment of first Schedule] [Section 32 was deleted by Maharashtra 19 of 1988, Section 21.]

[Section 13 was substituted by Maharashtra 16 of 1988, Section 15] Deleted by Maharashtra 19 of 1988. Section 21.

Chapter VI Miscellaneous

33. Rules

(1) The State Government may by notification in the Official Gazette and subject to be the condition of previous publication 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 all or any of the following matters namely:-(a) the time and place at which and manner in which [election of the members, President and Vice-President of the Council shall be held under section 4;] [These words were substituted for the words and figures election to the Board and to the Court] (b) [the manner in which the meetings of the Council shall be convened, held and conducted under sub-section (1) of section 10;] [Clause (b) was substituted by Maharashtra 16 of 1988, Section 35(b) shall be held under section 4 and section 17 read with section 4, by Maharashtra 16 of 1988, Section 35(a).] (c) [the fees and other allowances to be paid under section 12 [*] [This clause was substituted by Maharashtra 31 of 1963, Section 6.]] (d) [the other powers, duties and functions of the Council, under clause (q) of section 14;] [Clause (d) was substituted by Maharashtra 16 of 1988, Section 35(d).] (e) the salary, allowances and other conditions of service of the Registrar under section 15; (ea) [the number and term of office of the manner of, filling casual vacancies among, and the procedure to be followed by, the members of the Executive Committees; and powers, duties and functions of [the council delegated to the Executive Committee under sections 15A;] [This clause was inserted by Maharashtra 20 of 1962, Section 7(a)(10).]] (f) [* * * *] [Clause (f) was deleted by

Maharashtra 16 of 1988, Section 35(f).](g)the particulars to be entered in the register under clause (e) of sub-section (2) of section 20;(h)[* * * *] [Clause (h) was deleted by Maharashtra 16 of 1988, Section 35(g)](i)[the forms of application for registration and the documents to accompany such forms under section 20;] [Clause (i) was substituted by Maharashtra 16 of 1988, Section 35(hh).](ia)[the form of application for provisional registration and the form of certificate of provisional registration, under sub-section (3A) of section 20,] [This clause (ia) was inserted by Maharashtra 22 of 2011, Section 5 (a), (w.e.f. 22.7.2011).](j)the manner of making enquiry under sub-section (9) of section 20 [*****] [The words 'and sub-section (g) of section 21' were deleted by Maharashtra 16 of 1988, Section 35(i).](k)[the forms of certificate of registration under sub-section (12) of section 20;] [Clause (k) was substituted by Maharashtra 16 of 1988, Section 35(j).][* * *] [The words, brackets and figures 'and sub-section (3) of section 21' were deleted by Maharashtra 19 of 1988, Section 22.](ka)[the fees chargeable, and the form of application, for the issue of duplicate certificate of registration under clause (c) of sub-section (12) of section 20;] [Clause (ka) was inserted by Maharashtra 16 of 1988, Section 35(k).](l)the manner in which the undertaking shall be executed under section 22;(m)the manner of holding inquiries under section 23; the conditions and fees for re-entering the name of a practitioner removed under that section and the remuneration to be paid to the assessors appointed under that section;(n)the fees chargeable for the alteration of entries as respects additional qualifications or change of name under sub-section (3) of section 25;(na)[the form of application for renewal of certificate of registration and the documents to accompany such form, under section 26A; [These clauses (na) and (nb) were inserted by Maharashtra 22 of 2011, Section 5(b), (w.e.f. 22.7.2011).](nb)the form of Identity Card to be issued and particulars to be mentioned therein, under section 26B;][* * * *] [Clause (o) and (p) were deleted by Maharashtra 39 of 1974, Section 6.](q)any other matter which is to be or may be prescribed under this Act;(r)the furtherance of any of the objects of this Act.(3)[All rules made under this section shall be laid for not less than thirty days before each House of the State Legislature as soon as possible after they are made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid, or the session immediately following and publish in the Official Gazette.] [This sub-section was inserted by Maharashtra 20 of 1962, section 7(6).]

34. Regulations.

(1)The [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 36.] may, with the previous sanction of the State Government, make regulations not inconsistent with this Act or the rules made thereunder, for the following matters, namely:-(a)the number and designations, salaries, allowances and other conditions of service of its officers and servants other than the Registrar under sub-section (6) of section 15;(b)such matters as may be necessary for the exercise of the powers and performance of duties and functions by the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 36.] under this Act.(2)The State Government on receiving the draft regulations may sanction or refuse to sanction the same or sanction them subject to such modifications as it may think fit or return them to the [Council] [This word was substituted for the word 'Board' by Maharashtra 16 of 1988, Section 36.] for further consideration.(3)All regulations, when sanctioned shall be published in the Official Gazette.(4)The State Government may by notification in the Official Gazette cancel any regulation.

35. Bye-law.

(1)The [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 37.] may, with the previous sanction of the State Government, make bye-laws, not inconsistent with the provisions of this Act or the rules made thereunder, for the following matters, namely:-(a)the examinations to be held by it;(b)[* * *] [Clauses (b) and (c) were deleted by Maharashtra 19 of 1988, Section 23(a).](c)[* * *] [Clauses (b) and (c) were deleted by Maharashtra 19 of 1988, Section 23(a).](d)the degree, diploma, certificate or any other like award to be conferred upon those who pass the examinations, and the manner of conferring such degree, diploma, certificate or award;(e)the language in which the examination shall be conducted;(f)[the fees to be paid to the examiners, paper-setters, moderators and other persons appointed, and the fees to be charged, for the conduct of examinations] [Clause (f) was substituted by Maharashtra 19 of 1988, Section 23(b).];[* * *] [Clause (g) was deleted by Maharashtra 19 of 1988, Section 23(c).](h)the number of students to be admitted to the recognised institutions;(i)the language in which instructions shall be given in the recognized institutions;(j)the remuneration to be paid to an inspector or a member or a visitor;(k)the number and designation, salaries, allowances, and other conditions of service of its officers and servants including the inspectors;(l)such other matters as may be necessary for the exercise of the powers and performance of duties and functions by the [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 37.] under this Act.(2)The State Government on receiving the draft by-laws may sanction or refuse to sanction the same or sanction them subject to such modifications as it may think fit or return them to the [Council] [This word was substituted for the word 'Court' by Maharashtra 16 of 1988, Section 37.] for further consideration.(3)All by-laws, when sanctioned, shall be published in the Official Gazette.(4)The State Government may by notification in the Official Gazette cancel any, by-law.

36. Control of State Government.

(1)If at any time it appears to the State Government that the [Council] [This word s substituted by Maharashtra 16 of 1988, Section 38(a)(i).] has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Act, or has failed to perform any of the duties conferred upon it, by or under this Act, or has otherwise ceased to function or has become incapable of functioning, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the [Council] [This word s substituted by Maharashtra 16 of 1988, Section 38(a)(i).] and if the [Council] [This word s substituted by Maharashtra 16 of 1988, Section 38(a)(i).] fails to remedy such failure, excess or abuse within such time as the State Government may fix in this behalf, the State Government may dissolve the [Council] [This word s substituted by Maharashtra 16 of 1988, Section 38(a)(i).], and cause all or any of the powers or duties of the [Council] [This word s substituted by Maharashtra 16 of 1988, Section 38(a)(i).] to be exercised and performed by such person and [for such period not exceeding two years as it may think fit, which period may, if the State Government think fit be extended by it, from time to time, so however, that the total period does not exceed [seven years] [These words were substituted for the words 'for such period not exceeding two years as It may think fit and' by Maharashtra 24 of 1975, Section 2.] in the aggregate, and the State Government] shall take steps to constitute a [new Council] [These words were substituted for the words 'new Board or Court, as the

case may be' by Maharashtra 17 of 1988, Section 38(a)(ii)]:[Provided that, the term of office of the person so appointed and holding office on the commencement of the Bombay Homoeopathic and Biochemic Practitioners (Second Amendment) Act, 1988 shall be deemed to extend or to expire with the date immediately preceding the date of the first meeting of the Council constituted after such commencement.] [This proviso was added by Maharashtra 19 of 1988, Section 24.](2)Notwithstanding anything contained in this Act, rules, regulations or by-laws if at any time it shall appear to the State Government that the [Council] [This word was substituted for the words 'Board or the Court' by Maharashtra 16 of 1988, Section 38(b).] or any other authority empowered to exercise any of the powers or to perform any of the functions under this Act, has not been validly constituted or appointed, the State Government may cause any of such powers or functions to be exercised or performed by such person in such manner and for such period not exceeding six months and subject to such conditions as it thinks fit.(3)[The Administrator shall be paid from the fund of the Council such salary and allowances as the State Government may from time to time determine.] [Sub-section (3) was added by Maharashtra 16 of 1988, Section 38(c).]

37. Indemnity to persons acting under the Act.

- No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is, in good faith done or intended to be done under this Act or under the rules or regulations or by-laws made thereunder.

Chapter VII

Repeal and Transitional Provisions

38. Repeal and saving.

(1)Subject to the provisions of this Chapter, on the appointed day,-(a)the Bombay Homoeopathic Act, 1951, in its application to the pre-reorganisation State of Bombay, excluding the transferred territories: and(b)the Madhya Pradesh Homoeopathic and Biochemic Practitioners' Act, 1951 in its application to the Vidarbha region of the State of Bombay. shall be repealed.(2)With effect from the appointed day, the Medical Act in its application to the Hyderabad area of the State of Bombay, shall cease to apply to Homoeopathic practitioners.(3)[* * * *] [The words, brackets and figures subject to the provisions of sub-section (2) of section 42 were deleted by Maharashtra 19 of 1988, Section 25(a).] the regulations made under clauses (c) to (e) of sub-section (1) of section 38 of the Bombay Homoeopathic Act, 1951 and clauses (d) to (h) of sub-section (1) of section 29 of the Madhya Pradesh Homoeopathic and Biochemic Practitioners' Act, 1951, and such other regulations and such of the rules made under the said Acts as the State Government may by order specify on the appointed day, shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been made under and for the purposes of the relevant provisions of this Act and be in force accordingly unless and until Superseded by any rules, regulations or by-laws made under this Act. All other regulations and rules made under the said Act shall cease to be in force.(4)[* * *] [Sub-section (4) was deleted by Maharashtra 19 of 1988, Section 25(b).](5)Any appointment, notification, notice, order or form made, issued or given under the Bombay Homoeopathic Act, 1951

and in force in pre-Reorganisation State of Bombay, excluding the transferred territories, immediately before the appointed day shall, in so far as it is not inconsistent with the provisions of this Act be deemed to have been made, issued or given under the relevant provisions of this Act and be in force throughout the State of Bombay accordingly, unless and until superseded by any appointment, notification, notice, order or form made, issued or given under this Act.

39. [Vesting of rights, duties, etc, in Council and saving. [This section was substituted by Maharashtra 16 of 1968, Section 39]

- On and with effect from the date of establishment of the Maharashtra Council of Homoeopathy [**] under clause (a) of sub-section (1) of section 3 (hereinafter in this section referred to as "the said date"), the following consequences shall, ensure, that is to say, -(a) the board of Homoeopathic and Biochemic Systems of Medicines, Bombay and the Court of Examiners of Homoeopathic and Biochemic Systems of Medicines Bombay, which stood dissolved (hereinafter in this section referred to as "the dissolved Board and Court") and all the powers and duties of which were being exercised or performed by a person appointed under section 36 (hereinafter referred to as "the said person") on the day immediately preceding the date of the commencement of the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985, shall stand permanently dissolved on the said date; and all the rights of the dissolved Board and Court shall, on the said date, vest in the Council; (b) all the property movable or immovable which on the day immediately preceding the said date vested in the dissolved Board and Court shall, subject to all limitations and conditions as were in force on that day, vest in the Council; (c) all sums due to the dissolved Board and Court on any account shall be recoverable by the Council, which shall be competent to take any measure or institute any proceedings which it would have been open to the dissolved Board and Court or the said person to take or institute before the said date; (d) all debts, liabilities and obligations incurred by or on behalf of the dissolved Board and Court or the said person, immediately before the said date and subsisting on the said date, shall be deemed to have been incurred by the Council in exercise of the powers conferred on it by or under this Act and shall continue in operation accordingly; (e) all proceedings and matters pending before any authority or officer immediately before the said date shall be deemed to be transferred to and continued before the corresponding authority or officer under this Act as amended by the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985, competent to entertain such proceedings and matters; (f) all prosecutions instituted by or on behalf of or against the dissolved Board and Court or the said person and all suits and other legal proceedings instituted by or against the dissolved Board and Court or the said person or any officer of any such dissolved Board and Court on behalf of the dissolved Board and Court or of the said person pending on the said date, shall be continued by or against the Council; (g) the Registrar and all officers and servants in the employment of the dissolved Board and Court immediately before the said date, shall be the Registrar, officers and servants employed by the Council and shall receive salaries and allowances and be subject to the conditions of service or retirement benefits which they were entitled to or subject to on the said date: Provided that - (i) the service rendered by such Registrar, officers and servants before the said date shall be deemed to be service rendered under the Council; (ii) if, in the opinion of the Council, the services of any officer or servant are not necessary as being surplus or are not suitable to the requirements of services under it, it may, with the previous approval of the State Government, discontinue the

services of any such officer or servant, and such officer or servant whose services are so discontinued, shall be entitled to receive from the Council such leave, pension, gratuity or other benefits as he would have, if the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985 [and the Bombay Homoeopathic and Biochemic Practitioners' (Second Amendment) Act, 1988] [These words were inserted by Maharashtra 19 of 1988, Section 26(b).] had not been enacted, been entitled to receive on being invalidated out of service of the dissolved Board and Court and may receive such additional amount by way of compensation as the Council may, with the sanction of the State Government, determine;(h)any appointment, notification, notice, order, rule, by-law, register, registration certificate, recognition or form held, made, issued, maintained or granted under this Act and subsisting and in force immediately before the said date shall, in so far as it is not inconsistent with the provisions of this Act as amended by the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985, [and the Bombay Homoeopathic and Biochemic Practitioners' (Second Amendment) Act, 1988] [These words were inserted by Maharashtra 19 of 1988, Section 26(c).] continue to be in force, until superseded by any appointment, notification, notice, order, rule, by-law, register, registration certificate, recognition or form held made, issued, maintained or granted under this Act as amended by the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985.]

40. to 44.

[Deleted] [Deleted by Maharashtra 16 of 1988, Section 39.]

45. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, [as amended by the Bombay Homoeopathic and Biochemic Practitioners (Amendment) Act, 1985,] [These words were inserted by Maharashtra 16 of 1988, Section 41.] [or the Bombay Homoeopathic and Biochemic Practitioners' (Second Amendment) Act, 1988] [These words were inserted by Maharashtra 19 of 1988, Section 27(a).] during the period of one year from the date of commencement of the said [Amendment Act] [These words were inserted by Maharashtra 19 of 1988, Section 27(b).], the State Government may as occasion requires by order do anything which appears to it necessary or expedient for the purpose of removing the difficulty.

46. [Amendment of certain enactment. - The enactments mentioned in column 2 of the Second Schedule shall be amended in the manner, and to the extent, specified in column 3 of the said Schedule.] [This section was substituted by Maharashtra 16 of 1988, Section 42.]

First Schedule[Deleted by Maharashtra 19 of 1988, Section 28][Second Schedule] [This Schedule was Substituted by Maharashtra 16 of 1988, Section 44.](See section 46)

Number and	Short title of the	Amendments
year of the Act	Act	

1	2	3
Maharashtra XXVIII of 1961.	The Maharashtra Medical Practitioners' Act, 1961.	1. In section 20,—(a) insub-section (2), in clause (b), the words "or list" andthe words "or the said list" shall be deleted;(b) insub-section (3), the words "or the list, as the case maybe," and the words "or the said list" shall bedeleted.2. In section 33, in sub-section(1), in clause (ii), the words "or the list" shall bedeleted.3. In section 33A, in sub-section(1), for the words "that section" the word and figures"section 33" shall be substituted.4. In section 35, in sub-section (1), clause (d), for thewords "Court of Examiners" the words "Council"shall be substituted.
Maharashtra XLVI of 1965.	The Maharashtra Medical Council Act, 1965.	In Section 22,—(a) in sub-section (1), in theExplanation, for the words and figures "Code of CriminalProcedure, 1898," in both the places where they occur, thewords and figures "Code of Criminal Procedure, 1973"shall be substituted;(b) in sub-section (2),-(i) in clause(a), the words "of the list" shall be deleted;(ii) in clause(b), the words "or the list" shall be deleted;(iii) thewords "or the said list" shall be deleted;(c) in sub-section (3), the words "or the list, as thecase may be," and the words "or the said list"shall be deleted.

NotificationsG. N., U. D. & P. H. D., No. BHP. 1063/70363-H, dated 29th August, 1964 (M.G., Part IV-B, Pages 1122) - In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1963 (Maharashtra XXXI of 1963), the Government of Maharashtra hereby appoints the 1st day of September 1964 to be the date on which the said Act shall come into force.G. N., U. D. & P. H. D., No. BHP-1068/66390-H, dated 4th February, 1975 (M. G., Part IV-B, Pages 296) - In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1974 (Maharashtra XXXIX of 1974), the Government of Maharashtra hereby appoints the 5th day of February 1975 to be the date on which the said Act shall come into force.G.N., U.D. & P.H.D., No, BHP., 1059(a)-Unification, dated 26th October, 1961 (M. G., Part IV-B, Pages 1017) - In exercise of the powers conferred by sub-section (3) of section 1 of the Bombay Homoeopathic and Biochemic Practitioners' Act, 1959 (Bombay XII of 1960), the Government of Maharashtra hereby appoints the 27th day of October 1961 to be the day on which the said Act shall come into force.G. N., U. D. & P. H. D., No. BHP-1076/1329(459)-PH-10, dated 5th June, 1976 (M. G., Part IV-B, Pages 736) - In exercise of the powers conferred by sub-section (1) read with sub-section (2) of section 3 of the Bombay Homoeopathic and Biochemic Practitioners' Act, 1959 (Bombay XII of 1960), the Government of Maharashtra hereby constitutes the Board of Homoeopathic and Biochemic Systems of Medicine, Bombay, as follows, namely-G. N., M. E., & D. D., No. MHC-1091/2063/CR-151/ACT, dated 10th June, 1993 (M.G., Part. IV-B, Pages 886) - In exercise of the powers conferred by section 3(1)(a) of the Bombay Homoeopathic Practitioners' Act, 1959 (Bombay Act No. XII of 1960), the Government of Maharashtra hereby constitutes the Maharashtra Council of Homoeopathy under section 3A(1) of the said Act and publishes the names of the Members of the Council so constituted, as follows:-

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| 1. The Deputy Director of Homoeopathy, Office of the | Ex-officio Member as per |
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| Directorate of Ayurved, State of Maharashtra, Khanna
Construction Building, Dr. Thadani Marg, Worli, Bombay 400
018. | section 3A(1)(a) |
| 2. Dr. Babubali H. Shah, G.C.E.H., Subhash Chowk, Baramati
413102, District Pune | Member nominated by the
State Government under
Section 3A(1)(b). |
| 3. Dr. (Smt.) Rajani Section Indurkar, L.C.E.H., B.H.M.S., 1/11,
Ajay Apartment, Senapati Bapat Marg, Pune. | Member nominated by the
State Government under
section 3A(1)(b). |
| 4. Dr. (Smt.) Pramodini Page, L.C.E.H., 131,
Purnanand, Banganga, Malbar Hill, Bombay 400 006. | Member nominated by the
State Government under
section 3A(1)(b). |
| 5. Dr. Dinesh Motiram Bachhav, L.C.E.H. Dhanvantari
Hospital. 78/1, Peth Road, Panchavati, Nashik 422 003. | Member nominated by the
State Government under
section 3A(1)(b). |
| 6. Dr. D.K. Patil, G.C. E.H., Bhagyashri, 128, Shivaji Nagar, Karad,
District Satara. | Member elected as per section
3A(1)(c). |
| 7. Dr. R.M. Chincholkar, D.H.B, Ramdas Peth, Akola | Member elected as per section
3A(1)(c). |
| 8. Dr. P.M. Zambad, D.H.M.S., Zambad Niwas, Gulmandi,
Aurangabad. | Member elected as per section
3A(1)(c). |
| 9. Dr. V.R. Kavishwar, D.H.B., Yugantar, Tilak Nagar,
Khamgaon, District Buldhana. | Member elected as per section
3A(1)(d)(ii). |
| 10. Dr. C.D. Ghorpade, G.C.E.H., 1618, B-Ward, Mangalwar
Peth, Kolhapur. | Member elected as per section
3A(1)(d)(ii). |
| 11. Dr. R. D. Latkar, D.H.M.S., C/50, Mauli,
Bhagyanagar, Aurangabad. | Member elected as per section
3A(1)(d)(ii). |

G.N., M.E. and D.D., No. MHC. 1098/2099/52/98-ACT, Dated 29th July, 1998 (M.G. Part IV-B, Pages 2633). - Whereas, by Government Notification, Medical Education and Drugs Department, No. MHC. 1091/2063/CR-151/ACT, dated the 10th June 1993, the Maharashtra Council of Homoeopathy (hereinafter referred to as "the said Council") has been constituted under sub-section (1) of section 3A of the Bombay Homoeopathic Practitioners' Act, 1959 (Bombay XII of 1960) (hereinafter referred to as "the said Act"); And whereas, the term of the office of the Members of the said Council has been expired on the 16th June, 1998; And whereas, Government has received complaints of mis-managements and irregularities of said Council; and therefore it appears to Government that it is not desirable to continue the said Council for a further period after expiry of its period of five years; And whereas, for the completion of holding elections to the said Council as per procedure, a considerable period is required; And whereas, the Government of Maharashtra considers it expedient to appoint an Administrator on the said Council, till the elections are to be held; And whereas, the Government of Maharashtra has decided to appoint Vaidya Section M. Sathe, Dean, Poddar Ayurved College, Mumbai, to be the person as Administrator, to exercise all the powers and perform all the duties of the said Council during the interim period for the smooth

working; Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (2) of section 3, read with section 5, 6 and 36 of the Bombay Homoeopathic Practitioner' Act, 1959 and all the other powers enabling it in that behalf, the Government of Maharashtra hereby appoints Vaidya, S.M, Sathe, Dean, Poddar Ayurved College, Mumbai to be a person as Administrator to exercise all the powers and perform all the duties of the said Council for a period of one year or till the new Council is duly constituted, whichever is earlier. G. N., U. D. & P. H. D., No. BHP-1375/4341/PH-7, dated 26th April, 1977 (M.G., Part IV-B, Pages 386) - Whereas, it appears to the Government of Maharashtra that the courses of study and examinations prescribed by certain institutions conferring awards not entered in the First Schedule to the Bombay Homoeopathic and Biochemic Practitioners' Act, 1959 (Bombay XII of 1960) (hereinafter referred to as "the said Act"), are such as to secure the possession by persons obtaining such awards of the requisite knowledge and skill for the efficient practice of the Homoeopathic or the Biochemic System of Medicine; Now, therefore, in exercise of the powers conferred by sub-section (1) of section 32 of the said Act, and of all other powers enabling it in that behalf the Government of Maharashtra hereby directs the medical qualifications granted by the Universities Boards and other medical Institutions in India and Outside included in the Second and Third Schedules to the Homoeopathy Central Council Act, 1973 (59 of 1973), be included in the First Schedule to the said Act; and for that purpose amends that Schedule as follows, namely:- In the First Schedule to the said Act, after entry 9, the following entry shall be added, namely:- "10. All qualifications included, from time to time in the Second and Third Schedules to the Homoeopathy Central Council Act, 1973 (59 of 1973), but not included in any of the above entries in this Schedule". G. N., U. D., P. H. & H.D., No. BHA-1072/38822-H, dated 7th June, 1973 (M.G., Part IV-B, Pages 1285) - Whereas, the term of office of the members of the Board of Homoeopathic and Biochemic Systems of Medicine, Bombay (hereinafter referred to as "the Board"), as constituted under the Bombay Homoeopathic and Biochemic Practitioners' Act, 1959 (Bombay XII of 1960) (hereinafter referred to as "the said Act"), has expired on the 1st March 1973; And whereas, under section 4 of the said Act, read with rule 4 of the Board and Court of Examiners of Homoeopathic and Biochemic Systems of Medicine (Election) Rules, 1961, the Registrar, who is the Returning Officer, has to fix the election programme in such a manner as to complete the whole election, as far as possible, before the expiry of the term of the members and, at least three months before the date fixed for the election, the Registrar must cause to be printed and published a correct list of these names and qualifications of all practitioners for the time being entered in the register and the dates when such qualifications were required; And whereas, it appears to the Government of Maharashtra that the Board has failed to exercise the powers and to perform the duties conferred on it by or under the said Act, for causing the list of the names and qualifications of all practitioners to be printed and published and the election to be held by the Registrar as aforesaid and to report to Government the names of elected members to enable Government to constitute a new Board in time; And whereas, the Government of Maharashtra, considering such failure to be of a serious character, called upon the Board to remedy such failure within a specified time, but the Board has failed to remedy the failure within that time; Now, therefore, in exercise of the powers conferred by sub-section (1) of section 36 of the said Act, the Government of Maharashtra hereby dissolves the Board and appoints Shri S. Section Hate; Deputy Secretary to the Government of Maharashtra, Urban Development, Public Health and Housing Department, to be the person to exercise and perform all the powers and duties of the Board, for a period of two years, from the date of publication of this notification in the Official Gazette. G. N., U.

D., P. H. D., No. BHP-1059(d)-Unification, dated 26th October, 1961 (M.G., Part IV-B, pages 1019) - In exercise of the powers conferred by sub-section (3) of section 38 of file Bombay Homoeopathic and Biochemic Practitioners' Act, 1959 (Bombay XII of 1960), the Government of Maharashtra hereby specifies-(a)the Bombay Homoeopathic Court of Examiners' Rules, 1952 (excluding rules 3, 4, 5, 14 and 15),(b)the Bombay Homoeopathic Rules, 1956 [excluding rules 3 to 14 (both inclusive) and rules 30 and 31], and(c)regulations made under sub-section (1) of section 38 of the Bombay Homoeopathic Act, 1951 (Bombay XLVIII of 1951) and published in Government Notification, Local Self-Government and Public Health Department, No. BHP. 1157-H, dated the 8th December 1958 (excluding regulations 9 and 10 thereof), for the purposes of sub-section (3) of the said section 38.