

THE KARNATAKA HOMŒOPATHIC PRACTITIONERS ACT, 1961.

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STATEMENT OF OBJECTS AND REASONS

I

Act 35 of 1961.- With the exception of the Bombay Homœopathic Act, 1951 (Bombay Act XLVIII of 1951) as in force in the Bombay area, there is no law regulating the practice of the Homœopathic system of medicine in Mysore State. The practitioners and associations of this system of medicine have been agitating for their statutory recognition. It is also considered expedient to have a uniform law for regulation of the practice and education of the Homœopathic system of medicine in the State of Mysore.

Hence this Act.

(Obtained from notification 346 LA dated 9th April, 1960 in the relevent file.)

II

Act 9 of 1969.—The First Board of the Homoeopathic System of Medicine as required by section 3 of the Mysore Homoeopathic Practitioners Act, 1961, has not been established, as the first Register of the Registered Practitioners has not yet been prepared. Pending such constitution it is considered necessary to provide for a machinery to recognise colleges so that institutions of Homoeopathic System of Medicine may not be handicapped.

Hence the Act.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A, dated 12th December 1968 at page 55)

III

Act 14 1972.—According to sub-section (1) of section 5 of the Mysore Homoeopathic Practitioners Act, 1961, elections to the Mysore Board of Homoeopathic System of Medicine have to be held at such time and place as may be prescribed. The electorate consists of practitioners all over the State and it would not be practicable for all of them to meet at one place. Hence was not possible to hold the elections. In order to obviate the difficulty it was proposed to take steps to conduct elections by postal ballot.

As neither the Mysore Legislature Assembly nor the Mysore Legislative Council was in session, the Mysore Homoeopathic Practitioners (Amendment) Ordinance, 1972 (Mysore Ordinance No. 3 of 1972) was promulgated by the Governor.

This Act is intended to replace the said Ordinance.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A, dated 22nd November 1972 as No. 554. at page. 3.)

IV

Act 8 of 1976.—As per sub-section (1) of section 16 of the Karnataka Homoeopathic Act, 1961 the Director of Health and Family Planning Services shall be the Chairman of the Court of Examiner for conducting examinations in Homoeopathy in this State. Similarly under section 37-A of the Act, the Director of Health and Family Planning Services shall be the Chairman of the Karnataka Homoeopathic Committee.

A separate Department of Indian Medicine has been created on a permanent basis and a post of Director of Indian Systems of Medicine and Homoeopathic has also been sanctioned in the grade of Rs. 1,300–1,800.

Since Homoeopathic comes under the administrative control of the Department of Indian Systems of Medicines and Homoeopathy, it is appropriate to appoint the Director, Indian Systems of Medicine and Homoeopathy as the Chairman of the Court of Examiners for conducting examinations in Homoeopathy and as the Chairman of the Karnataka Homoeopathic Committee.

In view of the aforesaid, the Karnataka Homoeopathic Practitioners (Amendment) Ordinance, 1975 was issued.

This Act is to replace the said ordinance.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 22 January 1976 at page. 23–24.)

V

Act 34 of 1979.—In section 6 of the Karnataka Homoeopathic practitioner Act, 1961 the term of the office of the Members whether elected or nominated shall be for a period of 5 years commencing from the dates on which the first meeting of the Board is held after the election of member under section 3 of the Act. If a member has committed grave irregularity or misconduct, then the member has to be removed in the interest of the Institution/Board. For this purpose it is necessary to amend the Act to make provision to remove such member from the office.

It is also considered necessary to enhance the registration fee and renewal fee payable under the said Act to Rs. 30 and Rs. 10 respectively.

Hence this Act.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A, dated 16th May 1979 as No. 472 at page. 3.)

VI

Act 13 of 1992.—The existing provision of the Karnataka Homoeopathic Practitioner Act, 1961 provides for electing four members from among the practitioners whose names are entered in Part 'A' of the register and two from among the practitioners whose names are entered in Part 'B' of the register. The number of members to be so elected is considered to be disproportionate to the number of practitioners registered respectively in part 'A' and 'B' and so it is proposed to make a provision for electing six members from the practitioners registered in Part 'A' and Part 'B' grouped together.

Hence the Act.

(Obtained from L.A. Bill No. 1 of 1992).

VII

Amending Act 33 of 2012.- It is considered necessary to amend the Karnataka Homoeopathic Practitioners Act, 1961 (Karnataka Act 35 of 1961) to provide,-

- (i) for revision of membership fees, life time fees for registration of Practitioners of the Homoeopathic system of medicine in the State;
- (ii) a provision to validate the collection of levy of life time fee, any renewal fee and collection of enhanced fee from the Homoeopathic Practitioners by the State Government and the Board.

Hence, the Bill.

[L.A. Bill No.26 of 2012, File No. Samvyashae 34 Shasana 2012]

[Entry 32 and 66 of List II of the Seventh Schedule to the Constitution of India.]

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¹[KARNATAKA]¹ ACT No. 35 OF 1961

(First published in the ¹[Karnataka Gazette]¹ on the Thirtieth day of December, 1961.)

THE ¹[KARNATAKA]¹ HOMŒOPATHIC PRACTITIONERS ACT, 1961

(Received the assent of the President on the Twenty-seventh day of December, 1961.)

(As amended by Acts 9 of 1969, 14 of 1972, 8 of 1976, 34 of 1979, 13 of 1992 and 33 of 2012)

An Act to regulate the qualifications and practice of homœopathic medicine and to provide for the registration of practitioners of the homœopathic system of medicine in the ¹[State of Karnataka]¹.

WHEREAS it is expedient to regulate the qualifications and practice of homœopathic medicine and to provide for the registration of practitioners of the homœopathic system of medicine in the ¹[State of Karnataka]¹.

BE it enacted by the ¹[Karnataka State]¹ Legislature in the Twelfth Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the ¹[Karnataka]¹ Homœopathic Practitioners Act, 1961.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) It extends to the whole of the ¹[State of Karnataka]¹.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(3) Chapters I, IV and VI shall come into force at once and the remaining provisions of this Act shall come into force on such ¹[date]¹ as the State Government may by notification appoint.

1. Remaining provisions came into force on 17.7.1970 by notification. Text of the notification is at the end of the Act.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “Board” means the ¹[Karnataka Board of Homœopathic System of Medicine]¹ established under section 3;

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(b) “Court” means the Court of Examiners constituted under section 16;

(c) “homœopathy” means the system of medicine founded by Dr. Hahnemann and includes the allied branches of Biochemistry founded by Dr. Schussler and the expression “homœopathic” shall be construed accordingly;

(d) “Inspector” means an Inspector appointed by the Board under sub-section (4) of section 14;

- (e) “member” means a member of the Board;
- (f) “notification” means a notification published in the official Gazette;
- (g) “practitioner” means a person who practises the homœopathic system of medicine, as his principal occupation;
- (h) “prescribed” means prescribed by rules;
- (i) “President” means the President of the Board;
- (j) “qualifying examination” means an examination in homœopathic system of medicine specified in the Schedule;
- (k) “register” means a register of practitioners prepared and maintained under this Act;
- (l) “registered practitioner” means a practitioner whose name is for the time being entered in the register;
- (m) “Registrar” means the Registrar appointed under section 14;
- (n) “regulations” means regulations made under section 36;
- (o) “rules” means rules made under section 35.

CHAPTER II

ESTABLISHMENT OF BOARD

3. Establishment, constitution and incorporation of Board.—(1) The State Government may, as soon as may be, by notification in the official Gazette, constitute a Board, to be called the ¹[Karnataka Board of Homœopathic System of Medicine]¹. The Board shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and may by the said name sue and be sued.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) The Board shall consist of eleven members including the President and shall be constituted in the following manner, namely:—

- (i) A President who shall be a registered practitioner;
- (ii) Five members nominated by the State Government out of whom two at least shall be registered practitioners; and

¹[(iii) six members elected by the registered practitioners from among themselves, whose names are entered in Part A and B of the register:]¹

1. Substituted by Act 13 of 1992 w..e.f. 24.4.1992

Provided that,-

- (a) for a period of five years after the coming into force of this Chapter, the President shall be appointed by the State Government;

(b) at the first and subsequent constitution of the Board after the expiry of the said period of five years, the President shall be elected by the members from among themselves '[x x x]'

1. Omitted by Act 13 of 1992 w.e.f. 24.4.1992

4. Appointment of members in default of election.—If at any election, the electors fail to elect the requisite number of members, the State Government shall nominate such registered practitioners as it deems fit, to fill the vacancies and the practitioners so nominated shall for the purpose of section 3 be deemed to have been duly elected under the said section.

5. Election of members.—(1) The election of members under section 3 shall be held '[x x x]' in such manner as may be prescribed.

1. Omitted by Act 14 of 1972 w.e.f. 11.10.1972

(2) All elections under this Act shall be held according to the distributive system of voting.

Explanation.—Distributive system of voting means a system of voting in which every voter shall be entitled to give as many votes as there are seats to be filled:

Provided that no voter shall give more than one vote to any one candidate:

Provided further that no voting paper shall be deemed to be valid unless the voter has recorded all the votes which he is entitled to give.

6. 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 Board is held after the election of the members under section 3.

(2) An out-going member shall continue in office until the election or nomination of his successor, as the case may be.

(3) An out-going member shall be eligible for re-election or re-nomination.

7. Vacancies.—In the event of a vacancy arising out of the death, resignation, removal, disability or disqualification of a member or the President, or otherwise, previous to the expiry of the period of his office, the vacancy shall be filled in the prescribed manner. Any person elected or nominated to fill the vacancy shall, notwithstanding anything contained in section 6, hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

8. Resignation.—(1) Any member may at any time resign his office by a letter addressed to the President.

(2) The President, if appointed by the State Government, may at any time resign his office by a letter addressed to the State Government. If the President is elected, he may resign his office by a letter addressed to the Board.

9. [Removal of members]'—If any member,—

1. Substituted by Act 34 of 1979 w.e.f. 6.11.1979

- (a) absents himself from three consecutive ordinary meetings of the Board without such reasons as may, in the opinion of the State Government in the case of the President, and in the case of any other member in the opinion of the Board, be sufficient, or
- (b) becomes subject to any of the disqualifications specified in section 10, ¹[or]¹

1. Inserted by Act 34 of 1979 w.e.f. 6.11.1979

¹[(c)abuses his position as a member so as to render his continuance as a member detrimental to the interest of the Board; or

- (d) is otherwise unfit to continue as a member.]¹

the State Government ²[may remove such member from office:

Provided that no member shall be removed from office on the grounds specified in clause (c) or clause (d) without giving such member an opportunity to submit his explanation]².

1. Inserted by Act 34 of 1979 w.e.f. 6.11.1979

2. Substituted by Act 34 of 1979 w.e.f. 6.11.1979

10. Disqualification.—A person shall be disqualified for being chosen as, and for being, a member of the Board,—

(a) if he has been sentenced by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months, such sentence not having been subsequently reversed, quashed or remitted, unless he is, by order, which the State Government is hereby empowered to make in this behalf, been relieved from the disqualification arising on account of such sentence;

- (b) if he is an undischarged insolvent;
- (c) if he is of unsound mind and stands so declared by a competent court;
- (d) if his name has been removed from the register;
- (e) if he is a whole time officer or servant of the Board.

11. Validity of proceedings.—No disqualification or defect in the election, nomination or appointment of any person as a member or as the President or as a presiding authority of a meeting shall of itself invalidate any act or proceeding of the Board in which such person has taken part.

12. Time and place of meetings of Board.—The Board shall meet at such time and place and every meeting shall be summoned in such manner as may be provided for by regulations:

Provided that until such regulations are made, it shall be lawful for the President to summon a meeting of the Board at such time and place as he may deem expedient by circulating a notice to each member.

13. Procedure at meetings of Board.—(1) The President if present, shall preside at every meeting of the Board. In the absence of the President, the members present shall elect one amongst themselves to preside.

(2) All questions at a meeting of the Board shall be decided by the votes of the majority of the members present and voting at the meeting.

(3) Six members including the President shall form a quorum.

(4) The President or the person presiding at a meeting shall have a second or casting vote in case of an equality of votes.

14. Registrar and other employees of Board.—(1) The Board shall, with the previous sanction of the State Government, appoint a Registrar. The Registrar shall receive such salary and allowances as may be prescribed.

(2) The Board may from time to time grant him leave and may appoint a person with the previous sanction of the State Government to act in his place during his leave or absence; provided that if the period of such leave does not exceed two months, such leave may be granted by the President who shall also make temporary appointment of any other person to act during the said period and report the appointment to the State Government. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for the purposes of this Act.

(3) An appeal shall lie to the State Government from every order of the Board punishing or removing any person from the office of the Registrar.

(4) The Board may appoint Inspectors and such other officers and servants as may be necessary for the purposes of this Act.

(5) 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.

(6) The Registrar shall be the Secretary and the Executive Officer of the Board.

15. Powers and functions of the Board.—The Board shall exercise such powers and perform such functions as may be prescribed by or under the provisions of this Act or as the State Government may direct for carrying out the provisions of this Act.

CHAPTER III

COURT OF EXAMINERS

16. Court of Examiners.—(1) The State Government may, by notification, constitute a Court of Examiners which shall consist of seven persons including the Chairman, as follows:—

(i) the ¹[Director of Indian Systems of Medicine and Homeopathy in Karnataka]¹ who shall be the Chairman of the Court;

1. Substituted by Act 8 of 1976 w.e.f. 16.4.1975

(ii) three persons elected by the Board from amongst its members; and

(iii) three persons possessing any of the qualifications specified in the Schedule nominated by the State Government:

Provided that every person elected under clause (ii) shall continue to hold office of a member of the Court only so long as he is a member of the Board:

Provided further that pending the election of such persons by the Board after its constitution for the first time, the State Government shall nominate three persons who shall be registered practitioners or entitled to have their names entered in the register. The persons so nominated shall hold office until the Board has elected all the three persons under this sub-section.

(2) The members of the Court shall hold office for a period of two years.

(3) Any vacancy in the office of the members of the Court shall be filled in the prescribed manner and any person elected or nominated to fill any vacancy shall hold office only so long as the person in whose place he is elected or nominated would have held office, if the vacancy had not occurred.

(4) Any member of the Court other than the Chairman may at any time resign his office by a letter addressed to the Chairman.

(5) It shall be the duty of the Court to appoint examiners and to conduct examinations held by it, to make recommendations to the State Government through the Board in respect of the course of studies, and to perform such other duties and functions as may be prescribed.

(6) The Court shall meet at such time and place, and the procedure regarding its working shall be such, as may be prescribed.

CHAPTER IV REGISTRATION

17. Preparation of first Register.—(1) The State Government shall, as soon as may be, cause to be prepared a register of homœopathic practitioners for the State.

(2) The register shall include the following particulars, namely:—

- (a) the full name, nationality and residential address of the registered practitioner;
- (b) the date of his first admission to the register;
- (c) the qualification for registration and the date on which he obtained his degree or diploma in homœopathy, if any, and the authority which conferred or granted it;
- (d) his professional address; and
- (e) such further particulars as may be prescribed.

(3) The register shall be divided into three parts as follows:—

(i) **Part A.**—This part shall include,-

(a) persons who have been engaged in the practice of the homœopathic system of medicine for a period of not less than ten years immediately before the date of the coming into force of this Chapter as the principal occupation;

(b) persons who have received personal clinical instruction for a period of not less than two years in a hospital where indoor patients are kept and where the service includes surgery, gynæcology and midwifery and homœopathic medicine and passed an examination in the said subjects approved by the Registration Tribunal;

(ii) **Part B.**—This part shall include medical practitioners who are registered under the '[Karnataka]' Medical Registration Act, 1961 or the '[Karnataka]' Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961, and who practise the homœopathic system of medicine; and

1. Adapted by the Krnataka Adaptations of Laws Order 1973 w..e.f .1.11.1973

iii) **Part C.**—Other persons who have been in practice of the homœopathic system of medicine for not less than two years as the principal occupation on the date of coming into force of this Chapter:

Provided that the entries of the names of persons in Part C shall be provisional and their names shall be removed from the register, unless they pass only the third and final examination in the subjects specified in Part I and Part II for the diploma of L.C.E.H. specified in the Schedule within a period of seven years from the aforesaid date:

Provided further that if any such person passes the final examination in the subjects referred to in the preceding proviso within the period specified therein, the entries of the names of such persons shall be transferred from Part C to Part A of the register.

18. Registration Tribunal.—(1) For the purpose of the preparation of the first register, the State Government may by notification constitute a Registration Tribunal constituting of three persons out of whom two shall be persons who are entitled to have their names entered in the register, and shall appoint a Secretary of the Tribunal.

(2) The State Government, by notification, shall appoint a date on or before which application for registration shall be made to the Registration Tribunal. Such application shall be accompanied by a fee of '[thirty]' rupees.

1. Substituted by Act 34 of 1979 w.e.f. 6.11.1979

(3) The Registration Tribunal shall examine every application received on or before the appointed date, and after making inquiry in the prescribed manner if it is satisfied that the applicant is qualified for registration under section 17 shall direct the entry of the name of the applicant in the register in the Part in which he is entitled to have his name entered.

(4) The register so prepared shall thereafter be published in such manner as the State Government may direct, and any person aggrieved by a decision of the Registration Tribunal, express or implied in the register as so published may within thirty days from the date of the publication of the register and after payment of a fee of five rupees appeal to the State Government.

(5) The Secretary shall amend the register in accordance with the decision of the State Government under sub-section (4) and shall thereupon issue to every practitioner whose name is entered in the register a certificate of registration in the prescribed form.

19. Custody of register.—(1) Upon the constitution of the Board for the first time after the commencement of this Act, the register shall be given into its custody and the State Government may direct that all or any specified part of the application fees for registration in the first register shall be paid to the credit of the Board. The State Government shall publish in the official Gazette, the date on which the register is given to the custody of the Board.

(2) It shall be the duty of the Board to maintain and revise the register in accordance with the provisions of this Act and the rules.

20. Qualifications for subsequent registration.—After the constitution of the Board referred to in sub-section (1) of section 19, a person shall on payment of ²[¹[such fee as may be prescribed for life time membership]¹]² be entitled to have his name entered in the register, only if he possesses any of the qualifications specified in the Schedule.

1. Substituted by Act 34 of 1979 w.e.f. 6.11.1979
2. Shall be deemed to have been substituted by Act 33 of 2012 w.e.f. 1.1.1996.

21. Undertaking to be given for entering name in register.—The name of any practitioner shall not be entered either in the first register or a register maintained under section 19, unless he gives an undertaking in writing that he shall not use any degree, diploma or licence which is identical with or is a colourable imitation of any degree, diploma or licence granted by a body or institution authorised under the Indian Medical Degrees Act, 1916, or the Indian Medical Council Act, 1956. It shall be lawful for such persons to use after his name the words “Registered Practitioner of Homœopathy” in full to indicate that his name has been entered in the register.

22. Maintenance of register.—(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 in accordance with the provisions of this Act, the rules, and the orders of the Board.

(2) The names of registered practitioners who die or whose names are directed to be removed from the register under section 23, shall be removed therefrom.

(3) The Board may direct that any alteration in the entries as respects additional qualifications shall not be made except on payment of such fee as may be prescribed.

23. Removal of names from Register.—(1) The Board may direct that the name of any practitioner who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898 (Central Act V of 1898) or any other law for the time being in force, which discloses such defect of moral character as is, in the opinion of the Board, sufficient to make him unfit to practice his profession or who after due inquiry has been found guilty of conduct, which is in the opinion of the Board infamous in any professional respect, shall be removed from the register. On such removal, the certificate of registration issued to the practitioner shall be deemed to have been cancelled. The Board may, on sufficient cause being shown and with the approval of the State Government direct that the name of the practitioner so removed shall be re-entered in the register.

(2) Any person aggrieved by an order of the Board under sub-section (1) directing the removal of his name from the register may within ninety days from the date of

communication of the order, appeal to the State Government and the State Government may pass such order thereon as it deems fit.

(3) If the name of the practitioner is entered in a Register maintained under the ¹[Karnataka]¹ Medical Registration Act, 1961, or the ¹[Karnataka]¹ Ayurvedic and Unani Practitioners Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961, it shall be the duty of the Board to give intimation of such removal to the authority entitled to maintain the said registers.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e..f 1.11.1973.

24. Renewal fee.—¹[(1) Notwithstanding anything contained in section 18 or 20, each Homoeopathic Practitioner other than a Homoeopathic Practitioner whose name is entered in the register under section 18 or continued in the register shall pay to the Board on or before the thirty first day of December of every year and in succeeding year in which his name is entered in the register and every year thereafter a prescribed renewal fee for the continuance of his name on the register:

Provided that a Homoeopathic Practitioner registered under this Act, before the commencement of the life time registration may pay such amount as renewal fee, as may be prescribed, for the continuance of his name on the register for life time.]¹

1. Substituted by Act 33 of 2012. Deemed to have been w.e.f. 1.01.1996.

2. Shall be deemed to have been substituted by Act 33 of 2012 w.e.f. 1.1.1996.

(2) If the renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the register. On such removal, the certificate of registration issued to the practitioner shall be deemed to have been cancelled:

Provided that the name so removed may be re-entered in the register on payment of the renewal fee in such manner and subject to such conditions as may be prescribed and a new certificate of registration may be re-issued.

25. Qualified Medical Practitioners.—Notwithstanding anything contained 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 medical profession shall in all Acts of Legislature in the ¹[State of Karnataka]¹ and in all Central Acts in their application to the ¹[State of Karnataka]¹ in so far as such Acts relate to any matters specified in List II or List III of the Seventh Schedule to the Constitution, include a practitioner whose name is entered in Part A or Part B of the Register.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e..f 1.11.1973.

(ii) 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 Part A or Part B of the register;

(iii) a practitioner whose name is entered in Part A or Part B of the register shall be eligible to treat patients according to the Homœopathic system of medicine or to hold any appointment as a physician or other medical officer in any homœopathic dispensary, hospital or infirmary supported by or receiving a grant from the State Government and treating patients according to the homœopathic system of medicine or in any public establishment, body or institution dealing with such system of medicine;

(iv) a practitioner whose name is entered in Part A of the register may possess and prescribe the drugs relating to the homœopathic system of medicine only.

26. Notice of death.—Every Registrar of Deaths on receiving notice of the death of a registered practitioner shall forthwith transmit by post to the Registrar a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificate and transmission as an expenditure of his office.

CHAPTER V

COURSE OF STUDIES, QUALIFYING EXAMINATIONS AND RECOGNITION OF INSTITUTIONS

27. Course of Studies and Qualifying Examinations.—(1) The course of studies and the examinations specified in the Schedule and such other course of studies and examinations as may, on the recommendation of the Board, be included in the Schedule by the State Government by notification, shall be the course of studies and the qualifying examinations held for the purpose of granting a diploma or a degree conferring the right of registration under this Act.

(2) The Board may recommend to the State Government for recognition of institutions to give instruction in the homœopathic system of medicine or to hold examinations therein.

(3) It shall be the duty of the Board to secure maintenance of an adequate standard,-

(i) of instruction in each of the subjects of the course of studies specified in the Schedule and for the purposes of securing such standard, the Board shall have authority to call on the governing body or the authorities of any institution giving such instruction,-

(a) to furnish such particulars as the Board may require about the details of instruction;

(b) to permit Inspectors to inspect the institution;

(ii) in each of the qualifying examinations specified in the Schedule and for the purpose of securing such standard, the Board shall have authority to call on the governing body or authorities of any institution authorised to hold any of such examinations,—

(a) to furnish such particulars as the Board may require about the conduct of such examinations;

(b) to permit Inspectors to be present at the examinations and to report to the Board about the nature of the questions asked, the standard of giving marks and such other details as the Board may require.

(4) It shall also be the duty of the Board to inspect all institutions recognised under section 28 once at least in every two years.

28. Recognition of institutions.—(1) Any institution applying for recognition under this Act shall send an application to the Registrar and shall give full information in respect of the following matters:-

(a) the constitution and personnel of the governing or managing body;

(b) subjects and courses on which it gives or proposes to give instruction;

(c) accommodation, equipment and the number of students for whom provision has been made or is proposed to be made;

(d) the strength of the staff, their qualifications, salaries and the research work done by them;

(e) fees levied or proposed to be levied and the financial provision made for the capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(2) Any institution applying for recognition to hold qualifying examinations shall send an application to the Registrar and shall give full information in respect of particulars specified in clauses (b) to (e) of sub-section (1) and such other particulars as the Board may require.

(3) The Registrar shall place the application before the Board and the Board may direct the Registrar to call for any further information which it may deem necessary. The Board 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 Board shall forward the application with its report to the State Government stating 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.

29. Removal of Institution authorised to hold qualifying examination.—If it shall appear to the State Government on the report of the Board or otherwise that the instruction given in any recognised institution or the qualifying examination conducted by any of the institutions recognised to hold such examinations are not such as to secure the maintenance of the adequate standard of proficiency for the practice of surgery and midwifery and homœopathic medicine, it shall be lawful for the State Government from time to time to direct that the recognition of any institution for the purpose of giving instruction or holding an examination under section 27 shall be withdrawn and the said institution shall not be authorised to give instruction or to hold the examination, as the case may be:

Provided that before any direction for the withdrawal of the recognition of any institution is made under this section, the said institution shall be required to take steps within such time as may be specified in this behalf by the State Government to remedy the defect.

30. Alteration of Schedule.—If it shall appear to the State Government on the report of the Board or otherwise that it is necessary or expedient to modify the Schedule by making any addition or alteration in the course of studies or the examinations specified therein, the State Government may, after calling for the report of the Board if it has not already made the report and after making such inquiries as it thinks fit, make addition or alteration in the Schedule by notification, and the Schedule on such addition or alteration shall be deemed to have been so modified from the date specified in the notification.

CHAPTER VI
MISCELLANEOUS

31. Exemption from serving on inquests, etc.—Notwithstanding anything contained in any other law for the time being in force, every registered practitioner shall be exempt, if he so desires, from serving on an inquest, or as a juror under the Code of Criminal Procedure, 1898 (Central Act V of 1898).

32. Fees and allowances to members.—There shall be paid to the members of the Board and the Court such fees and allowances for attendance and such reasonable travelling allowances as shall from time to time be prescribed.

33. Income and expenses of the Board.—(1) The income of the Board shall consist of,-

- (a) fees received from practitioners and examinees;
- (b) the fees, if any, collected by the Court;
- (c) grants received from the Government;
- (d) donations and other sums received by the Board.

(2) The expenses of the Board shall include the salaries and allowances of the Registrar, the staff appointed by the Board including Inspectors, and fees and allowances paid to members of the Board and the Court, expenses for the conduct of examinations and such other expenses as are necessary for carrying out the purposes of this Act. The State Government may also direct the Board to pay such other expenses to the Court as it thinks fit.

34. Publication of list of practitioners.—(1) The Registrar shall every year on or before the thirtieth day of June publish in the official Gazette a correct list of the names and qualifications of all practitioners entered in the register on the first day of January of that year.

(2) A copy of the list published under sub-section (1) shall be evidence in all courts and judicial or quasi-judicial proceedings that the persons therein specified are registered according to the provisions of this Act, and the absence of the name of any person from such copy shall be evidence, until the contrary is proved, that such person is not registered according to the provisions of this Act:

Provided that in the case of any person whose name does not appear in such copy, a certified copy under the hand of the Registrar of the entry of the name of such person on the register shall be evidence that such person is registered under the provisions of this Act.

35. Rules.—(1) The State Government may, by notification, and after previous publication, make rules ¹[prospectively or retrospectively]¹ to carry out all or any of the purposes of this Act.

1. Inserted by Act 33 of 2012 w.e.f. 30.8.2012

(2) In particular and without prejudice to the generality of the foregoing power, rules may be made for any of the following matters:—

- (a) ¹[x x x]¹ the manner in which election shall be held under section 5;

1. Omitted by Act 14 of 1972 w.e.f. 11.10.1972

- (b) the manner in which vacancies shall be filled under section 7;
- (c) the salary, allowances and other conditions of service of the Registrar under section 14;
- (d) the powers to be exercised and functions to be performed by the Board under section 15;
- (e) the manner of filling a vacancy under sub-section (3), the duties and functions to be performed by the Court under sub-section (5) and the time and place of the meeting and the procedure to be followed regarding its working under sub-section (6) of section 16;
- (f) the particulars to be entered in the register under clause (e) of sub-section (2) of section 17;
- (g) the manner of making inquiry under sub-section (3), and the form of certificate under sub-section (5) of section 18;
- (h) the fees chargeable for the alteration of entries as respects additional qualification under sub-section (3) of section 22;
- (i) the manner of payment of renewal fee and conditions subject to which such fee shall be paid under the proviso to sub-section (2) of section 24;
- (j) the fees and other allowances to members of the Board and Court under section 32; and
- (k) any other matter which is to be or may be prescribed under this Act.

(3) Every rule made under this section shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything done under that rule.

36. Regulations.—(1) The Board, may with the previous sanction of the State Government make regulations not inconsistent with this Act or the rules for any of the following matters, namely:—

- (a) the time and place at which and the manner in which the Board shall hold its meetings under section 12;
- (b) the salary, allowances and other conditions of service of officers and servants of the Board and the Court, other than the Registrar, under section 14;
- (c) the language in which the examinations shall be conducted and instruction shall be given;

(d) the detailed curriculum, the number of lectures, the period of terms devoted to practical and clinical studies in each subject and the recommendation of text books, if any;

(e) the conditions of appointment of examiners and fees to be paid to them, the conduct of examinations and the fees to be charged for the conduct of such examinations;

(f) all other matters which are not prescribed by rules, but which are necessary for the purpose of carrying out the object of this Act:

Provided that the Board shall, before proposing any regulation under clauses (b), (c), (d), (e) or (f), consult the Court and in case of difference of opinion between the Board and the Court in respect of any such regulation, the Board shall, while submitting such regulation to the State Government for sanction, report the grounds for such difference of opinion.

(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 Board for further consideration.

(3) All regulations when sanctioned, with or without modification shall be published in the official Gazette.

(4) It shall be lawful for the State Government by notification to cancel or alter any regulation made under this Act.

37. Control of State Government.—(1) If at any time it appears to the State Government that the Board 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, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Board, and if the Board fails to remedy such failure, excess or abuse within such time as the State Government may fix in this behalf, the State Government may by notification dissolve the Board and cause all or any of the powers or duties of the Board to be exercised and performed by such person and for such period not exceeding two years as it may think fit and shall take steps to constitute a new Board.

(2) Notwithstanding anything contained in this Act, rules or regulations, if at any time it shall appear to the State Government that the Board 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 by notification direct that any of such powers or functions be exercised or performed by such person in such manner and for such period not exceeding six months and subject to such conditions as the State Government thinks fit.

¹37A. Provision when the Board is not constituted.—Notwithstanding anything contained in this Act, pending the constitution of the Board for the first time under this Act, the powers and functions of the Board shall be exercised and performed by a committee appointed by the State Government consisting of the ²[Director of Indian

Systems of Medicine and Homeopathy in Karnataka]² as Chairman and four members who shall be practitioners eligible to have their names entered in the register.]¹

1. Inserted by Act 9 of 1969 w.e.f. 24.4.1969
2. Substituted by Act 8 of 1976 w.e.f. 16.4.1975

38. Jurisdiction of civil courts.—No act done in the exercise of any power conferred by or under this Act on the State Government or the Board or the Court or the Registrar or by any officer or servant under the direction of the State Government, the Board or the Court shall be questioned in any civil court.

39. Repeal.—The Bombay Homœopathic Act, 1951 (Bombay Act XLVIII of 1951), as in force in the ¹[Belgaum Area]¹, is hereby repealed.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f 1.11.1973.

SCHEDULE

(Section 27)

I. Course of Studies.

¹[**1. F.C.E.H. :**—(For those registered under the Karnataka Medical Registration Act, 1961, or the Karnataka Ayurvedic and Unani Practitioners Registration and Medical Practitioners Miscellaneous Provisions Act, 1961).

Period of Study:—One year.

Subjects:—Medicine including the principles of Homoeopathy Therapeutics, Reportory, Pharmacy and Dispensing Organon of Medicine, Homoeopathic Philosophy, Homoeopathy *materia medica*. Chronic miasma, Development of Homoeopathy and Research in Homoeopathy.

Examination:—Four papers of three hours' duration and clinical, Practical and viva voce examination.

Paper-I:—Organon, Homoeopathic Philosophy, Chronic Miasma. **Paper-II:**—

Homoeopathic materia medica pharmacy and dispensing. **Paper-III:**—Therapeutics, Repertorisation and case taking.

Paper-IV:—The scientific method, and the Development of & research in Homoeopathy.

2. B.H.M.S. :—Bachelor of Homoeopathic Medicine & Surgery.

For this course, the existing Central Council Syllabi shall apply and any amendment to the syllabi as and when issued shall be applicable.]¹

1. Substituted by notification NO. HFW 44 IME 87 dated 12.5.1988

II. Qualifying Examinations.

Licentiate of the Court of Examiners in Homoeopathy	... (L.C.E.H.)
Graduate of the Court of Examiners in Homoeopathy	... (G.C.E.H.)
Fellow of the Court of Examiners in Homoeopathy	... (F.C.E.H.)
¹ [Diploma in Medicine and Surgery	... D.M.S of W.B.
Diploma in Homoeopathic Medicine	... D.H.M. of A.P.
Diploma in Homoeopathic Medicine	... D.H.M.of Kerala.
Licenciate Certificate of Examination in Homoeopathy	... L.C.E.H. of Maharastra.] ¹

1. Inserted by notification No. HMA 303 PTM 72 dt. 18.8.1972

¹[A. Recognised medical qualification in Homoeopathy granted by Universities, Boards or Medical Institutions in India.

Name of University, Board of Medical Institution	Recognised Medical qualification	Abbreviation for Registration	Remarks
1	2	3	4
1. Dr. Gururaju Government Homoeopathic Medical College, Gudivada.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From April 1970 onwards.
2. Board of Indian Medicine, Hyderabad.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From October 1971.
3. Bihar State Board of Homoeopathic Medicine.	Diploma in Homoeopathic Science.	D.M.S.	Since 1961.
	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From 1971 onwards.
4. Board of Homoeopathic System of Medicine, Delhi.	Diploma in Homoeopathic Science.	D.H.S.	From 1965 to 1970-71.
	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From 1971 onwards.
5. Royal College of Homoeopathic Physicians, Ernakulam.	Licentiate of Royal College of Homoeopathic Physicians.	L.R.C.H.P.	Upto 1966-67
6. The Board of Homoeopathic and Biochemic systems of Medicine, Madhya Pradesh.	Diploma in Homoeopathy and Biochemistry	D.H.B.	From 1960 onwards.
7. Court of Examiners in Homoeopathy.	Fellow of the Court of Examiners in Homoeopathy.	F.C.E.H.	In May 1958 only.
8. Orissa Board of Homoeopathic Medicine, Bhubaneswar.	Diploma in Homoeopathic Medicine and Surgery	D.H.M.S.	From 1972 onwards.

9.	State Board of Homoeopathic Medicine, U.P., Lucknow.	Graduate of Homoeopathic Medicine and Surgery.	G.H.M.S.	From 1961 to 1963.
		Bachelor of Medicine and Surgery.	B.M.S.	From 1958 to 1960 and from 1970 onwards.
		Certificate of Homoeopathic Practice.	C.H.P.	...
10.	Agra University, Agra.	Graduate of Homoeopathic Medicine and Surgery.	G.H.M.S.	From 1965 to 1967.
11.	Kanpur University, Kanpur.	Graduate of Homoeopathic Medicine and Surgery.	G.H.M.S.	From 1967 onwards.
12.	National Homoeopathic Medical College and Hospital, Lucknow.	...	H.L.M.S.	From 1923 to 1936.
			H.M.D.	From 1925 to 1942.
			H.M.B.	From 1924 to 1949.
			B.M.S.	From 1950 to 1957.
13.	Homoeopathic Medical College, Lucknow.	...	H.M.B.	From 1931 to 1936.
14.	The Council of Homoeopathic Medicine, West Bengal.	Diploma in Medicine and Surgery.	D.M.S.	From 1965 onwards.
15.	Calcutta Homoeopathic Medical College, Calcutta.	Bachelor of Homoeopathic Medicine.	H.M.B.	Upto 1936.
		Bachelor of Medicine & Bachelor of Surgery.	B.M.B.S.	From 1936 to 1942.
16.	Bengal Allen Homoeopathic Medical College, Calcutta.	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	Upto 1942.

		Master of Homoeopathic Medicine and Surgery.	M.H.M.S.	Upto 1942.
		Licentiate in Homoeopathic Medicine and Surgery.	L.H.M.S.	Upto 1942.
17.	Dunham Homoeopathic Medical College, Calcutta.	Member of Dunham College of Homoeopathy.	M.D.C.H.	Upto 1942.
18.	Ashutosh Homoeopathic Medical College, Calcutta.	Practitioners of Rational System of Medicine.	P.R.S.M.	Upto 1942.
		Practitioner of Heading Art.	P.H.A.	Upto 1942.
19.	Herring Homoeopathic Medical College, Calcutta.	Licentiate of the Rational Homoeopathic Society.	L.R.H.S.	Upto 1942.
20.	Regular Homoeopathic Medical College, Calcutta.	Licentiate in Homoeopathic Medicine and Surgery.	H.L.M.S.	Upto 1942.
21.	Central Homoeopathic College, Calcutta.	...	H.L.M.S. H.M.B.	1910. 1910.
22.	Bengal Homoeopathic Medical College, Calcutta.	Bachelor of Homoeopathic Medicine.	H.M.B.	Upto 1942.
23.	Court of examiners in Homoeopathic Education, Bangalore.	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	From 1985 onwards.
24.	Bangalore University	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	From October 1990 onwards.
25.	Mangalore University	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	From December 1990 onwards.
26.	Gulbarga University.	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	From December 1990 onwards.] ²

B. Qualifications granted by medical institutions outside India.

Name of University, Board of Medical Institution.	Recognised Medical qualification.	Abbreviation for Registration.	Remarks
1. Faculty of Homoeopathy, London.	Diploma of the Faculty of Homoeopathy.	D.F.Hom.	
2. Faculty of Homoeopathy, London.	Member of the Faculty of the Homoeopathy.	M.F.Hom.	
3. Faculty of Homoeopathy, London.	Fellow of the Faculty of Homoeopathy.	F.F.Hom.] ¹	

1. Inserted by notification S.O. No. 274 dt. 11.10.1974

2. Inserted by notification No. KFW 2 IME 92 dt. 10.2.1993.

Validation.- Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other Authority to the contrary, anything done or any action taken or purporting to have been done or taken under any rules, notifications, notices or order issued and all proceedings held for levy of life time fee or any renewal fee by the State Government or the Board from any person for the purpose of membership shall be deemed to have been validly levied or collected and effective as if such levy and collection of enhanced rate of fee has been collected or action or thing had been done or taken under the principal Act, as amended by this Act in accordance with the law and accordingly,-

- (a) no suit or other proceedings shall be maintained or continued in any court or Tribunal or before any Authority for the refund of any such fee, additional fee; and
- (b) no court shall enforce any decree or order directing the refund of any such fee, additional fee.

24
NOTIFICATIONS
I

Bangalore, dated 10th July, 1970. [No. HMA 463 PIM 69.]

S.O. 1530.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Homoeopathic Practitioners Act, 1961 (Mysore Act 35 of 1961), the Government of Mysore hereby appoints 17th July, 1970 as the date on which the remaining provisions of the said Act other than Chapter I, IV and VI shall come into force.

By Order and in the name of the Governor of Karnataka,

(K. RANGANATHAPPA)

Under Secretary.

(Published in the Karnataka Gazette PART IV—2C (ii) dated 16th July, 1970 at p. 3571.)

II

Bangalore, dated 18th August, 1972.[No. HMA 303 PTM 72.]

S.O. 1471.—In exercise of the powers conferred by Section 30 of the Mysore Homoeopathic Practitioners Act, 1961 (Mysore Act 35 of 1961) the Government of Mysore hereby makes the following additions to the Schedule to the said Act and specifies the date of publication of this notification in the *Mysore Gazette* as the date from which the Schedule shall be deemed to have been so modified, namely:—

In the Schedule to the said Act, to the entries under the heading “II Qualifying Examinations,” the following entries shall be added, namely:—

Diploma in Medicine and Surgery	...	D.M.S of W.B.
Diploma in Homoeopathic Medicine	...	D.H.M. of A.P.

Diploma in Homoeopathic Medicine	...	D.H.M. of Kerala.
Licenciate Certificate of Examination in Homoeopathy	...	L.C.E.H. of Maharashtra.

By Order and in the name of the Governor of Mysore,

(K. P. RAMAKRISHNA)

Under Secretary to Government,

Health and Municipal Administration Department.

(Published in the Karnataka Gazette PART IV—2C (ii) dated 24th August, 1972 at p. 2937.)

III

Bangalore dated 11th October, 1974.

S.O. 274.—In exercise of the powers conferred by Section 30 of the Karnataka Homoeopathic Practitioners Act 1961 (Karnataka Act 35 of 1961) the Government of Karnataka hereby makes the following additions to the Schedule to the said Act and specifies the date of publication of this notification in the *Karnataka Gazette* as the date from which the schedule shall be deemed to have been so modified, namely:—

In the schedule to the said Act, to the entries under the heading “Qualifying Examinations”, the following entries shall be added namely:—

A. Recognised medical qualifications in Homoeopathy granted by Universities, Boards or Medical Institutions in India.

[**Note:** As in the text of the Act at pages. 419 to 423 covered by Foot Note 2 of page 419]

By Order and in the name of the Governor of Mysore,

(K. JANARE GOWDA)

Under Secretary to Government,

Health and Municipal Administration Department.

(Published in the Karnataka Gazette Part IV-2C (ii) dated 16.01.1975 at pages 634-637)

IV

Bangalore, dated 12th May, 1988 [No HFW 44 IME 87]

In exercise of the powers conferred by section of the Karnataka Homeopathic Practitioners Act, 1961 (Karnataka Act 35 of 1961), the Government of Karnataka hereby makes the following alteration to the Schedule to the said Act, and the said alteration shall come into effect from the academic year 1988-89.

In the Schedule to the Karnataka Homeopathic Practitioners Act, 1961 (Karnataka Act 35 of 1961), for the entries under the heading 1, Course of studies, the following shall be substituted, namely:-

[**Note:** Entries as in the text of the Act at pages 418-419 covered by foot Note 4 at page 418]

By Order and in the name of the Governor of Mysore,

(H.M. CHIKKABASAVIAH)

Under Secretary to Government,

Health and Family Welfare Department.

V

Bangalore, dated 10th February, 1993. [No. HFW 2 IME 92]

In exercise of the powers conferred by Section 30 of the Karnataka Homoeopathic Practitioners Act, 1961, (Karnataka Act 35 of 1961) the Government of Karnataka hereby makes the following additions further to amend the schedule to the said Act namely:—

In the schedule to the said Act under the heading Recognised medical qualification in Homoeopathy granted by Universities, Boards or Medical Institutions in India after item no. 22 the following entries shall be inserted namely:—

[**Note:** As in the text of the Act at page.423 covered by foot Note-1 at page.423]

By Order and in the name of the Governor of Mysore,

(P. PRASANNA KUMAR)

*Under Secretary to Government,
Health and Family Welfare Department.*

(Published in the Karnataka Gazette Part IV-2C(ii) dated 18.03.1993 at pages175-176)

* * * *

KARNATAKA ACT NO. 33 OF 2012

(First published in the Karnataka Gazette Extra-ordinary on the Thirtieth day of August, 2012)

THE KARNATAKA HOMOEOPATHIC PRACTITIONERS (AMENDMENT) ACT, 2012

(Received the assent of the Governor on the Twenty Seventh day of August, 2012)

An Act further to amend the Karnataka Homoeopathic Practitioners Act, 1961.

Whereas it is expedient further to amend the Karnataka Homoeopathic Practitioners Act, 1961 (Karnataka Act 35 of 1961), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty-Third Year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Homoeopathic Practitioners (Amendment) Act, 2012.

(2) It shall come into force at once.

Sections 20, 24 and 35 are incorporated in the Principal Act

2. Amendment of section 20.- In the Karnataka Homoeopathic Practitioners Act, 1961 (Karnataka Act 35 of 1961) (hereinafter referred to as the principal Act), in section 20, for the words "thirty rupees", the words "such fee as may be prescribed for life time membership" shall be deemed to have been substituted with effect from 1st January, 1996.

3. Amendment of section 24.- In section 24 of the principal Act, for sub-section (1), the following shall be deemed to have been substituted with effect from 1st January, 1996, namely:-

"(1) Notwithstanding anything contained in section 18 or 20, each Homoeopathic Practitioner other than a Homoeopathic Practitioner whose name is entered in the register under section 18 or continued in the register shall pay to the Board on or before the thirty first day of December of every year and in succeeding year in which his name is entered in the register and every year thereafter a prescribed renewal fee for the continuance of his name on the register:

Provided that a Homoeopathic Practitioner registered under this Act, before the commencement of the life time registration may pay such amount as renewal fee, as may be prescribed, for the continuance of his name on the register for life time."

4. Amendment of section 35.- In section 35 of the principal Act, in sub-section (1), after the words "make rules", the words "prospectively or retrospectively" shall be inserted.

5. Validation.- Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other Authority to the contrary, anything done or any action taken or purporting to have been done or taken under any rules, notifications, notices or order issued and all proceedings held for levy of life time fee or any renewal fee by the State Government or the Board from any person for the purpose of membership shall be

deemed to have been validly levied or collected and effective as if such levy and collection of enhanced rate of fee has been collected or action or thing had been done or taken under the principal Act, as amended by this Act in accordance with the law and accordingly,-

- (c) no suit or other proceedings shall be maintained or continued in any court or Tribunal or before any Authority for the refund of any such fee, additional fee; and
- (d) no court shall enforce any decree or order directing the refund of any such fee, additional fee.