

The Nagaland Homeopathic Medicine Act, 1997.

(Act No. 4 of 1997)

Received the assent of the Governor of Nagaland on 01/04/1997 and published in the Nagaland Gazette Extraordinary dated: 16th of April, 1997

An
- Act -

To provide for the development of the Homoeopathic System of Medicine and its control by the State government of Nagaland.

Whereas it is expedient to provide for the development of Homoeopathic system of Medicine and its control by the State Government;

It is hereby enacted in the Forty Seventh year of the Republic of India as follows:

Short title, extent
and commencement.

1. i) This Act may be called the Nagaland Homoeopathic Medicine Act, 1996.
- ii) It extends to the whole of the State of Nagaland.
- iii) It shall come into force on such date as the State Govt may, by notification in the Nagaland Gazette, appoint.

Definition

2. In this Act, unless there is anything repugnant in the subject or context:-
 - (a) "Board" means the Board of Homoeopathic System of medicine constituted under Sections 3 and 4 of this Act;
 - (b) "Chairman" means the Chairman of the Board;
 - (c) "Homoeopathy" means the system of medicine founded by Dr. Hahnemann and the expression "Homoeopathic" shall be construed accordingly;
 - (d) "Member" means a member of the Board;
 - (e) "Prescribed" means prescribed by rules framed under this Act;

- (f) "Registered Homoeopath" means a person who practices the Homoeopathic System of medicine as his principal occupation and who is registered under the provisions of the Act;
- (g) "Registrar" means the Registrar appointed under this Act;
- (h) "Register" means the register of Homoeopathic medical practitioners.

Constitution of the first and subsequent Board.

3. 1) The State Govt may, as soon as may be, by Notification in the Official Gazette constitute a Board, to be called "The Board of Homoeopathic System of Medicine, Nagaland". The Board shall be a body corporate and have perpetual succession and seal and may by said name sue and be sued.
- 2) The Board shall consist of 11 Members including the Chairman and shall be constituted in the following manner, viz.
 - (a) Four Homoeopaths to be elected by the Registered Homoeopaths of the State;
 - (b) Three Members of the State Legislative Assembly to be nominated by the State Govt;
 - (c) Two Members of the Registered medical practitioners of the State to be nominated by the State Government;
 - (d) One member from the public having interest in Homoeopathy to be nominated by the Govt;
 - (e) The Director of health Services: provided that for the first Board all the non-official members shall be nominated by the State Govt. The Director of Health Services, Nagaland shall be Ex-Officio Chairman of the Board.
3. The First board shall be constituted within six months from the date the Act comes into force

and the names of the members shall be published in the official Gazette and such Board shall function for a period of three years.

Information and
life of
subsequent Board.

4. 1) Each subsequent Board shall function for a period of three years from the date of the first meeting of the Board constituted as under sub-Section (2) of Section 3 and the manner of election and nomination of the members of the Board shall be such as may be prescribed.
- 2) The period of three years referred to in Sub-Section (3) of Section 3 and Sub-section 1 of this Section shall include and shall be deemed always to have included any period which may elapse between the expiry of the said three years and the date of the first meeting of the subsequent Board: provided that such subsequent Board shall sit within forty five days from the day of its constitution.
- 3) The State Govt may, by notification, for sufficient cause to be stated therein, direct, from time to time, that the term of the Board be extended by such period not exceeding one year at a time as may be specified in the notification: Provided that the total period of such extension shall not exceed two years.

Compulsory
Registration

5. Within one year from the date of the Gazette notification of the constitution of the Board a person practicing Homoeopathy shall report his name, address qualification to the Chairman of the Board for the purpose of registering his or her name in the manner provided here after.

Maintenance of
the Register

6. 1. The first Board shall as soon as conveniently after its constitution and not later than two years from the enforcement of this Act, make orders regulating the maintenance of a Register of Homoeopaths.
2. After the completion of the Register the names of the Homoeopath eligible for practice in Homoeopathy shall be published in the official Gazette.

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| | 3. | The Register shall be kept in such form as may be prescribed. |
| Appointment of the Registrar and Staff. | 7. | The first Board shall with the previous approval the Govt appoint a senior most Homoeopathic Medical Officer as a Registrar who shall be the Secretary to the Board and also appoint the Staff necessary for carrying out the purposes of the Act. |
| Duties, Salary and allowances of the Registrar and the Staff. | 8. | The duties, salary and allowances and such other matter relating to the Registrar and the Staff shall be such as may be prescribed. |
| Two categories of Homoeopaths. | 9. | There shall be two classes of Registered Homoeopaths, viz, Class 'A' and Class 'B'. |

Class 'A'

- (i) "One who is a registered Medical practitioner under any statutory Act of parliament or Legislature of any State in the country, practicing exclusively Homoeopathy;
- (ii) One who is a Homoeopathic Medical Practitioner holding degree from a foreign country which entitles him to practice medicine in his country subject to the condition that the institution is approved as suitable for the purpose by the Board of Homoeopathic Medicine;
- (iii) One who is a Homoeopathic Medical Practitioner who has successfully gone through at least five years course in any Homoeopathy Institution recognised by the State in which the institution is situated and holding a degree or diploma from the Institution, subject to the condition that the standard of qualification is not lower than the standard that would be required for registration by the Nagaland Homoeopathic Board.

Class 'B'

One who has been engaged in the practice of Homoeopathic system of Medicine as the principal occupation for a period of not less than five years immediately before the date of the coming into force of this Act: Provided that the person shall have passed an examination to be held by Board in the manner provided by regulation upon an application for registration of his name to be made within a period of two years from the date this Act comes into force.

Fees for
Registered
Homoeopaths.

10. 1) If it appears to the Board that a person is qualified to have his name entered in the Register as a Class 'A;' "REGISTERED HOMOEOPATH" his name shall be entered on payment of a sum of Rs. 100/- (Rupees One Hundred) only as first annual fees; and if he is qualified to have his name entered in the Register as a Class 'B' "REGISTERED HOMOEOPATH" his name shall be so entered on payment of Rs. 100/- (Rupees One hundred) only as first annual fees. On payment of the first annual fees the "REGISTERED HOMOEOPATH" shall received licences to practice Homoeopath in the State of Nagaland.
2. The subsequent renewal fees for a "REGISTERED HOMOEOPATH" shall be Rs. 50/-(fifty) only for both Classes of Homoeopaths respectively.
3. The method and time of depositing Licence fees by the "Registered Homoeopaths" and the contents and the form of the Licences to practice shall be as may be prescribed.

Bar to
Practice.

11. After the publication of the names of Homoeopaths under Section 6 of the Act and after such time as the State government shall, by notification in the Official Gazette, notify that no person other than a "Registered Homoeopath" holding a licence to practice as herein before provided, shall practice the Homoeopathic System of Medicines.

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| Penalty for Practice of Homoeopathy by unauthorised person | 12. | Any person, who acts in contravention of Section 11 shall on conviction be punishable with fine which may extend to Rs. 1000/- (rupees One thousand) only for the first of fence and upto Rs. 3000/- (Rupees three thousand) only for every subsequent of fence. |
| Conferring and grating or issuing Diploma Licence etc. By unatho-
rised person or institution and
penalty thereof. | 13. 1. | No person other than association or institution recognised or authorised by the Board under this Act shall confer, grant or issue any degree, licence, certificate or other document stating that the holder, guarantee or recipient is qualified to practice the Homoeopathic System of Medicine. |
| | 2. | Whoever contravenes the provision of this Section shall be punishable with fine which may extend to Rs. 1000/- (rupees One thousand) only. |
| Penalty for false assumption of degree, Diploma or Certificates. | 14. | Whoever voluntarily and falsely assumes or uses any title against his name that he hold a degree, diploma, licence or certificate conferred, granted or issued by any association or institution recognised or authorised by the Board under this Act or that he is qualified to practice the Homoeopathic System of medicine under the provisions of this Act, shall be punishable with fine which may extend to Rs. 2000/- (rupees two thousand) only for the first offence. |
| Control of manufacture, storage and sale of Homoeopathic Drugs. | 15. | Subject to the provisions of any law for the time being in force relating to drugs and poisons the State Govt shall have the power to regulate and control the manufacture, storage or sale of Homoeopathic drugs and medicines by the grant of licences to manufacturers, stockists and sellers, on such conditions and on payment of such fees as may be prescribed. |
| Homoeopathic Fund. | 16. | There shall be a fund raised for the Board and account shall be maintained by the Board by the following methods:- |

- a. Grants and loans if any received from the State Government;
 - b. All fees received by the Board on account of registration of Homoeopaths admission to the Board's examination and licensing of firms for sale of drugs under the Act;
 - c. Contribution if any received from any local authority or any Homoeopathic Medical Association; and
 - d. All sums received by or on behalf of the Board from sources other than those mentioned in the foregoing Clauses.
17. 1. The State Govt may at its discretion place a lump sum allotment at the disposal of the Board every year for distribution according to rules of the Homoeopathic Dispensaries and educational institutions in Nagaland and other suitable purposes connected with the aims and objects of the Act.
2. The Board shall administer, subject to conditions, any fund placed at its disposal by the State Govt for specific purposes.
3. The fund for the Board shall be deposited in a bank with the previous sanction of the State government.
18. 1. An appeal shall lie to the State Govt from every decision of the Board under this Act.
2. Every appeal under sub-Section (1) shall be preferred within thirty days of the date of such decision.
19. 1. No suit or other legal proceedings shall be against the State Govt in respect of an Act done in exercise of the powers conferred by this Act.
2. No suit or other legal proceedings shall lie maintainable against the Board or any member or any officer or servant of the Board or of the Chairman or of any officer or servant of the

Appeal to State
Govt from decision
of Board.

Bar to suit other
legal Proceeding.

Board in respect of any thing done under this Act. Lawfully and in good faith and with care and attention.

Control of Board
by State govt.

20. If at any time it shall appear to the State Govt that the Board has failed to exercise or has exceeded or abused a power conferred upon it by or under this Act, the State Govt may, if it considers such failures, excess or abuse to be of serious character, notify the particulars thereof to the Board; and if the Board fails to remedy such default, excess or abuse within such time as may be fixed by the State Govt in this behalf, the State Govt may dissolve the Board and cause all or any of the power and duties of the Board to be exercised and performed by such agency and for such period as it may think fit: Provided that it shall take steps within six months to constitute a new Board under the provisions of this Act.

Court Competent
to try offence under
this Act and take
cognizance of offences.

21. 1. No Court other than the Court of a magistrate of the First Class shall take cognizance of or try an offence under this Act.
2. No Court shall take cognizance of any offence under this Act except on complaint in writing or an officer not below the rank of a sub-Inspector of Police.

Delegation
powers.

22. The State Govt or the Board may delegate such of its powers and to such authority as the State govt or the Board as the case may be deemed necessary.

Making of
Regulations.

23. Subject to the provisions of this Act and to the Rules framed by the State Govt, the Board may frame regulations for regulating the following matters, viz:-
1. (a) Conditions of which educational or instructional institutions may be affiliated to or recognised by the Board;
(b) The admission of students to such educational or instructional institutions;

- (c) The conditions under which students shall be admitted to the examination of the Board for the purpose of degrees, diploma & Certificate;
 - (d) The number of qualification and emoluments of teachers of the educational or instructional institutions affiliated to the Board;
 - (e) The fees to be charged for course of study in such institutions and for admission to the examinations, degrees, diploma and certificates of the Board;
 - (f) The conditions and modes of appointments and duties of examiners and the conduct of examination.
2. (a) The time and place at which the meeting shall be hold;
 - (b) The issue of notices concerning such meetings;
 - (c) The conduct of business;
 - (d) The salary allowances and other conditions of service of officers and servants of the Board other than the Registrar;
 - (e) All other matters which may be necessary for the purpose of carrying out the objects of this Act.
 3. (a) All such regulations shall be published in the Official Gazette.
 4. The State Govt may, by notification in the Official Gazette, cancel or modify any regulation.

Power to make
rules

24. 1. The State Govt may, from time to time, make rules consistent with this Act for carrying out the purpose of this Act.
2. In particular, and without prejudice to the generality of the foregoing power, the State

Govt may make rules for any of the following matters:-

- a. The time at which and the place and manner in which election shall be held and nomination made under this Act;
- b. Regulation of elections under this Act;
- c. The conduct of the maintenance of correct minutes of meeting of the Board;
- d. The manner in which vacancies of the office Bearers and Members of the Board shall be filled;
- e. The privileges, salary and all allowances and other conditions of service of the Registrar;
- f. The accounts shall be audited and published and the power of auditors in respect of disallowance and surcharge;
- g. The date before which a meeting shall be for the sanction of the budget;
- h. The method and forms to be adopted in the preparation of the budget;
- i. The returns statements and reports to be submitted by Board;
- j. The form of Registrar of Homoeopaths to be maintained under this Act;
- k. the manner in which appeals against the decision of the Board shall be heard;
- l. Allowance if any payable to Members of the Board and its Chairman;
- m. Remuneration to be paid to the Chairman;
- n. In furtherance of any objects of the Board as a teaching or examining body;
- o. Maintenance of a patient register by practitioners in the prescribed form;
- p. Delegation of power by the State Government and by the Board; and
- q. In furtherance of any other objects of this Act.