

THE RAJASTHAN ELECTROPATHY SYSTEM OF MEDICINE ACT, 2018

(Act No. 13 of 2018)

[Received the assent of the Governor on the 10th day of April, 2018]

An

Act

to provide for the constitution of a Board of Electropathy System of Medicine for the development and expansion of the Electropathy system of medicine in the State of Rajasthan, for the registration of practitioners of that system of medicine and for other matters connected therewith and incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Sixty-ninth year of the Republic of India, as follows:-

CHAPTER I Preliminary

1. Short title, extent and commencement.-(1) This Act may be called the Rajasthan Electropathy System of Medicine Act, 2018.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force on such date as the State Government may by notification in the Official Gazette, appoint.

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

(a) "Board" means the Board of Electropathy System of Medicine for Rajasthan established and constituted under this Act;

(b) "Chairperson" means the Chairperson of the Board;

(c) "Electropathy" means the system of medicine founded by Dr. Count Ceseare Mattei of Italy in the nineteenth century based on treatment of diseases by medicines made by the method of Spagyral Cohobation (repeated distillation) by which the life force of the plants are collected in the form of micro, macro and trace elements of the herbs;

(d) "member" means a member of the Board and includes the Chairperson thereof;

(e) "practitioner" means a person who practises the Electropathy system of Medicine;

(f) "recognised medical qualification" means any of the qualifications in Electropathy recognized by the Board;

(g) "register" means the register of Electropaths maintained under section 28;

(h) "registered Electropaths" means a Electropathy practitioner registered under the provisions of this Act;

(i) "Registrar" means the Registrar appointed under this Act.

CHAPTER II

ESTABLISHMENT AND CONSTITUTION OF BOARD

3. Establishment of Board.- (1) The State Government shall by notification in the Official Gazette, establish, in the manner provided hereafter, a Board to be called the Rajasthan Board of Electropathy System of Medicine, for the purpose of carrying out the provisions of this Act.

(2) The Board so established shall be a body corporate having a perpetual succession and a common seal and may sue or be sued in its corporate name.

4. Constitution of the Board.-The Board shall consist of the following members, namely :

(a) four persons to be nominated by the State Government of whom at least two shall be registered Electropaths;

(b) one person possessing recognized medical qualification to be elected by the teachers of the recognized Electropathy institutions in State of Rajasthan;

(c) two experts in the field of Electropathy to be nominated by members of the Board elected and nominated under clauses (a) and (b).

5. Chairperson.- The Chairperson of the Board shall be nominated by the State Government from amongst the members of the Board.

6. Term of office of members.- (1) The term of office of a member of the Board shall be three years from the date on which the first meeting of the Board is held after their nomination or, as the case may be, election under section 4:

Provided that the State Government may from time to time extend such term to any further period not exceeding in the aggregate one year.

(2) Notwithstanding anything contained in any other provision of this Act, the State Government, if it thinks fit in public interest so to do, may, at any time by a notification in the Official Gazette terminate the normal or extended term of office of any member of the Board.

(3) An out-going Chairperson, or member, if otherwise qualified, shall be eligible for re-election or re-nomination, as the case may be.

7. First Board to be nominated by the Government.- Notwithstanding anything contained in section 4 and section 5, members of the first Board (including the Chairperson) constituted after the commencement of this Act shall be nominated by the State Government and shall hold office for a period of three years from its constitution :

Provided that the State Government may from time to time extend the term of office of the Board to any further period not exceeding in aggregate one year.

8. Resignation.-(1) Any member other than the Chairperson may at any time resign his office by a letter addressed to the Chairperson and such resignation shall take effect from the date on which resignation is accepted by the Chairperson.

(2) A Chairperson may at any time resign from his office by a letter addressed to the State Government and such resignation shall take effect from the date on which resignation is accepted by the State Government.

9. Filling of casual vacancies.-If a member or Chairperson of the Board dies or resigns or from any cause whatsoever, in accordance with the provision of this Act, vacates his office or is removed therefrom, the vacancy so caused shall be filled by fresh nomination or, as the case may be, election within such period as may be prescribed.

10. Vacation of Office.-If any member during the period for which he has been nominated or elected,-

- (a) absents himself without cause from three consecutive ordinary meetings of the Board, or
- (b) becomes subject to any of the disqualifications mentioned in section 17,

the Board may declare his office to have become vacant:

Provided that when the Board proposes to take action under this section an opportunity of explanation shall be given to the member concerned and, when such action is taken, the reasons therefor shall be placed on record.

11. Removal from Office.- (1) The State Government may remove a Chairperson or member, who, in its opinion, has so flagrantly abused, in any manner, his position, as such as to render his continuance on the Board detrimental to the public interest or who has been guilty of habitual failure in the performance of his duties : Provided that when the State Government proposes to take action under this section, it shall give the Chairperson or member an opportunity of explaining his conduct on account of which it is proposed to remove him, shall make such enquiry as it may consider necessary and shall, in the event of taking such action, place on record the reasons therefor.

(2) The State Government may place under suspension a member, or Chairperson against whom an inquiry relating to the abuse of his position as a member or Chairperson is pending before it or in a court of law, or under the orders of the State Government or the Board till final orders have been passed on the legal proceedings or

the enquiry as the case may be. Such member or Chairperson shall not take part in any proceedings of the Board during the period of suspension.

12. Duties of Chairperson.-It shall be the duty of the Chairperson -

(a) unless provided otherwise by this Act or prevented by reasonable cause -

(i) to convene and preside over all meetings of the Board, and

(ii) to control in accordance with any regulations to be made in this behalf the transaction of business at all meetings of the Board;

(b) to superintend and control the financial and executive administration of the Board and bring to its notice any defects therein; and

(c) to perform such other duties as are required of, or imposed on, him by or under this Act or rules made thereunder.

13. Power of Board to require reports etc.- (1) The Board may require the Chairperson to furnish it with -

(a) any return, statement, estimate, statistics or other information regarding any matter pertaining to the administration of the Board;

(b) a report or explanation on any such matter; and

(c) a copy of any record, correspondence, plan or other document which is in his possession or control as Chairperson or which is recorded or filed in the office of any servant of the Board.

(2) The Chairperson shall comply with every requisition made under sub-section (1) without unreasonable delay.

14. Delegation by Chairperson of his powers and duties.- (1)The Chairperson may empower, by general or special order, any member of the Board elected under section 15 to exercise under his control any one or more of his powers, duties or functions.

(2) An order by the Chairperson under sub-section (1) may lay down any conditions and impose any restrictions, in respect of the exercise of any power, the performance of any duty or the discharge of any function by such member.

(3) In particular, such order may lay down the condition that any order made in the exercise of a power conferred on him by sub-section (1) shall be liable to rescission or modification by the Chairperson upon appeal to him within a specified time.

15. Duties of Board in absence of Chairperson.-A person elected by the Board Members from amongst themselves shall -

(a) during the vacancy in the office of the Chairperson or the incapacity or temporary absence of the Chairperson, perform any other duty or exercise any other power of the Chairperson; and

(b) at any time perform any duty and exercise, when occasion arises any power, delegated to him by the Chairperson under section 14.

16. Nomination of members in default of election.-If the electoral body referred to in section 4 fails, by such date as may be prescribed to elect a member or to fill-up the vacancy, the State Government shall, on the recommendation of the Board, fill up such vacancy by nomination of a person qualified to be elected by such electoral body.

17. Disqualifications for membership.-A person shall be disqualified for being nominated or elected as, or for being a member of, the Board, if-

(a) he has been sentenced by a court to imprisonment for an offence involving moral turpitude or indicating, in the opinion of the Board, such a defect in character as would render the entry or continuance of his name in the register undesirable, the sentence not having been subsequently reversed in appeal or revision or remitted by an order which the State Government is empowered to make if it thinks it;

(b) the Board, after enquiry (at which an opportunity has been given to such person to be heard in his defence either personally or through a representative) has found him guilty, by a majority of two-thirds of the members present and voting at the meeting, of infamous conduct in any professional respect,

(c) he is an undischarged insolvent;

(d) he has been adjudged by a competent court to be of unsound mind;

(e) he is a dismissed servant of the State Government or of any local authority,

(f) he is debarred from practising as a legal practitioner by order of any competent authority;

(g) he holds any place of profit in the gift or disposal of the Board;

(h) being a legal practitioner he appears in any suit or proceeding, civil or criminal against the Board; or

(i) he has acquired, directly or indirectly by himself or by a partner any share or interest in any contract with by or on behalf of the Board.

18. Notification of elections, etc.-The name of every member or Chairperson of the Board elected or nominated under this Act and of every member, or Chairperson who has resigned under section 8 or vacated his office under section 10 or has been removed therefrom under section 11, shall be notified in the Official Gazette.

19. Payment of allowances.-There shall be paid to the members of the Board such travelling and daily allowances as may be prescribed

20. Meetings of the Board.-(1) The Board shall meet at its office at Jaipur or at such other place and at such time, and every meeting shall be convened in such manner, as may be provided by regulations made by the Board.

(2) No business shall be transacted at any meeting of the Board unless four members are present.

21. Chairperson of meeting.-If at a meeting the Chairperson is not present the members present shall elect one from amongst themselves to be the Chairperson of the meeting and such Chairperson shall perform all the duties, and may exercise all the powers of the Chairperson of the Board while presiding at the meeting.

22. Power of Chairperson of meeting to maintain order.- Where at a meeting of the Board any member or other person refuses to comply with any direction of the Chairperson ruling any business or matter out of order or otherwise regulating the conduct of members or of business or where any member or person wilfully disturbs the meeting the Chairperson may require that member or person to withdraw from the meeting and in the event of his omitting to do so, may employ against him such force as is necessary, or as in good faith he believes to be necessary, for the purpose of removing and excluding him from the meeting.

23. Decision by Board.-(1) All questions which may come before a meeting of the Board shall, unless otherwise provided in this Act or in the rules or regulations made thereunder, be decided by a majority of the votes of the members present and voting.

(2) In case of an equality of votes the Chairperson of the meeting shall have a second or casting vote.

24. The minute book and resolutions.-(1) The names of the members present and the proceedings held and resolutions passed, at a meeting of the Board shall be entered in a book to be called the minute book.

(2) The minutes shall be read out at the meeting or at the next following meeting and after being passed as correct by the members or a majority of them present at the reading, shall be certified as passed by the signature of the Chairperson of the meeting at which they are passed.

(3) A copy of the proceedings of every meeting of the Board shall within fifteen days from the date of the meeting be forwarded to the State Government or any other authority appointed by the State Government in this behalf.

25. Establishment of Advisory Committee.-(1) Subject to the rules made by the State Government for this purpose, the Board may, by a resolution in this behalf, appoint an Advisory Committee consisting of seven persons of whom three shall be the members of the Board and four co-opted members, for any purpose provided for in this

Act and may appoint a Convenor who shall preside over the meetings of such Committee in the absence of the Convenor, the committee may elect any one of its members for this purpose.

(2) All questions at a meeting of the Committee shall be decided by a majority of the votes of the members present and voting. In case of an equality of votes, the person presiding shall have a casting vote.

(3) No business shall be transacted at any meeting of the Committee when less than four members are present.

(4) Proceedings of every meeting of the Committee shall be laid before the Board which may take such action thereon as it deems necessary.

(5) The members of the Advisory Committee shall be paid such travelling and other allowances as may be payable to the members of the Board under section 19.

26. Validity of proceedings.-(1) No vacancy in the Board or in a Committee of the Board shall vitiate any act or proceedings of the Board or such committee.

(2) No disqualification of or defect in the election or nomination of, any person acting as a member of the Board or as the Chairperson or the person presiding at a meeting shall be deemed to vitiate any act or proceeding of the Board in which such person has taken part.

CHAPTER III Staff and Registration

27. Registrar and other officers and servants of the Board.-(1) The State Government shall appoint the Registrar of the Board.

(2) The Registrar shall be the Secretary and the executive officer of the Board.

(3) The Board may, with the prior approval of the State Government, appoint such other officers and servants as may be necessary for carrying out the purposes of this Act.

(4) All questions relating to the number, designations, pay and allowances, recruitment, promotions, leave, provident fund and other conditions of service of the officers and servants appointed under sub-section (3) shall be governed by rules made by the State Government.

(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 Indian Penal Code, 1860 (Central Act 45 of 1860).

28. Maintenance of register. - (1) The First Board shall, within one and a half year of its constitution, prepare a register of Electropaths.

(2) The register shall be kept and maintained by the Board in such manner as may be prescribed.

29. Duties of Registrar.-(1) Subject to the provisions of this Act and subject to any general or special orders of the State Government or the Board, it shall be the duty of the Registrar to keep and maintain the register and discharge such other functions as are required to be discharged by him under this Act or by any rules or regulations made thereunder.

(2) The Registrar shall, so far as practicable, keep and maintain the register correct and up-to-date and may from time to time enter therein any material alterations in the addresses or qualifications of the registered Electropaths. He shall also remove from the register the names of the registered Electropaths who die or who cease to be qualified as such.

30. Persons entitled to be registered.-(1) Every person, possessing recognized medical qualifications shall, subject to the provisions of this Act, be entitled to have his name entered in the register.

(2) An application for registration shall be made to and disposed of by the Registrar.

(3) Every application for registration under sub-section (2) shall be made in such form and manner and be accompanied with such registration fee as may be prescribed by the Board.

(4) Any person aggrieved by the decision of the Registrar regarding the registration of any person may within ninety days from the date of such decision or within such extended time as the Board may upon sufficient cause allow, appeal to the Board.

(5) Such appeal shall be heard and decided by the Board in the prescribed manner.

(6) The Board may on its own motion or on the application of any person and after calling for an explanation from the person concerned and considering the same, cancel or alter any entry in the register, if in the opinion of the Board, such entry was fraudulently or incorrectly made or obtained.

31. Renewal of registration.-(1) Every registered Electropath shall be entitled to practice for a period of three years from the date on which his name has been registered and if he desires to practice after the expiry of the said period, he shall, upon an application made to the Registrar along with a prescribed renewal fee for every period of three years, be entitled to the continuance of his name in the register.

(2) If the renewal fee is not paid before the due date, the registrar shall remove the name of the defaulter from the register:

Provided that the name so removed may be restored to the register on payment of the renewal fee in such manner and subject to such conditions as may be prescribed.

32. Power of Board to recognise titles, etc. for purposes of registration.-If the Board is satisfied that any title or qualification granted or certified by a University, medical institution, examining body or other institution in or outside India is sufficient guarantee that persons holding such title or qualification possess the knowledge and skill requisite for the efficient practice of Electropathy, it may recognize such title or qualification.

33. Power of Board to call for information from institutions.-The Board shall have power to call upon the governing body or authority of a University, medical institution, examining body or other institution, recognised or desirous of being recognized -

(a) to furnish such reports, returns or other information as the Board may require to enable it to judge the efficiency of the instructions given therein in Electropathy; and

(b) to provide facilities to enable a member of the Board deputed by it in this behalf to be present at the examination held by such University, medical institution, examining body or other institution.

34. Information required from applicants for registration.-Every person who applies to have his name entered in the register must satisfy the Registrar that he possesses recognized medical qualification and he must inform the Registrar of the date on which he obtained the such qualification and shall also furnish any other information required by the Registrar in order to enable him to discharge his duties under the Act.

35. Entry of new titles and qualifications.-If a person whose name is entered in the register obtains any title or qualification other than the title or qualification in respect of which he has been registered, he shall on payments of such fee as may be prescribed be entitled to have an entry stating such other title or qualification made against his name in the register, either in substitution for, or in addition to, any entry previously made.

36. Powers of Board to prohibit entry in or to direct removal from the register.- (1) The Board may prohibit the entry in, or order the removal from, the register of the name of any Electropath -

(a) who has been sentenced by a court in India to imprisonment for an offence declared by the State Government to involve such moral turpitude as would render the entry or continuance of his name in the register undesirable; or

(b) whom the Board or a committee of the Board specially authorised for the purpose, after enquiry at which an opportunity has been given to him to be heard in his defence and to appear either in person or by counsel and which may in the discretion of the Board, be held has found guilty of professional misconduct or other infamous conduct by a majority of at least two-thirds of the members present and voting at the meeting; or

(c) who has been found by the Board or a Committee of the Board specially constituted for this purpose, after an enquiry and after giving the person concerned an opportunity of being heard, to have obtained registration fraudulently or by submitting false or forged or incorrect document or on the basis of misrepresentation or by the use of deceitful and dishonest means.

(2) The name of any person against whom an order has been made under clauses (a) and (b) of sub-section (1) shall be entered or re-entered in the register, as the case may be, after six years from the date of such order.

37. Notice of deaths and erasure of names from register.-(1) Every Registrar of Death who receives notice of the death of a person whose name he knows to be entered in the register shall forthwith transmit by post to the Registrar of the Board a certificate of such death, signed by him and stating particulars of the time and place of death.

(2) On receipt of such certificate or other reliable information regarding such death, the Board shall erase the name of the deceased person to be erased from the register.

38. Publication of names entered in the register.-(1) The Registrar shall in every year and from time to time as occasions may require, on or before a date to be fixed in this behalf by the Board, cause to be published in the Official Gazette and in such other manner as the Board may specify, a full or supplementary list arranged in alphabetical order of the names for the time being entered in the register and setting forth -

(a) the registered address and appointment held by or actual employment of each person whose name is entered in the register;

(b) the registered titles and qualifications of each such person and the date on which each such title or qualification was granted or certified:

Provided that the Registrar shall from time to time get published in the Official Gazette the names of such registered Electropaths whose names have been duly removed from the register under any provision of this Act.

(2) In any proceeding it shall be presumed that every person entered in such list is a registered Electropath:

Provided that in the case of a person whose name has been entered in the register after the last publication of the list, a certified copy signed by the Registrar of the entry of the name of such person in the register shall be evidence that such person is registered under this Act, and such certificate shall be issued free of charge.

CHAPTER IV

Functions and Finances of the Board

39. Powers of the Board.-The Board shall have the following powers namely:-

(i) to recognise and affiliate Electropathic educational or instructional institutions;

(ii) to prescribe courses of study and curricula for general instruction or special or refresher courses in institutions affiliated to the Board in such branches of the Electropathy as the Board may prescribe;

(iii) to hold examinations and to grant certificates to the persons who shall have pursued a course of study in an educational institution recognized by the Board as the Board may think fit;

(iv) to institute exhibitions and award medals thereat, to grant scholarships and medals to those who obtain high position at the Board's examinations or are poor and deserving, and with the sanction of the State Government, to grant scholarships for special study in research and manufacture of Electropathic medicines in any medical institution or a reputed firm that the Board may think fit, and to endow chairs of Electropathy in institutions affiliated to the Board as the Board may prescribe;

(v) to demand and receive from students such fees as may be prescribed for admission to the Board's examinations;

(vi) to exercise general supervision over the residential and disciplinary arrangements made by the educational institutions affiliated to the Board and to make arrangements for promoting the health and general welfare of their students as the Board may prescribe;

(vii) to appoint examiners and publish the results of the examinations held by it as the Board may prescribe;

(viii) to suspend or withdraw the recognition of any institution which is not conducted in accordance with the conditions prescribed by this Act or the rules or regulations framed thereunder:

Provided that no such action shall be taken without affording the Committee or management of such an educational institution an opportunity of making such representation as it may deem fit;

(ix) to appoint, with the previous sanction of the State Government, Inspectors for the inspection of Electropathic dispensaries, hospitals and educational institutions in the State as the Board may prescribe;

(x) to promote study in the science of Electropathy and to publish Electropathic journals;

(xi) to establish or aid research institutions and to encourage scientific manufacture of Electropathic medicines in the State;

(xii) to be the Licensing, Quality and Controlling Authority of manufacturing of Electropathic Medicines and products as the Board may prescribe;

(xiii) to do such acts not inconsistent with the provisions of this Act and the rules and regulations made thereunder, as may be necessary for the furtherance of the objects of this Act;

(xiv) to appoint with prior approval of the State Government standing or ad-hoc Committees to delegate any of its powers and instructions to such Committees subject to any restriction and to make regulations for determining the procedure to be followed by such Committee.

40. Budget.-(1) The Board shall have prepared and laid before it at a meeting, to be held in every year before such date as may be prescribed a complete account of the actual and estimated receipts and expenditure for the year ending on the 31st day of March next following such date, together with a budget estimate of the income and expenditure of the Board for the year commencing on the first day of April next following.

(2) The Board shall at such meeting decide upon the appropriations and ways and means contained in the budget estimate and pass the budget which shall be submitted to the State Government or to such other authority as the State Government may by order direct within fifteen days from the date of the meeting in which the budget is passed.

(3) If the State Government is satisfied that adequate provision has not been made therein for giving effect to the provisions of this Act, it shall have the power to suggest such modifications as may be necessary to secure such provision and return the budget to the Board with its observations regarding the modifications to be made therein. The Board shall consider such observations and pass the budget with such modifications as it deems necessary.

(4) If in the course of a year the Board finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended for the purposes of this Act, a supplementary budget may be prepared, passed, submitted and modified in the manner provided in sub-sections (1), (2) and (3).

(5) As soon as may be after the first day of October every year, the revised budget for the year shall be framed and such revised budget shall, so far as may be, be subject to all the provisions of the foregoing sub-section applicable to a budget.

41. Electropathic Fund.-(1) There shall be established a Fund to be called Electropathic Fund, hereinafter referred to as the 'Fund'.

(2) There shall be placed to the credit of the Fund -

- (a) grants and loans received from the State Government;
- (b) all fees received by the Board on account of registration of Electropaths and admission to the Board's examinations;
- (c) contribution received from any local authority or any Electropathic association; and
- (d) all sums received by or on behalf of the Board from sources other than those mentioned in the foregoing clauses.

(3) The Fund shall be applied for the purpose specified in this Act and for such other purposes and in such manner as may be prescribed.

(4) The expenses of the Board shall include the salaries and allowances of the Registrar and the staff appointed by the Board, the fees and allowances paid to the Chairperson and members of the Board, the expenses for the conduct of examinations and such other expenses as are necessary for carrying out the purposes of this Act.

42. Accounts and Audit.- (1) The Board shall keep accounts and submit such statements to the State Government as may be prescribed.

(2) Accounts of receipts and expenditure of the Board shall be maintained for every financial year in such form as may be prescribed.

(3) All accounts kept and maintained by the Board shall be audited, as soon as may be after the end of each financial year, by the Examiner of Local Fund Audit for the State and the provisions of the Rajasthan Local Fund Audit Act, 1954 (Act No. 28 of 1954) shall apply.

(4) The Board shall be bound to comply with all such directions as the State Government may think fit to issue after going through the audit report in respect of its accounts.

(5) The Board shall pay out of the Fund such sum as may be determined by the State Government by way of charges for audit.

CHAPTER V

Privileges of Electropaths

43. Privileges of Electropath.- Subject to the conditions and restrictions laid down under this Act regarding practice of Electropath by persons possessing recognised medical qualifications, every person whose name is for the time being borne on the Register shall be entitled according to his qualification to practice Electropathy in any part of the State and to recover in due course of law in respect of such practice any expenses, charges in respect of medicaments or other appliances or any fees to which he may be entitled but he shall not be entitled to use the term 'Doctor' or 'Dr.' with his name.

CHAPTER VI

Miscellaneous

44. Appeals to State Government from decisions of Board.-(1) An appeal shall lie to the State Government from every decision of the Board under this Act.

(2) Every appeal under sub-section (1) shall be preferred within three months of the date of the communication of the decision sought to be appealed from.

45. Control of Board by State Government.- If at any time it shall appear to the State Government that the Board has failed to exercise or has exceeded or abused a power conferred upon it by or under this Act or has failed to perform a duty imposed upon it by 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 may be fixed by the State Government in this behalf, the State Government may dissolve the Board and cause all or any of the powers and duties of the Board to be exercised and performed by such Administrator or other agency and for such period as it may think fit :

Provided that a new Board shall be constituted within one and a half year of such dissolution.

46. Penalty on unregistered person representing that he is registered.-If a person whose name is not entered in the register falsely pretends that it is so entered or uses in connection with his name or title any word or letters representing that his name is so entered, he shall, whether any person is actually deceived by such representation or not, be punishable, on conviction, with fine which may extend to twenty thousand rupees.

47. Conferring, granting or issuing certificate, etc. by unauthorised person or institution.- (1) No person other than an institution recognised by the Board under this Act shall confer, grant or issue, or hold himself out as entitled to confer, grant or issue, any certificate or other title or qualification stating or implying that the holder, grantee or recipient thereof is qualified to practice the Electropathy system of medicine.

(2) Whoever contravenes the provisions of this section shall be punishable, on conviction, with fine which may extend to twenty thousand rupees.

48. False assumption of certificate, etc.-Whoever voluntarily and falsely assumes or uses any title, description or any addition to his name implying that he holds certificate or other title or qualification conferred, granted or issued by any institution recognised by the Board under this Act or that he is qualified to practise the Electropathy system of medicine under the provisions of this Act shall, on conviction, be punishable with fine which may extend to twenty thousand rupees.

49. Penalty for practising in contravention of the Act.- If after the commencement of this Act, any person, other than a registered Electropath, practises or holds himself out, whether directly or by implication, as practising or as being prepared to practise, the Electropathy system of medicine, he shall be punishable with fine which may extend to twenty thousand rupees.

50. Mode of proof of Board's records.- A copy of any proceeding, receipt, application, plan, notice, order, entry in a register or other document in the possession of the Board shall, if duly certified by the Registrar or other person authorised by the Board in this behalf, be received as prima facie evidence of the entry or document and shall be admitted as evidence thereof and of all the matters therein recorded in every case where, and to the same extent as the original entry or document would, if produced have been admissible to prove such matters.

51. Rules.-(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules for any of the following matters, namely-

- (a) the time and place at which and the manner in which election shall be held under section 4;
- (b) regulation of elections under this Act;
- (c) the salary and allowances and other conditions of service of the Registrar and other staff;
- (d) the conduct and maintenance of correct minutes of meetings of the Board;
- (e) the manner in which vacancies shall be filled under section 9;
- (f) the accounts to be kept by the Board and the manner in which such accounts shall be audited and published;
- (g) the date before which a meeting shall be held for the passing 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 the Board;
- (j) the forms of the register of Electropaths to be maintained under this Act;
- (k) the fees chargeable under this Act;
- (l) the manner in which appeals against the decisions of the Registrar shall be heard by the Board under section 30;

- (m) allowances payable to members of the Board and its Chairperson;
- (n) the remuneration to be paid to the Chairperson;
- (o) the furtherance of any object of the Board as a teaching or examining body.
- (p) maintenance of a patient register by Electropaths in the prescribed form;
- (q) delegation of powers by the State Government and by the Board;
- (r) the form of application for the grant of licence or permit under clause (xii) of section 39 and the particulars to be filled therein;
- (s) the conditions for the grant of licence, the renewal of licence and the fees payable therefor; and
- (t) the furtherance of any other objects of the Act.

(3) All rules made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days, which may comprise in one session or in two successive sessions and if before the expiry of the session in which they are so laid, or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

52. Regulations.- (1) Subject to the provisions of this Act and the rules made thereunder, the Board may frame regulations for regulating the following matters, namely:-

- (a) the conditions on which institutions may be affiliated or recognised for the purpose of granting recognized medical qualification;
- (b) the admission of students to the educational or instructional institutions affiliated to the Board;
- (c) the conditions under which students shall be admitted to any certificate or other course and to the examinations of the Board and shall be eligible for certificates and other recognized medical qualification;
- (d) the conditions of residence of the students in the educational or instructional institutions affiliated to the Board and the levying of fees for such residence;

(e) the number, qualifications and emoluments of teachers of the educational or instructional institutions affiliated to the Board;

(f) the fees to be charged for courses of study in such institutions and for admission to the examinations;

(g) the conditions and mode of appointment and duties of examiners and the conduct of examinations;

(h) the time and place at which meetings of the Board shall be held:

(i) the issue of notice convening such meeting;

(j) the conduct of business thereat ;

(k) the asking of questions by members of the Board at its meeting subject to such conditions and restrictions as may be provided in the regulations;

(m) all other matters which may be necessary for the purposes of carrying out the objects of this Act.

(2) All regulations framed under sub-section (1) shall be published in the Official Gazette.

53. Bar to suit and other legal proceedings.-(1) No suit or other legal proceeding shall lie against the State Government in respect of an act done in the exercise of the powers conferred by this Act or the rules made thereunder.

(2) No suit or other proceeding shall be maintainable against the Board or any member or any officer or servant of the Board or any person acting under the direction of the Board or of the Chairperson or of any officer or servant of the Board in respect of anything done lawfully and in good faith and with reasonable care and attention under this Act or rules or regulations made thereunder.

54. Savings.-Unless otherwise expressly provided in this Act, no provision of this Act shall affect a medical practitioner other than an Electropath registered under this Act.

मनोज कुमार व्यास,

Principal Secretary to the Government
