

THE ARUNACHAL PRADESH HOMOEOPATHIC

COUNCIL ACT, 1998

(Act No. 1 of 1999)

AN
ACT

to provide for the constitution of Arunachal Pradesh Homoeopathic Council and for the registration of Medical practitioners of the homoeopathic System of Medicine in the State of Arunachal Pradesh, and the maintenance of Arunachal Pradesh State Register of Homoeopathy and matters connected therewith.

BE it enacted by the Legislative Assembly of Arunachal Pradesh in the Forty-ninth Year of the Republic of India as follows :—

PART—I
PRELIMINARY

1. (1) This Act may be called the Arunachal Pradesh Homoeopathic Council Act, 1998.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of State of Arunachal Pradesh.

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

2. (1) In this Act, unless the context otherwise requires —

Definition.

(a) "College" means a Homoeopathic Medical College established by law and affiliated to any University and recognised by Central Council ;

(b) "Expert" means an expert person in the field of Homoeopathy appointed by the State Council ;

(c) "Government" means the Government of Arunachal Pradesh ;

(d) "Homoeopathy" means the Homoeopathy system of Medicine and includes the use of Biochemic remedies ;

(e) "Member" means a member of the State Council ;

(f) "Practitioner" means a person who practises Homoeopathy and is enrolled in State Register ;

(g) "Prescribed" means prescribed by regulations ;

(h) "President" means a President of the State Council ;

(i) "Recognised Medical qualification" means any of the Medical qualifications in Homoeopathy included in the Second or the Third Schedule of the Homoeopathy Central Council Act, 1973 ;

(j) "Register" means the register maintained by the Council of Homoeopathic System of Medicine Arunachal Pradesh under the provisions of this Act, in respect of practitioners ;

(k) "Registrar" means the Registrar of the State Council appointed under section 5 of this Act ;

(l) "Regulation" means the regulations made under section of this Act ;

(m) "Rules" means rules made under this Act ;

(n) "State means State of Arunachal Pradesh ;

(o) "State Council" means the Council of Homoeopathy System of Medicine, Arunachal Pradesh, constituted under section 3 ;

(p) "University" means any University in India.

PART—II

First State
Council.

3. (1) The Government shall, by notification in the official Gazette, constitute the First State Council consisting of the following members, namely :—

(a) The State Government shall nominate for the first three years, senior most Homoeopathic Medical Officer of Arunachal Pradesh Health Services as Secretary.

(b) The Director of Health Services, Government of Arunachal Pradesh shall be the President and such other person as nominated by the Government shall be the Vice-President of the first State Council.

(c) One nominee of Government of India, Ministry of Health and Family Welfare, possessing recognised Medical qualification and at least twenty years professional experience as a member.

(d) The term of the first State Council shall be for three years from the date of notification.

(e) The President shall inform the State Government six months before the expiry of the term of the first Council, to enable the Government to constitute the State Council in accordance with the provisions under section 4.

4.(1) Before the expiry of three years of constitution of first nominated State Council, the State Government shall, by notification in the official Gazette, reconstitute for the purposes of this Act a State Council with the following members :—

Constitution
of regular
State
Council.

(a) Such number of members not exceeding two who possess recognised medical qualification and are enrolled on State Register, to be elected from amongst themselves by persons enrolled on State Register.

(b) Two persons possessing recognised medical qualification and enrolled on State Register shall be nominated by State Government.

(c) The Director of Health Services of State Government shall be the fifth member.

(2) The President of the reconstituted State Council, be one among the five members elected or nominated under sub-section (4) shall be nominated by State Government.

(3) Members of the reconstituted State Council shall elect the Vice-President amongst themselves in such manners as prescribed.

(4) The term of the President, Vice-President and members of the State Council either by election or nomination shall be five years from the date of Gazette notification or until successors name shall have been duly elected or nominated whichever is longer.

(5) No. person shall at same time serve as a member in more than one capacity.

(6) The outgoing member shall be eligible for re-election or for re-nomination, but a person who holds, or who has held, office as President or Vice-President of State Council, shall be eligible for renomination/re-election as the case may be, to, that office, but only once.

Meeting of
the Council
Quorum etc.

(7) Unless otherwise prescribed, 50% of the total number of the State Council shall form a quorum, and all the Acts of the State Council shall be decided by a majority of the members present and voting.

(8) A casual vacancy, previous to the expiry of the term, in the State Council due to the death, resignation of any member shall be filled by the way of nomination or election by the State government for remaining term accordingly as specified under this Act.

(9) The State Council shall meet atleast in three months of every year at its office at such time as may be appointed by the Council.

(10) The office of the State Council shall be situated at Itanagar.

Salaries
and
allowances.

5. (1) A Registrar who shall act as a Secretary of Council and such other person as deems necessary shall be appointed by the State Council. The salary, pay and other allowances and other service conditions of the Registrar and other employees of the State Council shall be such as may be prescribed by the State Council with the Previous approval of State Government.

(2) The State council shall fix the remuneration and allowances to be paid to its President, Vice-President and members, with the previous sanction of State Government.

Remuneration and allowances of President and Vice-President.

6. The state Council shall receive 100% financial grant from the State Government to meet its expenses on pay and allowances and other service benefits of its Registrar and other Employees and also for meeting the accommodation, Stationery, Equipment, Travelling/ Dearness allowance and other allowances/ expenses, but the State Council's account shall be audited annually through the State Government authorities.

Funds for Council.

7. No Act, proceeding of the State Council or any Committee therefore shall be called in question on the ground merely of the existence of any vacancy, or any defect in the constitution of State Council.

8. (a) Subject to the other provisions of this Act, and subject to Orders of the State Council, it shall be the duty of Registrar to keep and maintain the State Register.

Duties of the Registrar.

(b) The Register shall be kept in such form as may be prescribed by the Central Council and in such other manner as may be prescribed, shall contain the name, address and qualifications of every registered practitioner together with the dates on which such qualifications were acquired.

State Register.

(c) The State Register shall be in Part—I and Part—II wherein the names of persons possessing recognised medical qualifications shall be borne in Part—I and of persons whose name and experience basis as prescribed shall be borne in Part—II.

(d) The Registrar shall send three printed copies of the State Register to the Central Council after the first day of April of every calendar year and also inform the Central Council without any delay of all additions, and to all other amendments, in the State Register made from time to time.

(e) The State Council shall adopt the standards of professional conduct and etiquettes and code of ethics as laid down by Central Council for the practitioner of Homoeopathy, as amended from time to time for implementation in the State.

Punishment.

(f) Any practitioner who commits professional misconduct shall be punished by the State Council in a manner as may be prescribed.

Functioning of State Council.

9. (1) The State Council shall consider all application as may be received by the Registrar from persons holding recognised medical qualifications for registration with State Council in the manner as may be prescribed.

(2) State Council shall notify once in atleast two newspapers of the State for calling the application from persons for registration in Part-II of State Register who have been continuously practising for not less than ten years on closing day of calling applications and dispose of such applications in a manner as may be prescribed.

(3) The Registrar of State Council, shall award provisional registration to the students of either the Government or Private Homoeopathy Medical Colleges in the State, for undertaking their compulsory internship training after passing final examination in the manner as may be prescribed.

Rights of practitioner.

10. (1) No person, other than a practitioner of Homoeopathy who possesses a recognised medical qualification and is enrolled on the State Register :—

(a) shall hold office as Homoeopathy Physician or any other office (by whatever designation called) in Government or in any institution maintained by local or other authority for treating the patients in Homoeopathy or for administration purposes ;

(b) shall be entitled to sign or authenticate medical or fitness certificate or any other certificate required by any law to be signed or authenticated by a duly qualified medical practitioner'

- (c) shall practise Homoeopathy in the State ;
- (d) shall be entitled to give any evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872 on any matter relating to Homoeopathy.

(2) The persons borne in Part-II of State Register shall have the right to practise Homoeopathy, and such persons shall neither hold any post referred in the sub-section 10.1 (a) above nor they shall issue any medico-legal document.

11. (1) The State Council shall furnish such reports, copies of its minutes, abstracts of its accounts and other information to the State Government as that Government may require.

State
Council
furnishing of
information
to State
Government.

(2) The State Government may publish in such manner as it may deem fit, any report, copy, abstract or other information furnished to it under this section.

12. For the purpose of advising the Council on questions of law arising, the State Council shall appoint any advocate for the purpose.

Law Advisor
to State
Council.

13. No suit, prosecution or other proceedings shall lie against the State Government, the State Council or on officer or servant of the State Government or of the State Council for anything which is in good faith done or intended to be done under this Act.

Bar of
certain
suits.

14. (1) Whenever it appears to the State Government that the State Council is not complying with any of the provisions of this Act, the State Government may appoint a Commission of enquiry consisting of three persons, two of whom may be appointed by the State Government and out of the said two, one being a First Class Magistrate and serving in the State, and the third one by the State Council, and shall submit to the State Government of the findings of enquiry.

Commission
of inquiry.

(2) The State Government on the basis of report such Commissioner shall direct the State Council to take suitable actions or remedial steps as may seem necessary.

PART—IV

Power to
make rules.

15. The State Council may with the previous sanction of the State Government make rules by notification in the official Gazette to carryout the purposes of this Act, and without prejudice to the generality of this power such rules may provide for all or any of the following matters.

- (a) election of the Vice-President of the State Council ;
- (b) management of the property of the State Council and the maintenance and audit of its accounts ;
- (c) powers and duties of the President and Vice-President
- (d) resignation of members of State Council ;
- (e) summoning and holding of the meetings of the State Council ;
- (f) for the conduct of business of State Council ;
- (g) the tenure of office and the powers and duties of the Registrar and other officers of the state Council ;
- (h) the particulars to be state and the proof of the qualifications and the format of applications for registration under Act ;
- (i) the fees to be paid on applications for registration of provisional regulations ; and
- (j) any matter for which under this Act provisions may be made by regulations.

16. Every rule made under this section shall be laid as soon as be after it is made, before the State Assembly while it is in session.

17. The State Council as and when necessary, shall invite an expert in the filed for seeking necessary guidance and such an expert shall be paid remuneration, travelling and dearness allowances by the State Council.

18. (1) A society or a Trust law full registered under the relevant laws of the State may establish Homoeopathy Colleges duly recognised by the Central Council after obtaining precious permission from the State Government.

Establishment
of Govt. and
private
Homoeopathy
Medical
Colleges.

(2) The Colleges so established shall be affiliated to such Universities as may be recognised by the University Grants Commission and the State government.

(3) The State Government may, in the similar manner mentioned in sub-section (1) and (2) establishment Homoeopathy Colleges.