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GOVERNMENT OF MIZORAM

PART V

No. LJD. 22/73/146, the 28th February, 1974. The following Acts passed by the Parliament and assented to by the President and Published in the Gazette of India is republished for General Information.

**THE BURN COMPANY AND INDIAN STANDARD WAGON
COMPANY (TAKING OVER OF MANAGEMENT)**

Act, 1973.

AN

ACT

to provide for the taking over, in the public interest, of the management of the undertakings of certain companies, pending nationalisation of such undertakings, with a view to ensuring rational and co-ordinated development and production of rolling stock, other products of iron and steel industry and other goods needed by such industry, and for matters connected therewith or incidental thereto.

WHEREAS Burn and Company Limited and Indian Standard Wagon Company Limited, which are inter-linked both financially and production-wise, are engaged in the production of goods which are vital to the needs of the economy of the country, such as, railway wagons and components thereof, steel structurals, iron castings, forgings and the like and also other goods needed by the iron and steel industry;

AND WHEREAS there has been a substantial fall in the production of goods by both the companies by reason of the mismanagement of the affairs thereof, and such fall in production has adversely affected the production of goods which are vital to the needs of the economy of the country as also the fulfilment of contracts for the supply of railway wagons to countries abroad;

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title. 1. This Act may be called the Burn Company and India Standard wagon Company (Taking Over of Management) Act, 1973.

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

(a) “appointed day” means the date on which this Act comes into force;

(b) “Custodian” means the person appointed under section 4 to take over the management of the undertakings of the two companies;

(c) “prescribed” means prescribed by rules made under this Act;

(d) “two companies” means Burn and Company Limited and Indian Standard Wagon Company Limited, being companies as defined in the Companies Act, 1956 and both of 1956 having their registered offices at 12, Mission Row, Calcutta-1;

(e) words and expressions used but not defined in this Act and defined in the Companies Act, 1956, have the meanings respectively assigned to them in that Act.

CHAPTER II

MANAGEMENT OF THE UNDERTAKINGS OF THE TWO COMPANIES

Management of the undertakings of the two companies to vest in Central Government.

3. (1) On and from the appointed day, the management of the undertakings of the two companies shall vest in the Central Government.

(2) The undertakings of each of the two companies shall be deemed to include all assets, rights leaseholds (including mining leases, if any), powers, authorities and privileges and all property, movable and immovable, including lands, buildings, works, mines, workshops, projects; washeries, smelters, ropeways, stores, instruments, machinery, aircraft, locomotives, automobiles and other vehicles, cash balances, reserve fund, investments and book debts and all other rights and interests arising out of such property as were immediately before the appointed day in the ownership, possession, power or control of each of the two companies, whether within or without India, and all books of account, registers, maps, plans, sections, drawings, records of survey and all other documents of whatever nature relating thereto.

(3) Any contract, whether express or implied, or other arrangement, in so far as it relates to the management of the business and affairs of each of the two companies in relation to the undertakings owned by each of them, and in force immediately before the appointed day, shall be deemed to have terminated on the appointed day.

(4) All persons in charge of the management, including persons holding offices as directors, managers or any other managerial personnel of each of the two companies, immediately before the appointed day, shall be deemed to have vacated their offices as such on the appointed day.

(5) Notwithstanding anything contained in any law for the time being in force, no person in respect of whom any contract of management or other arrangement is terminated by reason of the provisions contained in sub-section (3), or who ceases to hold any office by reason of the provisions contained in sub-section (4), shall be entitled to claim any compensation for the premature termination of the contract of management or other arrangement or for the loss of office, as the case may be.

4. (1) The Central Government may, as soon as it is convenient administratively so to do, appoint any person (including a Government company, whether in existence at the commencement of this Act or incorporated thereafter) as the Custodian of the undertakings of the two companies for the purpose of taking over the management thereof, and the Custodian shall carry on the management of the undertakings of the two companies for and on behalf of the Central Government.

Custodian
of the
two
companies.

(2) The Central Government may also appoint a person (including a Government company, whether in existence at the commencement of this Act or incorporated thereafter) as the Additional Custodian of the undertakings of the two companies for assisting the Custodian in the exercise of his powers and duties under this Act.

(3) The Additional Custodian shall function under the direction, supervision and control of the Custodian and the Custodian may delegate all or such of the powers as he may think fit to the Additional Custodian

(4) The Central Government may issue such directions (including directions as to initiating, defending or continuing any legal proceedings before any court, tribunal or other authority) to the Custodian as to his powers and duties as the Central Government deems to be desirable in the circumstances of the case, and the Custodian may also apply to the Central Government at any time for instructions as to the manner in which the Custodian shall conduct the management of the undertakings of the two companies or in relation to any other matter arising in the course of such management.

1 of 1956. (5) Subject to the other provisions of this Act and to the control of the Central Government, the Custodian shall be entitled, notwithstanding anything contained in the Companies Act, 1956, to exercise all the powers of the Board of Directors of the two companies (including the power to dispose of any properties or assets of the two companies) whether such powers are derived from the Companies Act, 1956, or from the memorandum and articles of association of either of the two companies or from any other source.

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(6) Every person having possession, custody or control of any property forming part of the undertaking of either of the two companies shall deliver forthwith such property to the Custodian or to any officer or other employee of the Central Government or the concerned company, as may be authorised by the Central Government in this behalf.

(7) Any person who, on the appointed day, has in his possession or under his control any books, papers or other documents relating to the undertaking of either of the two companies, including the minutes books containing the resolutions of the persons in charge of the management thereof before the appointed day, the current cheque books relating to the undertaking of such company, any letters, memoranda, notes or other communications between him and such company shall, notwithstanding anything contained in any law for the time being in force, be liable to account for the books, papers and other documents (including such minutes books, cheque books, letters, memoranda, notes or other communications) to the Custodian and shall deliver them up to the Custodian or to any such person (being an officer or other employee of the Central Government or either of the two companies) as may be authorised by the Central Government in this behalf.

(8) Every person in charge of the management of the undertaking of either of the two companies immediately before the appointed day shall, within ten days from that day or within such further period as the Central Government may allow in this behalf, furnish to the Custodian a complete inventory of all the properties and assets (including particulars of book debts and investments and belongings) forming part of the undertaking of such company immediately before the appointed day and of all the liabilities and obligations of such company in relation to its undertaking subsisting immediately before that day and also of all agreements entered into by such company in relation to its undertaking and in force immediately before that day.

(9) The Custodian and the Additional Custodian shall receive from the funds of the undertakings of the two companies such remuneration as the Central Government may fix.

Payment of amount 5. (1) The two companies shall be given by the Central Government an amount in cash, for the vesting in it, under section 3, of the management of the undertakings of such companies.

(2) For every month during which the management of the undertakings of the two companies remains vested in the Central Government, the amount referred to in sub-section (1) shall be computed at the rate of-

(a) rupees fifty thousand per annum in the case of Burn and Company Limited; and

(b) rupees twenty-five thousand per annum in the case of Indian Standard Wagon Company Limited.

CHAPTER III MISCELLANEOUS

Application of Act 1 of 1956 6. (1) Notwithstanding anything contained in the Companies Act, 1956, or in the memorandum or articles of association of either of the two companies, so long as the management of the undertakings of the two companies remains vested in the Central Government,—

(a) it shall not be lawful for the shareholders of either of the two companies or any other person to nominate or appoint any person to be a director of such company;

(b) no resolution passed at any meeting of the shareholders of either of the two companies on or after the appointed day shall be given effect to unless approved by the Central Government;

(c) no proceeding for the winding up of either of the two companies or for the appointment of a liquidator or receiver in respect thereof shall lie in any court except with the consent of the Central Government.

(2) Subject to the provisions contained in sub-section (1), and to the other provisions contained in this Act and subject to such other exceptions, restrictions and limitations, if any, as the Central Government may, by notification in the Official Gazette, specify in this behalf, the Companies Act, 1956, shall continue to apply to the companies in the same manner as it applied thereto before the appointed day.

7. (1) Any person, who—

Penalties.

(a) having in his possession or custody or under his control any property forming part of the undertaking of either of the two companies, wrongfully withholds such property from the Custodian or any person authorised under this Act, or

(b) wrongfully obtains possession of any such property, or

(c) wilfully retains any property forming part of the undertakings of the two companies or either of them or removes or destroys it, or

(d) wilfully withholds or fails to deliver any books, papers or other documents which may be in his possession, power or custody or under his control to the Custodian or any person authorised under this Act, or

(e) fails, without any reasonable cause, to furnish information or particulars as provided in sub-section (8) of section 4,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Central Government or an officer authorised by that Government in this behalf.

8. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation—For the purpose of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

Exclusion from limitation of the period of operation of Act. 9. In computing the period of limitation prescribed by any law for the time being in force for any suit or application against any person by either of the two companies in respect of any matter arising out of any transaction in relation to the undertaking of any of such companies, the time during which this Act is in force shall be excluded.

Act to have overriding effect. 10. The provisions of this Act or any notification order or rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any law other than this Act or in any instrument having effect by virtue of any law other than this Act or in any decree or order of any court.

Protection of action taken in good faith. 11. (1) No suit, prosecution or other legal proceeding shall lie against the Custodian, Additional Custodian or any officer or other employee of the Central Government or of either of the two companies for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the Custodian or the Additional Custodian or any of the officers or other employees of the Central Government or of either of the two companies for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

Contracts, 12. (1) If the Central Government is satisfied, after such
 etc. in bad inquiry as it may think fit, that any contract or agreement
 faith may entered into at any time within three years immediately
 be preceding the appointed day, between either of the two
 cancelled companies or managing or other director of any such
 or varied. company and any other person, in so far as such contract
 or agreement relates to the undertaking of either of the two
 companies, has been entered into in bad faith, or is detri-
 mental to the interests of the undertaking of the concerned
 company, it may make an order cancelling or varying (either
 unconditionally or subject to such conditions as it may think
 fit to impose) such contract or agreement and thereafter
 the contract or agreement shall have effect accordingly:

Provided that no contract or agreement shall be cancel-
 led or varied except after giving to the parties to the con-
 tract or agreement a reasonable opportunity of being heard.

(2) Any person aggrieved by an order made under sub-
 section (1) may make an application to the principal civil
 court of original jurisdiction within the local limits of whose
 jurisdiction the registered office of the concerned company
 is situated for the variation or reversal of such order and
 thereupon such court may confirm, modify or reverse such
 order.

13. Any transfer of property, movable or immovable, or **Avoidance**
 any delivery of goods made by or on behalf of either of the **of**
 two companies (not being a transfer or delivery made in the **voluntary**
 ordinary course of its business or in favour of a purchaser **transfers.**
 in good faith and for valuable consideration), if made within
 a period of six months immediately preceding the appointed
 day shall be void against the Central Government of the
 Custodian, as the case may be.

14. If the Custodian is of opinion that any contract of **Power to**
 employment entered into by either of the two companies or **terminate**
 any managing agent or managing or other director of either **contracts**
 of the two companies, at any time before the appointed day **of**
 is unduly onerous, he may, by giving to the employee one **employ-**
 month's notice in writing or the salary or wages for one **ment**
 month in lieu thereof, terminate such contract of employ-
 ment.

15. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Power
to make
rules.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament 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 immediately following the session or the successive sessions aforesaid, 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 previously done under that rule.

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(i)

No.LJD. 22/73/146, the 28th February, 1974.
The following Acts passed by the Parliament and assented to by the President and Published in the Gazette of India is republished for General information:

**THE CENTRAL EXCISES AND SALT (SECOND
AMENDMENT) ACT, 1973**

**AN
ACT**

further to amend the Central Excises and Salt Act, 1944
BE it enacted by Parliament in the Twenty-fourth Year of
the Republic of India as follows:-

1. (1) This Act may be called the Central Excises and Salt (Second Amendment) Act, 1973. Short title
and com-
mencement.

(2) It shall be deemed to have come into force on the 3rd day of November, 1973.

1 of 1944 2. In the First Schedule to the Central Excises and Salt Act, 1944 (hereinafter referred to as the principal Act),- Amenda-
ment of
the First
Schedule.

(i) in Item No. 6, for the entry in the third column, the entry "Two thousand rupees per kilolitre at fifteen degrees of Centigrade thermometer" shall be substituted;

(ii) in item No. 7, for the entry in the third column, the entry "Four hundred and sixty-five rupees per kilolitre at fifteen degrees of Centigrade thermometer." shall be substituted.

Repeal
and
saving.

3. (1) The Central Excises and Salt (Amendment) Ordinance, 1973, is hereby repealed. 3 of 1973

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

No.LJD. 22/73/146, the 23th February, 1974.
The following Acts passed by the Parliament and assented to by the President and Published in the Gazette of India is republished for General information

THE HOMOEOPATHY CENTRAL COUNCIL ACT, 1973

ARRANGEMENT OF SECTIONS

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1. Short title, extent and commencement.
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4. Mode of election.
5. Restriction on elections and membership.
6. Incorporation of Central Council.
7. Term of office of President, Vice-President and members of Central Council.
8. Meetings of Central Council.
9. The Executive Committee and other committees.
10. Meetings of committees.
11. Officers and other employees of Central Council.
12. Vacancies in the Central Council and committees thereof not to invalidate acts, etc.

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RECOGNITION OF MEDICAL QUALIFICATIONS

13. Recognition of medical qualifications granted by certain medical institutions in India.
14. Recognition of medical qualifications granted by medical institutions in States or countries outside India.

(ii)

15. Rights of persons possessing qualifications included in Second or Third Schedule to be enrolled.
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30. Commission of inquiry.
31. Protection of action taken in good faith.
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33. Power to make regulations.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE THIRD SCHEDULE.

No.LJD. 22/73/145, the 28th February, 1974.
The following Acts passed by the Parliament and assented to by the President and Published in the Gazette of India is republished for General information:

THE HOMOEOPATHY CENTRAL COUNCIL ACT, 1973.

AN ACT

to provide for the constitution of a Central Council of Homoeopathy and the maintenance of a Central Register of Homoeopathy and for matters connected therewith.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

- | | |
|--|--|
| <p>1. (1) This Act may be called the Homoeopathy Central Council Act, 1973.</p> <p>(2) It extends to the whole of India.</p> <p>(3) It shall come into force in a State on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf for such State and different dates may be appointed for different States and for different provisions of this Act.</p> | <p>Short title, extent and commencement.</p> |
| <p>2. (1) In this Act, unless the context otherwise requires,—</p> <p>(a) "Board" means a Board, Council, Examining Body or Faculty of Homoeopathy (by whatever name called) constituted by the State Government under any law for the time being in force regulating the award of medical qualifications in, and registration of practitioners of, Homoeopathy ;</p> <p>(b) "Central Council" means the Central Council of Homoeopathy constituted under section 3 ;</p> <p>(c) "Central Register of Homoeopathy" means the register maintained by the Central Council under this Act ;</p> | <p>Definitions.</p> |

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

(e) "medical institution" means any institution within or without India which grants degrees, diplomas or licences Homeopathy ;

(f) "prescribed" means prescribed by regulation ;

(g) "recognised medical qualification" means any of the medical qualifications, in Homoeopathy, included in the Second or the Third Schedule ;

(h) "regulation" means a regulation made under section 33;

(i) "States Register of Homoeopathy" means a register or registers maintained under any law for the time being in force in any State regulating the registration of practitioners of Homoeopathy ;

(j) "University" means any University in India established by law and having a Faculty of Homoeopathy and includes a University in India established by law in which instruction, teaching, training or research in Homoeopathy is provided.

(2) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

CHAPTER II

THE CENTRAL COUNCIL AND ITS COMMITTEES

3. (1) The Central Government shall, by notification in the Official Gazette, constitute for the purposes of this Act a Central Council consisting of the following members, namely:-

Constitu-
tion of
Central
Council.

(a) such number of members not exceeding five as may be determined by the Central Government in accordance with the provisions of the First Schedule from each State in which a State Register of Homoeopathy is maintained, to be elected from amongst themselves by persons enrolled on that register as practitioners of Homoeopathy ;

(iii)

(b) one member from each University to be elected from amongst themselves by the members of the Faculty or Department (by whatever name called) of Homoeopathy of that University :

Provided that until any such Faculty or Department of Homoeopathy is started in at least seven Universities, the Central Government may nominate such number of members not exceeding seven as may be determined by the Central Government from amongst the teaching staff of medical institutions within India, so however, that the total number of members so nominated and elected under this clause shall in no case exceed seven;

(c) such number of members, not exceeding forty per cent, of the total number of members elected under clauses (a) and (b), as may be nominated by the Central Government, from amongst persons having special knowledge or practical experience in respect of Homoeopathy or other related disciplines :

Provided that until members are elected under clause (a) or clause (b) in accordance with the provisions of this Act and the rules made there under, the Central Government shall nominate such number of members, being persons qualified to be chosen as such under the said clause (a) or clause (b), as the case may be, as that Government thinks fit; and references to elected members in this Act shall be construed as including references to members so nominated.

(2) The President and the Vice-President of the Central Council shall be elected by the members of the Central Council from amongst themselves in such manner as may be prescribed :

Provided that for two years from the first constitution of the Central Council, the President and the Vice-President shall be nominated by the Central Government from amongst the members of the Central Council and the President and the Vice-President so nominated shall, notwithstanding anything contained in sub-section (1) of section 7, hold office during the pleasure of the Central Government.

4. (1) An election under clause (a) or clause (b) or sub-section (1) of section 3 shall be conducted by the Central Government in accordance with such rules as may be made by it in this behalf. Mode of election.

(2) Where any dispute arises regarding any election to the Central Council, it shall be referred to the Central Government whose decision shall be final.

(5) (1) No person shall be eligible for election to the Central Council unless he possesses any of the medical qualifications included in the Second or the Third Schedule, is enrolled on any State Register of Homoeopathy and resides in the State concerned. Restriction on elections and membership.

(2) No person may at the same time serve as a member in more than one capacity.

6. The Central Council shall be a body corporate by the name of the Central Council of Homoeopathy, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued. Incorporation of Central Council

7. (1) The President, Vice-President or a member of the Central Council shall hold office for a term of five years from the date of his election or nomination, as the case may be, or until his successor shall have been duly elected or nominated, whichever is longer. Term of office of President, Vice-President and members of Central Council.

(2) A person who holds, or who has held, office as President or Vice-President of the Central Council, shall be eligible for re-election to that office once, but only once.

(3) Members of the Central Council shall be eligible for re-election or re-nomination.

(4) An elected or nominated member shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the Central Council, from three consecutive ordinary meetings of the Central Council or, in the case of a member elected under clause (a) of sub-section (1) of section 3, if he ceases to be enrolled on the concerned

State Register of Homoeopathy, or in the case of a member elected under clause (b) of that sub-section, if he ceases to be a member of the Faculty or Department (by whatever name called) of Homoeopathy of the University concerned.

(5) A casual vacancy in the Central Council shall be filled by election or nomination, as the case may be, and the person elected or nominated to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was elected or nominated.

(6) Where the said term of five years is about to expire in respect of any member, a successor may be elected or nominated at any time within three months before the said term expires but he shall not assume office until the said term has expired.

Meetings of Central Council 8. (1) The Central Council shall meet at least once in each year at such time and place as may be appointed by the Central Council.

(2) Unless otherwise prescribed, one third of the total number of members of the Central Council shall form a quorum, and all the acts of the Central Council shall be decided by a majority of the members present and voting.

The Executive Committee and other committees 9. (1) The Central Council shall constitute from amongst its members an Executive Committee and such other committees for general or special purposes as the Council deems necessary to carry out the purposes of this Act.

(2) (i) The Executive Committee (hereafter in this section referred to as the Committee), shall consist of the President and Vice-President, who shall be members ex officio, and not less than five and not more than seven members who shall be elected by the Central Council from amongst its members.

(ii) The President and the Vice-President shall be the President and Vice-President respectively of the Committee.

(vi)

(iii) In addition to the powers and duties conferred and imposed upon it by this Act, the Committee shall exercise and discharge such powers and duties as the Central Council may confer or impose upon it by any regulations which may be made in this behalf.

Meetings
of Com-
mittees.

10. (1) The committees constituted under section 9 shall meet at least twice in each year at such time and place as may be appointed by the Central Council.

(2) Unless otherwise prescribed, one-third of the total number of members of a committee shall form a quorum, and all the acts of the committee shall be decided by a majority of the numbers present and voting.

11. The Central Council shall—

(a) appoint a Registrar who shall also act as Secretary;

(b) employ such other persons as it deems necessary to carry out the purposes of this Act;

(c) require and take from the Registrar or from any other employee, such security for the due performance of his duties as the Central Council deems necessary; and

(d) with the previous sanction of the Central Government, fix the remuneration and allowances to be paid to the President, Vice-President and members of the Central Council and to the members of the committees thereof and determine the conditions of service of the employees of the Central Council.

12. No act or proceeding of the Central Council or any committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Central Council or the committee, as the case may be.

Officers
and
other
em-
ployees of
Central
Council.

Vacancies
in the
Central
Council
and com-
mittees
thereof
not to
invali-
date acts.
etc.

CHAPTER III

RECOGNITION OF MEDICAL QUALIFICATIONS

13. (1) The medical qualifications granted by any University, Board or other medical institution in India which are included in the Second Schedule shall be recognised medical qualifications for the purposes of this Act.

(2) Any University, Board or other medical institution in India which grants a medical qualification not included in the Second Schedule may apply to the Central Government to have any such qualification recognised, and the Central Government, after consulting the Central Council, may, by notification in the Official Gazette, amend the Second Schedule so as to include such qualification therein, and any such notification may also direct that an entry shall be made in the last column of the Second Schedule against such medical qualification only when granted after a specified date.

14. (1) The medical qualifications granted by medical institutions outside India which are included in the Third Schedule shall be recognised medical qualifications for the purposes of this Act.

(2) (a) The Central Council may enter into negotiations with the authority in any State or country outside India, which by the law of such State or country is entrusted with the maintenance of a Register of practitioners of Homoeopathy, for settling of a scheme of reciprocity for the recognition of medical qualifications in Homoeopathy, and in pursuance of any such scheme, the Central Government may, by notification in the Official Gazette, amend the Third Schedule so as to include therein any medical qualification which the Central Council has decided should be recognised, and any such notification may also direct that an entry shall be made in the last column of the Third Schedule against such medical qualification declaring that it shall be a recognised medical qualification only when granted after a specified date.

(b) Where the Council has refused to recommend any medical qualification which has been proposed for recognition by any authority referred to in clause (a) and that authority applies to the Central Government in this behalf,

the Central Government, after considering such application and after obtaining from the Council a report, if any, as to the reasons for any such refusal, may, by notification in the Official Gazette, declare that such qualification shall be a recognised medical qualification and the provisions of clause (a) shall apply accordingly.

Rights of persons possessing qualifications included in Second or the Third Schedule to be enrolled. 15. (1) Subject to the other provisions contained in this Act, any medical qualification included in the Second or the Third Schedule shall be sufficient qualification for enrolment on any State Register of Homoeopathy.

(2) No person, other than a practitioner of Homoeopathy who possesses a recognised medical qualification and is enrolled on a State Register or the Central Register of Homoeopathy, —

(a) shall hold office as Homoeopathic physician or any other office (by whatever designation called) in Government or in any institution maintained by a local or other authority;

(b) shall practise Homoeopathy in any State;

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

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

I of 1872.

(3) Nothing contained in sub-section (2) shall affect—

(a) the right of a practitioner of Homoeopathy enrolled on a State Register of Homoeopathy to practise Homoeopathy in any State merely on the ground that, on the commencement of this Act, he does not possess a recognised medical qualification;

(b) the privileges (including the right to practise Homoeopathy) conferred by or under any law relating to registration of practitioners of Homoeopathy for the time being in force in any State, on a practitioner of Homoeopathy enrolled on a State Register of Homoeopathy ;

(c) the right of a person to practise Homoeopathy in a State in which, on the commencement of this Act, a State Register of Homoeopathy is not maintained if, on such commencement, he has been practising Homoeopathy for not less than five years ;

(d) the rights conferred by or under the Indian Medical Council Act, 1956 [including the right to practise medicine as defined in clause (f) of section 2 of the said Act] or the Indian Medicine Central Council Act, 1970 of persons possessing any qualifications included in the respective Schedules to the said Act. 102 of 1956 48 of 1970.

(4) Any person who acts in contravention of any provision of sub-section (2) shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

16. Every University, Board or medical institution in India which grants a recognised medical qualification shall furnish such information as the Central Council may, from time to time, require as to the courses of study and examinations to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and such qualification is conferred and generally as to the requisites for obtaining such qualification. Power to require information as to courses of study and examinations.

17. (1) The Central Council shall appoint such number of medical inspectors as it may deem requisite to inspect any medical college, hospital or other institution where education in Homoeopathy is given, or to attend any examination held by any University, Board of medical institution for the purpose of recommending to the Central Government recognition of medical qualifications granted by that University, Board or medical institution. Inspectors at examinations.

(2) The medical inspectors shall not interfere with the conduct of any training or examination, but shall report to the Central Council on the adequacy of the standards of education including staff, equipment, accommodation, training and other facilities prescribed for giving education in Homoeopathy, as the case may be, or on the sufficiency of every examination which they attend.

(3) The Central Council shall forward a copy of any such report to the University, Board or medical institution concerned, and shall also forward a copy with the remarks of the University, Board or medical institution thereon, to the Central Government.

18. (1) The Central Council may appoint such number of visitors as it may deem requisite to inspect any medical college, hospital or other institution where education in Homoeopathy is given or to attend any examination for the purpose of granting recognised medical qualification. Visitors at examinations.

(2) Any person, whether he is a member of the Central Council or not, may be appointed as a visitor under this section but a person who is appointed as an inspector under section 17 for any inspection or examination shall not be appointed as a visitor for the same inspection or examination.

(3) The visitors shall not interfere with the conduct of any training or examination, but shall report to the President of the Central Council on the adequacy of the standards of education including staff, equipment, accommodation, training and other facilities prescribed for giving education in Homoeopathy or on the sufficiency of every examination which they attend.

(4) The report of a visitor shall be treated as confidential unless in any particular case the President of the Central Council otherwise directs :

Provided that if the Central Government requires a copy of the report of a visitor, the Central Council shall furnish the same.

With-
drawal of
recogni-
tion.

19. (1) When upon report by the inspector or the visitor, it appears to the Central Council—

(a) that the courses of study and examination to be undergone in, or the proficiency required from candidates at any examination held by, any University, Board or medical institution, or

(b) that the staff, equipment, accommodation, training and other facilities for instruction and training provided in such University, Board or medical institution or in any college or other institution affiliated to the University,

do not conform to the standard prescribed by the Central Council, the Central Council shall make a representation to that effect to the Central Government.

(2) After considering such representation, the Central Government may send it to the Government of the State in which the University, Board or medical institution is situated and the State Government shall forward it along with such remarks as it may choose to make to the University, Board or medical institution, with an intimation of the period within which the University, Board or medical institution may submit its explanation to the State Government.

(3) On the receipt of the explanation, or, where no explanation is submitted within the period fixed, then, on the expiry of that period, the State Government shall make its recommendations to the Central Government.

(4) The Central Government, after making such further inquiry if any, as it may think fit, may, by notification in the Official Gazette, direct that an entry shall be made in the Second Schedule against the said medical qualification declaring that it shall be a recognised medical qualification only when granted before a specified date, or that the said medical qualification if granted to students of a specified

college or institution affiliated to any University shall be recognised medical qualification only when granted before a specified date or, as the case may be, that the said medical qualification shall be recognised medical qualification in relation to a specified college or institution affiliated to any University only when granted after a specified date.

Minimum standards of education in Homoeopathy. 20. (1) The Central Council may prescribe the minimum standards of education in Homoeopathy, required for granting recognised medical qualifications by Universities, Board or medical institutions in India.

(2) Copies of the draft regulations and of all subsequent amendments thereof shall be furnished by the Central Council to all State Governments and the Central Council shall, before submitting the regulations or any amendment thereof, as the case may be, to the Central Government for sanction, take into consideration the comments of any State Government received within three months from the furnishing of the copies as aforesaid.

CHAPTER IV

THE CENTRAL REGISTER OF HOMOEOPATHY

21. (1) The Central Council shall cause to be maintained in the prescribed manner, a register of practitioners of Homoeopathy to be known as the Central Register of Homoeopathy which shall contain—

(a) in Part I, the names of all persons who are for the time being enrolled on any State Register of Homoeopathy and possess any of the recognised medical qualifications;

(b) in Part II, the names of all persons, other than those included in Part I, who are for the time being enrolled on any State Register of Homoeopathy.

(2) It shall be the duty of the Registrar of the Central Council to keep and maintain the Central Register of Homoeopathy in accordance with the provisions of this Act

(2) The entries in respect of any such person in a State Register of Homoeopathy shall be altered in accordance with the alterations made in the Central Register of Homoeopathy.

Persons
enrolled
on
Central
Register
of
Homoeo-
pathy
to notify
change
of
place of
residence
or
practice.

28. Every person registered in the Central Register of Homoeopathy shall notify any transfer of the place of his residence or practice to the Central Council and to the Board concerned, within ninety days of such transfer, failing which his right to participate in the election of members to the Central Council or a Board shall be liable to be forfeited by order of the Central Government either permanently or for such period as may be specified therein.

CHAPTER V

MISCELLANEOUS

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

Informa-
tion to be
furnish-
ed by
Central
Council
and
publication
thereof.

(2) The Central Government may publish in such manner as it may think fit, any report, copies abstract or other information furnished to it under this section or under section 18.

Central
Council
and
publication
thereof.

30. (1) Whenever it is made to appear to the Central Government that the Central Council is not complying with any of the provisions of this Act, the Central Government may refer the particulars of the complaint to a commission of inquiry consisting of three persons, two of whom shall be appointed by the Central Government, one being a Judge of a High Court, and one by the Central Council, and such commission shall proceed to inquire in a summary manner and to report to the Central Government as to the truth of the matters charged in the complaint, and in

Com-
mission
of
inquiry

found by the commission to have been established, the commission shall recommend the remedies, if any, which are in its opinion necessary.

(2) The Central Government may require the Central Council to adopt the remedies so recommended within such time as, having regard to the report of the commission, it may think fit, and if the Central Council fails to comply with any such requirement, the Central Government may amend the regulations of the Central Council, or make such provision or order or take such other steps as may seem necessary to give effect to the recommendations of the commission.

(3) A commission of inquiry shall have power to administer oaths, to enforce the attendance of witnesses and the production of documents, and shall have all such other necessary powers for the purpose of any inquiry conducted by it as are exercised by a civil court under the Code of 5 of 1908. Civil Procedure, 1908.

31. No suit, prosecution or other legal proceeding shall lie against the Government, the Central Council or a Board or any committee thereof or any officer or servant of the Government or the Central Council or the Board or the committee aforesaid for any thing which is in good faith done or intended to be done under this Act. Protection of action taken in good faith.

32. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, 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 immediately following the session or the successive sessions aforesaid, 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 previously done under that rule.

Power to
make
regula-
tions.

33. The Central Council may, with the previous sanction of the Central Government, make regulations generally to carry out the purposes of this Act, and, without prejudice to the generality of this power, such regulations may provide for—

(a) the manner of election of the President and the Vice-President of the Central Council;

(b) the management of the property of the Central Council and the maintenance and audit of its accounts;

(c) the resignation of members of the Central Council;

(d) the powers and duties of the President and Vice-President;

(e) the summoning and holding of meetings of the Central Council and the committees thereof, the times and places where such meeting are to be held, and the conduct of business thereat and the number of members necessary to constitute a quorum;

(f) the functions of the committees constituted under section 9;

(g) the tenure of office, and the powers and duties of the Registrar and other officers and servants of the Central Council;

(h) the qualifications and appointment, powers and duties of, and procedure to be followed by, inspectors and visitors;

(i) the courses and period of study of practical training to be undertaken, the subjects of examination and the standards of proficiency therein to be obtained, in any University, Board or medical institution for grant of recognised medical qualification;

(j) the standards of staff, equipment, accommodation, training and other facilities for education in Homoeopathy;

(n) the manner in which and the conditions subject to which an appeal under section 25 may be preferred ;

(o) the fees to be paid on applications and appeals under this Act ; and

(p) any matter for which under this Act provision may be made by regulations.

THE FIRST SCHEDULE

[See section 3 (1) (a)]

1. The Central Government shall, by notification in the Official Gazette, determine the number of seats allocated in the Central Council of Homoeopathy in each State on the following basis, namely:—

(a) Where the number of persons enrolled on a State Register of Homoeopathy system exceeds 100 but does not exceed 10,000

1 seat.

(b) Where the number of persons enrolled on a State Register of Homoeopathy system exceeds 10,000 but does not exceed 20,000

2 seats.

(c) Where the number of persons enrolled on a State Register of Homoeopathy system exceeds 20,000 but does not exceed 30,000

3 seats

(d) Where the number of persons enrolled on a State Register of Homoeopathy system exceeds 30,000 but does not exceed 40,000

4 seats

(e) Where the number of persons enrolled on a State Register of Homoeopathy system exceeds 40,000

5 seats.

2. For every subsequent election to the Central Council under clause (a) of sub-section (1) of section 3, the Central Government shall, by notification in the Official Gazette, determine the number of seats allocated in the Central Council of Homoeopathy on the basis laid down in paragraph above.

THE SECOND SCHEDULE

(See section 13)

RECOGNISED MEDICAL QUALIFICATIONS IN HOMOEOPATHY
GRANTED BY UNIVERSITIES, BOARDS OR MEDICAL INSTITUTIONS
IN INDIA

| Name of University, Board or Medical Institution | Recognised medical qualification | Abbreviation for regis- tration | Remarks |
|--|-------------------------------------|---------------------------------------|---------|
| 1 | 2 | 3 | 4 |

ANDHRA PRADESH

1. Andhra Provincial Homoeopathic Medical College, Gudivada. Diploma in Homoeopathy Medicine. D.H.M. April, 1949 to March, 1969.
2. Dr. Gururaju Government Homoeopathic Medical College, Gudivada. Diploma in Homoeopathic Medicine and Surgery. D.H.M.S. From April, 1970 onwards.
3. Board of Indian Medicine, Hyderabad. Diploma in Homoeopathic Medicine and Surgery. D.H.M.S. From October, 1971.

BIHAR

4. Bihar State Board of Homoeopathic Medicine. Diploma in Medicine and Surgery. D.M.S. Since 1961.
Diploma in Homoeopathic Medicine and Surgery. D.H.M.S. From 1971 onwards.

DELHI

5. Board of Homoeopathic System of Medicine, Delhi. Diploma in Homoeopathic Science. D.H.S. From 1965 to 1970-71.
Diploma in Homoeopathic in Medicine and Surgery. D.H.M.S. From 1971 onwards.

1

2

3

4

KARNATAKA

- | | | | |
|---|--|----------|------------------------------------|
| 6. The Homoeopathic Medical College, Belgaum. | Licentiate of the Court of Examiners in Homoeopathy. | L.C.E.H. | From June, 1971 to December, 1971. |
| 7. Court of Examiners in Homoeopathic Education, Bangalore. | Licentiate of the Court of Examiners in Homoeopathy. | L.C.E.H. | From January, 1973. |
| | Graduate of the Court of Examiners in Homoeopathy. | G.C.E.H. | From January 1973. |

KERALA

- | | | | |
|---|---|------------|--------------------|
| 8. Board of Examiners in Homoeopathy, Government of Kerala. | Diploma in Homoeopathic Medicine. | D.H.M. | From 1962 onwards. |
| 9. Royal College of Homoeopathic Physicians, Ernakulam. | Licentiate of Royal College of Homoeopathic Physicians. | L.R.C.H.P. | up to 1966-67. |

MADHYA PRADESH

- | | | | |
|--|--|--------|--------------------|
| 10. The Board of Homoeopathic and Biochemic systems of Medicine, Madhya Pradesh. | Diploma in Homoeopathy and Biochemistry. | D.H.P. | From 1960 onwards. |
|--|--|--------|--------------------|

MAHARASHTRA

- | | | | |
|---|--|----------|------------------------------|
| 11. The Court of Examiners of Homoeopathic and Biochemic Systems of Medicine, Bombay. | Licentiate of the court of Examiners in Homoeopathy. | L.C.E.H. | From December, 1961 onwards. |
| | Diploma in Homoeopathy and Biochemistry. | D.H.B. | From October, 1955 onwards. |
| 12. Court of Examiners in Homoeopathic. | Fellow of the Court of Examiners in Homoeopathy. | FCEH | From May, 1958 only. |

| 1 | 2 | 3 | 4 |
|--|--|----------|---|
| ORISSA | | | |
| 13. Orissa Board of Homoeopathic Medicine, Bhubaneswar. | Diploma in Homoeopathic Medicine and Surgery. | D.H.M.S. | From 1972 onwards. |
| UTTAR PRADESH | | | |
| 14. State Board of Homoeopathic Medicine, U.P. Lucknow. | Graduate of Homoeopathic Medicine and Surgery. | G.H.M.S. | In 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. | |
| 15. Agra University, Agra | Graduate of Homoeopathic Medicine and Surgery. | G.H.M.S. | From 1965 to 1967. |
| 16. Kanpur University, Kanpur. | Graduate of Homoeopathic Medicine and Surgery. | G.H.M.S. | From 1967 onwards. |
| 17. 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. |
| 18. Homoeopathic Medical College, Lucknow. | | H.M.B. | From 1931 to 1936. |
| WEST BENGAL | | | |
| 19. The Council of Homoeopathic Medicine West Bengal. | Diploma in Medicine and Surgery. | D.M.S. | From 1965 onwards. |
| 20. General Council and State Faculty of Homoeopathic Medicine, West Bengal. | Diploma in Medicine and Surgery. | D.M.S. | From 1943 to 1964. |

| 1 | 2 | 3 | 4 |
|--|--|----------|--------------------|
| 21. Calcutta Homoeopathic Medical College, Calcutta. | Bachelor of Homoeopathic Medicine. | H.M.B. | Up to 1936. |
| | Bachelor of Medicine and Bachelor of Surgery. | B.M.B.S. | From 1936 to 1942. |
| 22. Bengal Allen Homoeopathic Medical College, Calcutta. | Bachelor of Homoeopathic Medicine and Surgery. | B.H.M.S. | Up to 1942. |
| | Master of Homoeopathic Medicine and Surgery. | M.H.M.S. | Up to 1942. |
| | Licentiate in Homoeopathic Medicine and Surgery. | L.H.M.S. | Up to 1942. |
| 23. Dunham Homoeopathic Medical College, Calcutta. | Member of Dunham College of Homoeopathy. | M.D.C.H. | Up to 1942 |
| 24. Ashutosh Homoeopathic Medical College, Calcutta. | Practitioner of Rational System of Medicine. | P.R.S.M. | Up to 1942. |
| | Practitioner of Healing Art. | P.H.A. | Up to 1942. |
| 25. Herring Homoeopathic Medical College Calcutta | Licentiate of the Rational Homoeopathic Society. | L.R.H.S. | Up to 1942 |
| 26. Regular Homoeopathic Medical College Calcutta. | Licentiate in Homoeopathic Medicine and Surgery. | H.L.M.S. | Up to 1942. |
| 27. Central Homoeopathic College, Calcutta. | | H.L.M.S. | 1910. |
| | | H.M.B. | 1910. |
| 28. Bengal Homoeopathic Medical College, Calcutta. | Bachelor of Homoeopathic Medicine. | H.M.B. | Up to 1942. |

THE THIRD SCHEDULE

(See section 14)

QUALIFICATIONS GRANTED BY MEDICAL INSTITUTIONS OUTSIDE INDIA

| Name of University Board or Medical Institution | Recognised medical qualification | Abbreviation for regis- tration | Remarks |
|---|-------------------------------------|---------------------------------------|---------|
|---|-------------------------------------|---------------------------------------|---------|

1

2

3

4

- | | | | |
|---------------------------------------|---|-----------|----|
| 1. Faculty of Homoeopathy, London. | Diploma of the Faculty of Homoeopathy. | D.F. Hom. | .. |
| 2. Faculty of Homoeopathy, London. | Member of the Faculty of Homoeopathy. | M.F. Hom. | .. |
| 3. Faculty of Homoeopathy, London. | Fellow of the Faculty of Homoeopathy. | F.F. Hom. | .. |

K.N. Srivastava
Under Secretary,
Law & Judicial Department,
Aizawl, Mizoram