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GOVERNMENT OF ARUNACHAL PRADESH
LAW AND JUDICIAL DEPARTMENT

NOTIFICATION

The 23rd February, 1999

No. LAW/LEGN-8/97. The following Act of the Arunachal Pradesh Legislative Assembly which received the assent of the Governor of Arunachal Pradesh is hereby published for general information.

(Received the assent of the Governor on 10th February, 1999)

THE ARUNACHAL PRADESH HOMOEOPATHIC COUNCIL BILL, 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.

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 commencement.
- (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 atleast 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.

Constitu-
tion of
regular
State
Council.

~~1. 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:

(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.

(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 etiquette 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 applications 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.

State Council furnishing of information to State Government.

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.

(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.

Law Advisory Council.

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

Bar of certain suits.

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

(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 etiquette and code of ethics as laid down by Central Council for the practitioner of Homocopathy, 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 applications which 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 Homocopathy 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 Homocopathy who possesses a recognised medical qualification and is enrolled on the State Register:-

(a) shall hold office as Homocopathy 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 Homocopathy or for administrative 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 Homocopathy 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 Homocopathy.

(2) The persons borne in Part-II of State Register shall have the right to practise Homocopathy, 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.

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(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.

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

Bar of certain suits. 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

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 enquiry.

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

PART-IV

15. The State Council may with the previous sanction of the State Government make rules by notification in the official Gazette to carry out 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.

Power to make rules.

- (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 stated and the proof of the qualifications and the format of applications for registration under this Act;
- (i) the fees to be paid on applications for registration of provisional regulations; and
- (j) any matter for which under this Act provision may be made by regulations.

16. Every rule made under this section shall be laid as soon as may 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 field for seeking necessary guidance and such an expert shall be paid remuneration, traveling and dearness allowances by the State Council.

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

Establishment of Government and private Homoeopathy Medical College.

(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-sections (1) and (2) establishment Homoeopathy Colleges.

K.A. Prabhakar Rao,
Secretary to the
Government of Arunachal Pradesh,
Itanagar