THE MAHARASHTRA HOMOEOPATHIC PRACTITIONERS' ACT

[*Text as on 4th September 2025*]

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14. Amended by Mah. 19 of 1988 (1-9-1988)
15. Amended by Mah. 22 of 2011 (22-7-2011)
16. Amended by Mah. 24 of 2012
17. Amended by Mah. 19 of 2014

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1 Maharashtra Ordinance No. II of 1975 was repealed by Mah. 24 of 1975, s. 3.
2 Maharashtra Ordinance No. IX of 1984 was repealed by Mah. 31 of 1984, s. 3(*1*).
3 Maharashtra Ordinance No. VII of 1985 was repealed by Mah. 4 of 1986, s. 3(*1*).
4 Maharashtra Ordinance No. VII of 1986 was repealed by Mah. 39 of 1986, s. 3(*1*).
5 Maharashtra Ordinance No. VIII of 1987 was repealed by Mah. 34 of 1987, s. 3(*1*).
6 Maharashtra Ordinance No. IV of 1988 was repealed by Mah. 17 of 1988, s. 3(*1*).

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

ACT No. XII OF 1960[1]

[THE MAHARASHTRA HOMOEOPATHIC PRACTITIONERS' ACT.]

[This Act received the assent of the President on the 12th March 1960; assent was first published in the *Bombay Government Gazette*, Extraordinary No. 16, Part IV, on the 18th March 1960.] **An Act to consolidate and amend the law relating to the regulation of qualifications and registration of Homoeopathic** [2]**[* * *] practitioners in the State of Bombay.**

WHEREAS it is expedient to consolidate and amend the law relating to the regulation of qualifications and registration of Homoeopathic [3][* * *] Practitioners in the State of Bombay with a view to encourage the study and spread [4][of this system]; It is hereby enacted in the Tenth Year of the Republic of India as follows, namely :—

CHAPTER I

PRELIMINARY

1.Short title, extent and commencement.— (*1*) This Act may be called the [5][Maharashtra Homoeopathic [6][* *] Practitioners' Act.

(*2*) It extends to the whole of the [7][State of Maharashtra].

(*3*) It shall come into force on such [8]day as the State Government may, by notification in the *Official Gazette*, appoint.

2.Definitions.— In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Appointed day" means the day on which this Act comes into force;

[9][* *]

[10][* *]

(*4*) "By-laws" means the by-laws made under section 35;

[11][(*4A*) "Central Council" means the Central Council of Homoeopathy constituted under section 3 of the Homoeopathy Central Council Act, 1973 (59 of 1973);]

[12][(*5*) "Council" means the Maharashtra Council of Homoeopathy [13][* *] established under section 3;]

[14][* *]

[15][(*8*) "Homoeopathy" means the Homoeopathic system of medicine and includes the use of Biochemic remedies;]

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1 For Statement of Objects and Reasons of the L. A. Bill No. LXXVII of 1959, *see Bombay Government Gazette*, 1959, Extraordinary No. 80, Part V, dated the 27th August 1959, pages 652-655.

2 The words "and Biochemic" were deleted by Mah. 19 of 1988, s. 2.

3 The words "and Biochemic" were deleted by Mah. 19 of 1988, s. 3(*a*).

4 These words were substituted for the words "of these System" by Mah. 19 of 1988, s. 3(*b*).

5 This short title was amended by Mah. 24 of 2012, Sch.

6 7 8 9 10 11 12 13 14 15 The words "and Biochemic" were deleted by Mah. 24 of 2012, s. 4.

These words were substituted for the words "State of Bombay" by Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960, s. 4.

27th day of October 1961, *vide* G.N., U. D. and P. H. D., No. BHP. 1059(*a*) Unification, dated the 26th October 1961.

Clause (*2*) was deleted by Mah. 19 of 1988, s. 5(*a*).

Clause (*3*) was deleted by Mah. 16 of 1988, s. 2(*a*).

This clause was inserted by Mah. 19 of 1988, s. 5(*b*).

This clause was substituted by Mah. 16 of 1988, s. 2(*b*).

The words "and Biochemic" were deleted by Mah. 19 of 1988, s. 5(*c*).

(*9*) "Inspector" means an Inspector appointed by the [1][Council];

[2][* *]

[3][(*11*) "member" means a member of the Council;]

(*12*) "Practitioner" means a p thic [4][* *] System of Medicine;

(*13*) "President" means the President of the [5][Council];

(*14*) "Recognised institution" means any institution recognised under section 30 for giving instructions in the courses leading to the examinations held by the [6][Council];

[7][(*14A*) "recognised medical qualification" means any of the medical qualifications in Homoeopathy, included in the Second or Third Schedule to the Homoeopathy Central Council Act, 1973 (59 of 1973);]

(*15*) "Register" means the register of practitioners prepared and maintained under section 20 [8][* *];

(*16*) "Registered practitioner" means a practitioner whose name is for the time being entered in register;

(*17*) "Registrar" means the Registrar appointed under section 15;

(*18*) "Regulations" means the regulations made under section 34;

(*19*) "Rules" means the rules made under section 33;

(*20*) "Schedule" means a Schedule appended to the Act;

[9][(*21*) "Vice-President" means the Vice-President of the Council.]

CHAPTER II

CONSTITUTION,FUNCTIONS AND POWERS OF THE [10][COUNCIL]

[11]**[3.Establishment and incorporation of Council, and appointment of Administrator.—** (*1*) (*a*) On the date of commencement of the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985 (Mah. XVI of 1988), a Council to be called "The Maharashtra Council of Homoeopathy [12][* *]" shall be deemed to have been established.

(*b*) The Council shall be a body corporate by the name aforesaid, and have perpetual succession and a common seal, with power to acquire, hold and dispose of property and to contract and may by the said name sue and be sued.

(*2*) Notwithstanding anything contained in section 36 or 39, or any other provisions of this Act,—

(*a*) the State Government may appoint any person as an Administrator under this section to exercise all the powers and perform all the duties of the Council established under sub-section (*1*) during the period he holds office of the Administrator under sub-section (*3*);

(*b*) without prejudice to the provisions of clause (*a*), on and with effect from the date of the commencement of the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985 (Mah. XVI of 1988), the persons appointed under section 36 to exercise all the powers and perform all the duties of the Board or the Court and holding office immediately before such

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1 This word was substituted for the word "Court" by Mah. 16 of 1988, s. 2(*d*).
2 Clause (*10*) was deleted by Mah. 16 of 1988, s. 2(*e*).
3
4 This clause was substituted for the original by Mah. 16 of 1988, s. 2(*f*).
5 The words "or Biochemic" were deleted by Mah. 19 of 1988, s. 5(*e*).
6
7 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 2(*g*).
8 This word was substituted for the word "Court" by Mah. 16 of 1988, s. 2(*h*).
9
10 11 12 Clause (*14A*) was inserted by Mah. 19 of 1988, s. 5(*f*).
The words and figures "or section 21" were deleted by Mah. 19 of 1988, s. 5(*g*).
Clause (*21*) was added by Mah. 16 of 1988, s. 2(*j*).
This word was substituted for the word "Board" by Mah.16 of 1988, s. 3.
This section was substituted for the original by Mah.16 of 1988, s. 4.

commencement date shall be deemed to have been appointed as an Administrator and he shall exercise all the powers and perform all the duties of the Council established under sub-section (*1*) during the period he holds office of the Administrator under sub-section (*3*).

(*3*) The term of office of the Administrator functioning under sub-section (*2*) shall expire on the day immediately preceding the date on which the first meeting of the Council is held, after election of the members, under clause (*a*) of sub-section (*3*) of section 4.

(*4*) The Administrator shall be paid from the fund of the Council such salary and allowances as the State Government may from time to time determine].

[1]**[3A.Constitution of Council.—** (*1*) The Council shall consist of the following eleven members, including the President and the Vice-President,—

(*a*) the Deputy Director of Homoeopathy, *ex-officio*;

(*b*) four members nominated by the State Government, from amongst persons having special knowledge or practical experience in respect of Homoeopathy [2][* *];

(*c*) three members elected by registered practitioners whose names are entered in the register maintained under section 20, from amongst themselves;

(*d*) (*i*) one member elected by the Principals or Heads of recognised institutions, from amongst themselves; and

(*ii*) two members elected by the teachers (other than Principals or Heads) of recognised institutions, from amongst themselves,

who are registered practitioners possessing [3][any of the recognised medical qualifications] and are engaged in teaching [4][in the Homoeopathic system of] medicine in any recognised institutions for a period of not less than two years immediately preceding the day fixed for the nomination of candidates for such election:

Provided that, the members to be elected under sub-clauses (*i*) and (*ii*) shall be persons other than those nominated or elected under the preceding clauses.

(*2*) If at any election the electors fail to elect the requisite numbers of members to the Council, the State Government shall nominate such registered practitioners as it deems fit, to fill the vacancies which remain unfilled after the election; and references to elected members or election of the members in this Act shall be construed as including references to members so nominated or such nomination of the members.

(*3*) The President and the Vice-President of the Council shall be elected by the members of the Council by ballot, from amongst themselves].

4. Time, place and manner of election of members, [5][President and Vice-President].—(*1*) [6][(*a*)] The election of members under [7][section 3A] shall be held at such time and at such place and in such manner as may be prescribed by rules.

[8][(*b*) If any dispute arises regarding any election referred to in clause (*a*) it shall be referred for decision of the State Government, [9][within thirty days from the date of the election] and its decision shall be final].

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1 This section was inserted by Mah. 16 of 1988, s. 5.

2 The words "or Biochemistry" were deleted by Mah. 19 of 1988, s. 7(*a*).

3 These words were substituted for the words "any of the qualifications specified in the First Schedule" by Mah. 19 of 1988, s. 7(*b*)(*i*).

4 These words were substituted for the words "in any of the systems of Homoeopathic or Biochemic" by Mah. 19 of 1988, s. 7(*b*)(*ii*).

5 These words were added by Mah. 19 of 1988, s. 6(*d*).

6 Section 4(*1*) was renumbered as clause (*a*) and clause (*b*) was inserted by Mah. 42 of 1975, s. 2.

7 This word, figure and letter were substituted for the word and figure "section 3" by Mah. 16 of 1988, s. 6(*a*)(*ii*).

8 Section 4(*1*) was renumbered as clause (*a*) and clause (*b*) was inserted by Mah. 42 of 1975, s. 2.

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(*2*) The Registrar shall, at least three months before the date fixed for the election of the [1][Council,] cause to be printed and published a correct list of the name and qualifications of all practitioners for the time being entered in the register and the dates when such qualifications were acquired.

[2][(*3*) (*a*) Within seven days after the nomination and election of members under the foregoing provisions, a meeting shall be called for the election of the President and Vice-President on such date as the Deputy Director of Homoeopathy may fix. Such election shall be by ballot.

(*b*) The meeting called under clause (*a*) shall be presided over by the Deputy Director of Homoeopathy, and he shall have the right to vote. The Deputy Director presiding over such meeting (hereinafter referred to in this section as "the Presiding Officer") may, for reasons recorded in writing which in his opinion are sufficient, refuse to adjourn such meeting, or as the case may be, adjourn such meeting.

(*c*) If in the election of the President or Vice-President, there is an equality of votes, the result of the election shall be decided by lot to be drawn in the presence of the Presiding Officer, in such manner as he may determine.

(*d*) In the event of a dispute arising as to the validity of the election of a President or Vice-President, the Presiding Officer may, within thirty days from the date of the election, refer the dispute to the State Government for decision. The decision of the State Government in such dispute shall be final and conclusive and shall not be questioned in any Court.

(*4*) The election of the President and Vice-President on any occasion other than the one referred to in sub-section (*3*) shall be held before the expiry of their term or soon after the occurrence of a casual vacancy in the office of the President or Vice-President and in such manner as may be prescribed by rules].

5.Term of Office.— (*1*) Save as otherwise provided by this Act, the term of office of the members whether elected or nominated, shall be for a period of five years commencing from the date on which the first meeting of the [3][Council] is held [4][under clause (*a*) of sub-section (*3*) of section 4].

(*2*) The term of office of an outgoing member shall be deemed to extend to and expire with the day immediately before the day of the first meeting referred to in sub-section (*1*).

(*3*) An outgoing member shall be eligible for re-election or re-nomination.

[5][(*4*) The term of office of the President and Vice-President shall be for a period of one year from the date of their election as President or Vice-President, as the case may be:

Provided that, at no time the term of office of the President or Vice-President shall exceed the term of such President or Vice-President, as a member.]

6.Extension of period of [6][Council].— Notwithstanding anything contained in section 5, the State Government may, by a notification in the *Official Gazette*, extend the term of office of the members of the [7][Council] for a further period not exceeding one year in the aggregate.

7.Casual vacancies.—[8][(*1*) Any casual vacancy, prior to the expiry of the term, in the office of the President or Vice-President due to death, resignation, removal, disability or disqualification of the President or Vice-President or any other reason shall be filled by election.]

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1 This word was substituted for the word "Board" by Mah. 19 of 1988, s. 6(*b*).
2 These sub-sections were added by Mah. 19 of 1988, s. 6(*c*).
3 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 7(*a*)(*i*).
4 These words, brackets, letter and figures were substituted for the words "after the election of the members under section 3" by Mah. 16 of 1988, s. 7(*a*)(*ii*).
5 This sub-section was added by Mah. 16 of 1988, s. 7(*b*).
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7 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 8.
8 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 8. This

[1][(*2*) Any such vacancy in the office of a member of the [1][Council] nominated by the State Government shall be filled by nomination.

[2][(*3*) Any such vacancy in the office of the member of the Council elected by the registered practitioners, or the Principals or Heads, or the teachers, of the recognised institutions, shall be filled by the State Government by nomination o f three registered practitioners, or the

Principals or Heads, or the teachers, as the case may be, by a resolution of the Council recommended by a resolution passed by a majority of all the then members of the Council:

Provided that, if the Council fails to pass such a resolution within a period of thirty days from the date of occurrence of the vacancy, the State Government may appoint any registered practitioner, or Principal or Heads, or teacher, as the case may be, to fill the vacancy and the practitioner, or the Principal or Head or the teacher so appointed shall, for purposes of this sub-section be deemed to have been duly nominated.]

(*4*) Any person nominated or elected to fill a casual vacancy under this section shall, notwithstanding anything contained in section 5, hold office only so long as the person in whose place he is nominated or elected would have held office, if the vacancy had not occurred.

[3][**8.Resignation.—** (*1*) A nominated member may at any time resign his office by a notice in writing to the State Government. An elected member may at any time resign his office by a notice in writing to the President. Such resignation shall take effect from the date on which the resignation is accepted by the State Government, or the President, as the case may be.

(*2*) The President or the Vice-President may at any time resign his office by a notice in writing to the State Government. The resignation shall take effect from the date on which such resignation is accepted by the State Government.]

9.Disqualification and disability.— (*1*) No person,—

(*a*) who is an undischarged insolvent;

(*b*) who has been adjudged to be of unsound mind by a competent Court;

(*c*) whose name has been removed from the register; or

(*d*) who is a full time officer or servant of [4][the Council]; [5][* *]

shall be eligible to be elected or nominated or to continue to be a member.

(*2*) If any member,—

(*a*) absents himself from three consecutive ordinary meetings of the [6][Council] without such reasons as may, in the opinion of the State Government in the case of the President, [7][and the Vice-President] and in the opinion of the [8][Council] in the case of any other member, be sufficient; or

(*b*) becomes or is found to be subject to any of the disqualifications mentioned in sub-section (*1*),

the State Government shall declare his office vacant.

(*3*) The State Government may, on the recommendation of the [9][Council] supported by at least two-thirds of the whole number of members, remove any member elected or nominated under this Act, if such member has been guilty of misconduct in the discharge of his duties as a member or of any disgraceful conduct or has become incapable of performing his duties as a member:

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1 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 9(*b*).
2 This sub-section was substituted for the original by Mah. 16 of 1988, s. 9(*c*).
3 This section was substituted for the original by Mah. 16 of 1988, s. 10.
4 These words were substituted for the words "the Board or the Court," by Mah. 16 of 1988, s. 11(*a*).
5 The word "or" was deleted by Mah. 19 of 1988, s. 8.
6 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 11(*b*)(*i*).
7 These words were inserted by Mah. 16 of 1988, s. 11(*b*)(*ii*).
8 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 11(*b*)(*i*).
9

Provided that, no resolution recommending the removal of any members shall be passed by the [1][Council] unless the member to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

10.Meetings of the [2][Council].— (*1*) The meetings of the [3][Council] shall be convened, held and conducted in such manner as may be pre

[4][(*2*) The President, if present, shall preside at every meeting of the Council. If at any meeting the President is absent, then the Vice-President and in the absence of both, some other member elected by the members present, from amongst themselves, shall preside at such meeting.]

(*3*) All questions at a meeting of the [5][Council] shall be decided by the votes of the majority of the members present and voting at the meeting.

[6][(*4*) The presiding authority at a meeting shall have and exercise a second or a casting vote in case of an equality of votes.]

(*5*) [7][Six members of the Council including the President and Vice-President] shall form a quorum. When a quorum is required but not present, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as it may notify and the business which would have been brought before the original meeting had there been a quorum threat, shall be brought before the adjourned meeting and may be disposed of at such meeting or any subsequent adjournment thereof, whether there be a quorum present or not.

11.Proceedings of meetings and validity of acts.— (*1*) The proceedings of every meeting of the [8][Council] shall be treated as confidential and no person shall, without the previous permission of the [9][Council] disclose any portion thereof:

Provided that, nothing in this section shall be deemed to prohibit any person from disclosing or publishing the text of any resolution passed or considered by the [10][Council] unless the [11][Council] directs such resolution to be treated as confidential.

(*2*) No disqualification of or defect in the election, nomination or appointment of any person as a member or as the President [12][or as the Vice-President] or as a presiding authority of a meeting shall of itself be deemed to vitiate any act or proceedings of the [13][Council] in which such person has taken part, whenever the majority of persons, parties to such act or proceedings, were entitled to vote.

(*3*) During any vacancy in the [14][Council], the continuing members may act as if no vacancy had occurred.

[15]**[12.Fees and allowances for meetings.—** There shall be paid to the President, the Vice-President and other members of the Council and to the members of the committees, such fees and allowances for attendance at meeting, and such travelling allowances as may from time to time be prescribed by rules.]

[16]**[13.Income and expenditure of Council.—** (*1*) The income of the Council shall consist of,—

(*a*) fees received from the practitioners;

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1 This word was substituted for the word “Board” by Mah. 16 of 1988, s. 12(*a*).
2 This word was substituted for the word “Board” by Mah. 16 of 1988, s. 12 (*f*).
3 This word was substituted for the word “Board” by Mah. 16 of 1988, s. 12(*a*).
4 This sub-section was substituted for the original by Mah. 16 of 1988, s. 12(*b*).
5 This word was substituted for the word “Board” by Mah. 16 of 1988, s. 12(*c*).
6 This sub-section was substituted for the original by Mah. 16 of 1988, s. 12(*d*).
7 8 9 10 11 12 13 14 15 16 These words were substituted for the words “Eight members including President” by Mah. 16 of 1988, s. 12(*e*).
This word was substituted for the word “Board” by Mah. 16 of 1988, s. 13(*a*).
This word was substituted for the word “Board” by Mah. 16 of 1988, s. 13(*a*).
This word was substituted for the word “Board” by Mah. 16 of 1988, s. 13(*a*).
This word was substituted for the word “Board” by Mah. 16 of 1988, s. 13(*a*).
These words were inserted by Mah. 16 of 1988, s. 13(*b*)(*i*).
This word was substituted for the word “Board” by Mah. 16 of 1988, s. 13(*b*)(*ii*).
This word was substituted for the word “Board” by Mah. 16 of 1988, s. 13(*c*).

(*b*) fees received from the examinees;

(*c*) any other fees collected by the Council;

(*d*) grants received from the State Government;

(*e*) donations and any other sums received by the Council.

(*2*) It shall be competent for the Council to incur expenditure for the following purposes, namely :—

(*a*) salaries and allowances of the Registrar and the staff including the Inspectors appointed by the Council;

(*b*) fees and allowances paid to the members of the Council, its Committees;

(*c*) remuneration paid to paper-setters, examiners, moderators and other persons appointed by the Council for the conduct of examination;

(*d*) other expenses for the conduct of examinations;

(*e*) such other expenses as are necessary for performing its duties and functions under this Act, rules made thereunder or the regulations or by-laws made by the Council.]

[1][**14.Powers, duties and functions of Council.—** Subject to such conditions as may be prescribed by or under the provisions of this Act, the powers, duties and functions of the Council shall be,—

(*a*) to provide for registration of practitioners and to maintain the register;

(*b*) to hear and decide appeals from any decision of the Registrar;

(*c*) to reprimand a registered practitioner, or to suspend or remove him from the register or to take such other disciplinary action against him as may, in the opinion of the Council, be necessary or expedient;

(*d*) to hold examinations, to make all the necessary arrangement of such examinations and to charge fees therefor;

(*e*) to [2][* *] conduct the courses of training leading to the examinations held by the Council;

(*f*) to grant degrees, diplomas and marks of honour;

(*g*) to award stipends, scholarships, medals, prizes and other rewards;

(*h*) to recommend recognition of institutions for the purpose of giving instructions for the courses leading to the examinations held by the Council, or to recommend the cancellation of such recognition;

[3][* *]

(*j*) to prepare, publish and prescribe text books, and to publish statements [4][of courses of study prescribed by the Central Council];

(*k*) to provide for the maintenance of an adequate standard of proficiency for the practice of Homoeopathic [5][system of medicine];

(*l*) to found and maintain libraries;

(*m*) to recommend and promote schemes for post-graduate training and research in Homoeopathy and Biochemistry;

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1 This section was substituted for the original by Mah. 16 of 1988, s. 16.
2 The words "prescribe and" were deleted by Mah. 19 of 1988, s. 9(*a*).
3
4 Clause (*i*) was deleted by Mah. 19 of 1988, s. 9(*b*).
5 These words were substituted for the words "of prescribed courses of study" by Mah. 19 of 1988, s. 9(*c*). These

(*n*) to provide for the inspection of recognised institution or any other institutions giving instructions for any of [1][the recognised medical qualification]; and to require such institutions to furnish such information as may be necessary;

(*o*) to appoint boards of studies and committees consisting of persons, who may or may not be members of the Council, but at least half of the number of such persons on the board or committee shall be the practitioners whose names are entered in register, and to make regulations for the constitution, duties and functions of such boards and committees;

(*p*) subject to the approval of the State Government, to receive donations and to determine the conditions of acceptance of donations;

(*q*) to exercise such other powers and perform such other duties and functions as are laid down in this Act or may be prescribed by rules or by regulations or by-laws.]

15.Registrar and other employees of [2][Council].—[3][(*1*) The State Government shall, after consulting the Council, appoint a Registrar, who shall be the Secretary and Executive Officer of the Council. The salary, allowances and other conditions of service of the Registrar shall be such as may be prescribed by rules.]

(*2*) The [4][Council] may, from time to time, grant leave to the Registrar:

Provided that, if the period of leave does not exceed two months the leave may be granted by the President.

(*3*) During any such temporary vacancy in the office of the Registrar due to leave or any other reason, the [5][Council] may with the previous sanction of the State Government appoint another person to act in his place and any person so appointed shall for the period of such appointment be deemed to be the Registrar for the purposes of this Act:

Provided that, when the period of such vacancy does not exceed two months the appointment may be made by the President, who shall forthwith report such appointment to the State Government.

[6][(*4*) The State Government may, after consulting the Council, suspend, dismiss or remove any person appointed as the Registrar, or impose any other penalty upon him, as it may deem necessary.]

[7][* *]

(*6*) The [8][Council] shall from time to time prescribe by regulations the number and designation and the salaries, allowances and other conditions of service of other officers and servants as may be necessary for the purposes of carrying out its duties and functions under this Act:

Provided that, the power to make appointment of any such officer or servant shall vest in the President.

(*7*) 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 the Indian Penal Code (XLV of 1860).

[9]**[15A.Executive Committee of [10][Council].—** (*1*) The [11][Council] shall, as soon as may be, constitute an Executive Committee consisting of the President, *ex-officio*, and such number of other members elected by the [12][Council] from amongst its members, as may be prescribed by rules.

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1 These words were substituted for the words "the qualifications included in the First Schedule" by Mah. 19 of 1988, s. 9(*e*).

2 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 17(*g*).

3 This sub-section was substituted for the original by Mah. 16 of 1988, s. 17(*a*).

4 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 17(*b*).

5 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 17(*c*).

6 This sub-section was substituted for the original by Mah. 16 of 1988, s. 17(*d*).

7 Sub-section (*5*) was deleted by Mah. 16 of 1988, s. 17(*e*).

8 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 17(*f*).

9 Section 15-A was inserted by Mah. 20 of 1962, s. 4.

10 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 18.

11 12 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 18.

(*2*) The term of office of, the manner of filling casual vacancies among, and the procedure to be followed by, the members of the Executive Committee shall be such as may be prescribed by rules.

(*3*) The Executive Committee shall exercise such powers, perform such duties, and discharge such functions, of the [1][Council] as may be delegated to it by rules or entrusted to it, from time to time, by the [2][Council].]

CHAPTER III

[*Deleted by Mah. 16 of 1988, s. 19.*]

CHAPTER IV

[3][REGISTRATION OF PRACTITIONERS]

20.Preparation of Register.— (*1*) As soon as may be after the appointed day, the Registrar shall prepare and maintain thereafter a register of Homoeopathic [4][* *] practitioners for the [5][State of Maharashtra] in accordance with the provisions of this Act.

[6][(*1-A*) The register shall contain the names of practitioners, whose names are,—

(*i*) continued on the register under sub-section (*4*); and

(*ii*) entered in the register under sub-section (*3*) or (*5*) on or after the date of commencement of the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985 (Mah. XVI of 1988)].

(*2*) The register shall include the following particulars, namely :—

(*a*) the full name, nationality and residential address of the registered practitioner;

(*b*) the date of his admission to the register;

(*c*) the qualification for registration and the date on which he obtained his degree, diploma or any other like award in Homoeopathy [7][* *] if any, and the authority which conferred or granted it;

(*d*) his professional address; and

(*e*) such further particulars as may be prescribed by rules.

(*3*) Every person who possesses any of the [8][recognised medical qualifications] shall, at any time on an application made in the form prescribed by rules to the Registrar and on payment of [9][such fee as the State Government may, by notification in the *Official Gazette*, specify] be entitled to have his name entered in the register.

[10][(*3A*) (*a*) If the courses of study to be undergone for obtaining any of the recognised medical qualifications include a period of training after a person has passed the qualifying examination, and before such qualification is conferred on him, any such person shall, on an application made to the Registrar, in the form prescribed by the Rules and on payment of such fee, as the State Government may, by notification in the *Official Gazette*, specify, be granted a provisional registration in order to enable him to practice Homoeopathic system of medicine in the Recognised Institution for the purpose of such training and for no other purpose, for the period aforesaid;

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1 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 18.
2
3 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 18.
4
5 The heading was substituted for the original by Mah. 16 of 1988, s. 20.
6 The words "and Biochemic" were deleted by Mah. 19 of 1988, s. 10(*a*).
7
8 These words were substituted for the words "State of Bombay" by Mah. 16 of 1988, s. 21(*a*).
9 This sub-section was substituted by Mah. 19 of 1988, s. 10(*b*).
10 The words "or Biochemistry" were deleted by Mah. 19 of 1988, s. 10(*c*).
These words were substituted for the words "qualification specified in the First Schedule" by Mah. 19 of 1988, s. 10(*d*)(*i*).
These words were substituted for the words "a fee of three hundred rupees" by Mah. 22 of 2011, s. 2(*a*).
Sub-section (*3A*) was inserted by Mah. 22 of 2011, s. 2(*b*).

(*b*) every person who is granted a provisional registration under clause (*a*) shall be given a certificate of provisional registration in the form prescribed by the Rules, which shall remain in force for such period as may be specified therein.]

[1][(*4*) The register maintained under this section and in force on the day immediately preceding the date of commencement of the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985 (Mah. XVI of 1988) (hereinafter in this sub-section referred to as "the Amending Act"), shall be deemed to be the register maintained under the principal Act as amended by the Amending Act and the name of every person whose name is entered in such register shall, subject to the provisions of this Act, continue to be on the register.

(*5*) Notwithstanding anything contained in any law for the time being in force, every person entitled to be or is enrolled on the register maintained under the Homoeopathy Central Council Act, 1973 (59 of 1973), but not enrolled on the register maintained under this Act, shall, on an application and on payment of the fee as provided in sub-section (*3*), be entitled to have his name entered in the register maintained under this Act.]

(*12*) (*a*) Every registered practitioner shall be given a certificate of registration in the form prescribed by rules [2][; and shall practice [3][Homoeopathy] [4][and the Modern Scientific Medicine (Allopathy) in the State to the extent of knowledge received by passing the Certificate Course in Modern Pharmacology

approved by the State Government]. The registered practitioner shall display the certificate of registration in a conspicuous place in his dispensary, clinic or place of practice.]

5[(*b*) Such certificate shall be valid until it is duly cancelled and the name of the practitioner is removed from the register under the provisions of this Act; and every certificate of registration given before the commencement of the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1974 (Mah. XXXIX of 1974), which is valid on such commencement shall, subject to the provisions of section 26, be valid likewise, and shall continue accordingly.]

6[(*c*) Where it is shown to the satisfaction of the Registrar that a certificate of registration has been defaced, lost or destroyed, the Registrar may, on payment of the prescribed fee, issue a duplicate certificate in the form prescribed under clause (*a*).]

7[(*13*) (*a*) Any registered practitioner to whom a certificate of registration is issued before the day immediately preceding the date of commencement of the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985 (Mah. XVI of 1988), and such certificate is still in operation, may, at any time, by an application in writing, accompanied by such certificate (in original) and a fee of five rupees, apply to the Registrar for issue of a fresh certificate of registration in lieu of the certificate issued earlier.

(*b*) On receipt of such application, the Registrar shall cancel such certificate and issue a fresh certificate of registration in the form prescribed by rules made under clause (*a*) of sub-section (*12*).]

21. [*Preparation of list of persons in practice on the relevant day*.] [*Deleted by Mah. 19 of 1988, s. 11.*]

22.Undertaking to be given for entering name in Register 8[* *].— Notwithstanding anything contained 9[in section 20], the name of any practitioner shall not be entered in the register 10[* *] unless he gives an undertaking in writing executed in such manner as may be prescribed by

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1 Sub-sections (*4*) and (*5*) were substituted for the original sub-sections (*4*) to (*11*) by Mah. 16 of 1988, s. 21(*c*).
2 This portion was inserted by Mah. 16 of 1988, s. 21(*d*)(*i*).
4 This word was substituted for the words "Homoeopathic and Biochemic Systems of Medicines" by Mah. 19 of 1988, s. 10(*e*).
7 This portion was substituted for the word "only" by Mah. 19 of 2014, s. 2.
9 Clause (*b*) was substituted for the original by Mah. 39 of 1974, s. 2(*b*).
This clause was added by Mah. 16 of 1988, s. 21(*d*)(*ii*).
This sub-section was added by Mah. 16 of 1988, s. 21(*e*).
These words "or list" were deleted by Mah. 16 of 1988, s. 23(*g*).
s. 12(*a*).
10 The words "or the list" were deleted by Mah. 16 of 1988, s. 23(*a*).

rules that he shall not use any degree, diploma, 1[licence or certificate] which is identical with or is a colourable imitation of any degree, diploma, 2[licence or certificate] granted by a body or institution authorised under the Indian Medical Degree Act, 1916 (VII of 1916), the Indian Medical Council Act, 1956 (CII of 1956), 3[the Maharashtra Medical Practitioners Act, 1961 (Mah. XXVIII of 1961)], or under any corresponding law for the time being in force in any part of the 4[State of Maharashtra]. It shall be lawful for such person to use after his name the words "Registered Homoeopathic Practitioner", 5[* *] 6[* *] in full to indicate that his name has been entered in the register 7[* *] under this Act.

23.Removal of names from register.— (*1*) (*a*) If a registered practitioner has been, after due inquiry held by the 8[Council] in the manner prescribed by rules, found guilty of any misconduct, the 9[Council] may,—

(*i*) issue a letter of warning addressed to such practitioner, or

(*ii*) direct the name of such practitioner—

(*A*) to be removed from the register for such period as may be specified in the direction, or

(*B*) to be removed from the register permanently.

Explanation.— For the purpose of hall mean,—

(*i*) conviction, of the registered practitioner by a Criminal Court for an offence which involves moral turpitude and which is cognizable within the meaning of the [10][Code of Criminal Procedure, 1973 (II of 1974),] or

(*ii*) conviction under the Army Act, 1950 (XLVI of 1950), of registered practitioner subject to military law for an offence which is cognizable within the meaning of the [11][Code of Criminal Procedure, 1973 (II of 1974),] or

(*iii*) any conduct, which, in the opinion of the [12][Council], is infamous in relation to the profession.

(*b*) The [13][Council] may, on sufficient cause being shown, direct at any time that the name of the practitioner so removed shall be re-entered in the register on such conditions and on the payment of such fees as may be prescribed by rules and on such further conditions as the [14][Council] may impose.

[15][(*2*) If the name of any such practitioner is entered in the register maintained under the Maharashtra Medical Practitioners Act, 1961 (Mah. XXVIII of 1961), or the Maharashtra Medical Council Act, 1965 (Mah. XLVI of 1965), or any other corresponding law for the time being in force in any part of the State of Maharashtra, it shall be the duty of the Council to give intimation of such removal, to the authority responsible to maintain the said register.]

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1 These words were substituted for the words "or licence" by Mah. 16 of 1988, s. 23(*b*).
2
3 These words were substituted for the words "or licence" by Mah. 16 of 1988, s. 23(*b*).
4 These words and figures were substituted for the words and figures "the Bombay Medical Act, 1912 or the Bombay Medical Practitioners Act, 1938" by Mah. 16 of 1988, s. 23(*c*).
These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
5 The words "or Registered Biochemic Practitioner, as the case may be" were deleted by Mah. 19 of 1988, s. 12(*b*). 6 The words " "Enlisted Homoeopathic Practitioner" or "enlisted Biochemic Practitioner" " were deleted by Mah. 16 of 1988, s. 23(*e*).
7 These words "or the list, respectively" were deleted by Mah. 16 of 1988, s. 23(*f*).
8
9 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 24(*a*)(*i*).
10 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 24(*a*)(*i*).
These words and figures were substituted for the words and figures "Code of Criminal Procedure, 1898" by Mah. 16 of 1988, s. 24(*a*)(*ii*).
11 These words and figures were substituted for the words and figures "Code of Criminal Procedure, 1898" by Mah. 16 of 1988, s. 24(*a*)(*ii*).
12 13 14 15 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 24(*a*)(*i*). This word was substituted for the word "Board" by Mah. 16 of 1988, s. 24(*a*)(*i*). This word was substituted for the word "Board" by Mah. 16 of 1988, s. 24(*a*)(*i*).
This sub-section was substituted for the original by Mah. 16 of 1988, s. 24(*b*).

[1][(*3*) If the name of registered practitioner is also entered in the register maintained under any of the laws referred to in sub-section (*2*) and it is removed from the said register, the Registrar, with the approval of the Council, shall also remove his name from the register under this Act.]

(*4*) The [2][Council] may, on its own motion or on the application of any person, after due and proper enquiries and after giving an opportunity to the person concerned of being heard, cancel or alter any entry in the register, if, in the opinion of the [3][Council], such entry was fraudulently or incorrectly made.

(*5*) In holding inquiries under this section, the [4][Council] shall have the same powers as are vested in civil Courts under the Code of Civil Procedure, 1908 (V of 1908) when trying a suit, in respect of the following matters, namely :—

(*a*) enforcing the attendance of any person and examining him on oath;

(*b*) compelling the production of documents;

(*c*) issuing of commissions for the examination of witnesses.

(*6*) All inquiries under this section shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (XLV of 1860).

(*7*) [5][(*a*) For the purpose of advising the Council or the Executive Committee on any question of law arising in any inquiry before it, there may be appointed by the Council an assessor who has been for not less than ten years—

(*i*) an Advocate enrolled under the Advocates Act, 1961 (XXV of 1961); or

(*ii*) an Attorney of a High Court.]

(*b*) Where an assessor advises the [6][Council or the Executive Committee] on any question of law as to evidence, procedures or any other matter, he shall do so in the presence of every party, or person representing a party, to the inquiry who appears thereat, or if the advice is tendered after the [7][Council or the Executive Committee] has begun to deliberate as to their findings, every such party or person as aforesaid shall be informed what advice the assessor has tendered. Such party or person shall also be informed, if in any case the [8][Council or the Executive Committee] does not accept the advice of the assessor on any such question as aforesaid.

(*c*) Any assessor under this section may be appointed either generally or for any particular inquiry or class of inquiries and shall be paid such remuneration as may be prescribed by rules.

[9][* *]

24. Persons not entitled to registration [10][* *].— Notwithstanding anything contained [11][in section 20], no person whose name has been removed for infamous conduct in a professional respect from any register [12][* *] kept under—

(*i*) the Bombay Homoeopathic Act, 1951 (Bom. XLVIII of 1951);

(*ii*) the Madhya Pradesh Homoeopathic and Biochemic Practitioners' Act, 1951 (M. P. XXVI of 1951); or

(*iii*) any law for the time being in force in India or any part thereof regulating the registration of practitioners of medicine,

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1 This sub-section was substituted for the original by Mah. 16 of 1988, s. 24(*c*).
2 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 24(*d*).
3 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 24(*d*).
4 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 24(*e*).
5 This clause was substituted for the original by Mah. 16 of 1988, s. 24(*f*)(*i*).
6 These words were substituted for the word "Board" by Mah. 16 of 1988, s. 24(*f*)(*ii*).
7 These words were substituted for the word "Board" by Mah. 16 of 1988, s. 24(*f*)(*ii*).
8 These words were substituted for the word "Board" by Mah. 16 of 1988, s. 24(*f*)(*ii*).
9 This sub-section was deleted by Mah. 16 of 1988, s. 24(*g*).
10 11 12 The words "or enlistment" were deleted by Mah. 16 of 1988, s. 25(*c*).

shall be entitled to have his name entered in the register [1][prepared under section 20], unless his name is duly restored to the register [2][* *] from which it was removed.

25. Maintenance of register [3][* *].— (*1*) It shall be the duty of the Registrar to make entries in register, from time to time, to revise the same and to issue the certificates of registration [4][* *] in accordance with the provisions of this Act, the rules made thereunder and the orders of the [5][Council].

(*2*) The names of registered practitioners who die or whose names are directed to be removed from register under sub-section (*1*) of section 23 shall be removed therefrom.

(*3*) No alteration in the entries as respects additional qualifications or change of name of the practitioner shall be made except on payment of such fees as may be prescribed by rules.

[6][* *]

[7]**[26.Renewal of registration.—** Notwithstanding anything contained in this Act, the certificate of registration or renewed certificate of registration issued to every Registered practitioner on or after the commencement of the Bombay Homoeopathic Practitioners' (Amendment) Act, 2011 (Mah. XXII of 2011) shall be valid for a period of five years from the date of its issue or, as the case may be, of its renewal:

Provided that, any such certificate of registration or renewed certificate of registration, as the case may be, which is valid on the date of commencement of the Bombay Homoeopathic Practitioners' (Amendment) Act, 2011 (Mah. XXII of 2011), shall expire after a period of five years from the date of such commencement].

[8][**26A.Procedure for renewal of registration.—** (*1*) Every Registered practitioner who has been given a certificate of registration or who has obtained the renewed certificate of registration may get his certificate renewed by following the procedure mentioned in this section.

(*2*) Any application for renewal of the certificate of registration shall be made to the Registrar. The application shall be in such form and shall be submitted alongwith such documents, as may be prescribed by the Rules. The application shall be accompanied by the certificate of registration and such renewal fee and late fee as the State Government may, by notification in the *Official Gazette*, specify:

Provided that, such application shall be made not less than two months prior to the date on which the registration is to expire:

Provided further that, the Registrar may, on sufficient cause being shown, entertain any such application made at any time before or within a reasonable time after expiry of the registration.

(*3*) The Registrar shall, upon receipt of the application, make such enquiry as he may deem fit, and renew the certificate.

(*4*) When the certificate is renewed, the Registrar shall endorse such renewal on the certificate of registration and return the same to the Registered practitioner.

26B.Issue of Identity Card.— The Registrar shall, at the time of issue of the certificate of registration as provided in sub-section (*12*) of section 20, also issue an Identity Card to the Registered practitioner. The Identity Card shall be in such form and shall contain such particulars as may be prescribed by the Rules:

Provided that, in the case of Registered practitioner holding the certificate of registration on the date of commencement of the Bombay Homoeopathic Practitioners' (Amendment) Act, 2011

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1 These words and figures were substituted for the words and figures "or the list prepared under sections 20 and 21 respectively," by Mah. 16 of 1988, s. 25(*b*).

2 The words "or the list" were deleted by Mah. 19 of 1988, s. 13(*b*).

3 The words "and list" were deleted by Mah. 16 of 1988, s. 26(*c*).

4 The words "and renewal slips" were deleted by Mah. 39 of 1974, s. 4.

5 This word was substituted for the word "Board" by Mah. 16 of 1988, s. 25(*a*). Sub-section (*4*) was deleted by Mah. 16 of 1988, s. 26(*b*).

6 Section 26 was substituted by Mah. 22 of 2011, s. 3.

(Mah. XXII of 2011), the Registrar shall issue such Identity Card at the time of renewal of the certificate of registration.]

27.No refund of fees.— Fees paid under sections 20, [1][* *], [2][23,] 25 and 26 shall not be refunded.

28.Right of registered practitioner.— Notwithstanding anything in any law for the time being in force,—

(*i*) the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word importing a person recognised by law as a medical practitioner or member of the medical profession shall, in all Acts of the Legislature in the [3][State of Maharashtra] and in all Central Acts (in their application to the [4][State of Maharashtra]) in so far as such Acts relate to any matters specified in List II or List III in the Seventh Schedule to the Constitution of India, include a practitioner whose name is entered in the register under this Act;

(*ii*) a certificate required by any Act from any medical practitioner or medical officer shall be valid if such certificate has been signed by a practitioner whose name is entered in the register under this Act;

(*iii*) a practitioner whose name is entered in the register shall be eligible to hold any appointment as a physician or other medical officer in any Homoeopathic [5][* *] dispensary, hospital

or infirmary supported by or receiving a grant from the State Government and treating patients according to the Homoeopathic [6][* *] system of medicine or in any public establishment, body or institution dealing with such system of medicine;

(*iv*) every registered practitioner shall be exempt, if he so desires, from serving on an inquest [7][under the Code of Criminal Procedure, 1973 (II of 1974)].

CHAPTER V

EXAMINATIONS HELD BY THE [8][COUNCIL][9][AND]RECOGNITION OF INSTITUTIONS [10][**]

29.Examinations held by the [11][Council.] [12][* *].— The [13][Council] shall, by by-laws under section 35, prescribe the examinations to be held by it. [14][* *]

30.Recognition of Institutions.— (*1*) Every institution recognised under this section shall be entitled to train students for the examinations [15][in accordance with the regulations made by the Central Council for conferring the medical qualifications in Homoeopathy recognised by the Central Council].

(*2*) Any institution desirous of recognition under this Act shall send an application to the Registrar giving full information in respect of the following matters, namely :—

(*a*) the constitution and personnel of the managing body;

(*b*) subjects and courses in which it gives or proposes to give instruction and the examination for which it seeks recognition;

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1 These figures were deleted by Mah. 19 of 1988, s. 15.
2 3 These figures were inserted by Mah. 16 of 1988, s. 28.
4 5 These words were substituted for the words “State of Bombay” by Mah. 16 of 1988, s. 29(*a*).
6 7 These words were substituted for the words “State of Bombay” by Mah. 16 of 1988, s. 29(*a*).
8 The words “or Biochemic” were deleted by Mah. 19 of 1988, s. 16.
9 The words “or Biochemic” were deleted by Mah. 19 of 1988, s. 16.
10 11 12 13 14 15 These words and figures were substituted for the words and figures “or as a Juror under the Code of Criminal Procedure, 1898” by Mah. 16 of 1988, s. 29(*b*).
This word was substituted for the word “COURT” by Mah. 16 of 1988, s. 30.
This word was substituted for the words “COURSES OF STUDIES” by Mah. 19 of 1988, s. 17(*a*).
The words “AND RECOGNITION OF QUALIFICATIONS” were deleted by Mah. 19 of 1988, s. 17(*b*).
This word was substituted for the word “Court” by Mah. 16 of 1988, s. 31(*c*).
The words “and courses of studies” were deleted by Mah. 19 of 1988, s. 18(*b*).
This word was substituted for the word “Court” by Mah. 16 of 1988, s. 31(*a*).

(*c*) accommodation, equipment and the number of students for whom provision has been or is proposed to be made;

(*d*) the strength of the staff, their salaries, qualifications and the research work carried out by them;

(*e*) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for continued maintenance and efficient working of the institution:

Provided that, no application shall be entertained by the Registrar unless the institution agrees in writing to give all facilities to any inspectors, members, visitors or any other persons authorised by the [1][Council] to make an inspection or enquiry or to attend any examination under sub-sections (*3*) to (*9*).

(*3*) The Registrar shall place the application before the [2][Council] and the [3][Council] may direct the Registrar to call for any further information which it may deem necessary. The [4][Council] may also direct a local inquiry to be made by a competent person or persons authorised by it in this behalf.

(*4*) After recording the report of such local inquiry and after making such further inquiry as may be necessary, the [5][Council] shall forward the application together with its report to the State Government with its opinion whether the recognition asked for should or should not be granted. The State Government may thereupon grant or refuse the recognition or may grant it subject to such condition as it deems fit. The decision of the State Government shall be final.

(*5*) It shall be the duty of the [6][Council] to secure the maintenance of an adequate standard of proficiency for the practice of the Homoeopathic [7][* *] system of medicine [8][as prescribed by the Central Council]. For the purpose of securing such standard, the [9][Council] shall have authority to call on the governing body or authorities of any recognised institution to permit inspectors or any members or visitors appointed by the [10][Council] in this behalf to inspect the recognised institutions and the hospitals attached to them and to attend and be present at all or any of the examinations held by the institutions. Every recognised institution shall comply with any reasonable direction issued by the [11][Council] from time to time.

(*6*) The inspectors, members or visitors shall not interfere with the conduct of any examination but it shall be their duty to report to the [12][Council], their opinion as to the sufficiency or insufficiency of every examination which they attend and any other matters in regard to such institutions on which the [13][Council] may require them to report.

(*7*) Every recognised institution and every examination held by such institution shall be inspected by the [14][Council] through its inspectors or members or visitors at least once in five years and more frequently if the [15][Council] so desires.

(*8*) The [16][Council] shall forward a copy of every such report to the authorities of the institution in respect of which the said report was made and shall also forward a copy of such report, together with any observations thereon made by the said body, to the State Government [17][and the Central Council].

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[1] This word was substituted for the word "Board" by Mah. 16 of 1988, s. 32.
[2] This word was substituted for the word "Board" by Mah. 16 of 1988, s. 32.
[3] This word was substituted for the word "Board" by Mah. 16 of 1988, s. 32.
[4] This word was substituted for the word "Board" by Mah. 16 of 1988, s. 32.
[5] This word was substituted for the word "Board" by Mah. 16 of 1988, s. 32.
[6] This word was substituted for the word "Board" by Mah. 16 of 1988, s. 32.
[7] This word was substituted for the word "Board" by Mah. 16 of 1988, s. 32.
[8] This word was substituted for the word "Board" by Mah. 16 of 1988, s. 32.
[9] This word was substituted for the word "Board" by Mah. 16 of 1988, s. 32. The words "or the Biochemic" were deleted by Mah. 19 of 1988, s. 19(*b*)(*i*).
[10] [11] [12] [13] [14] [15] [16] [17] These words were inserted by Mah. 19 of 1988, s. 19(*b*)(*ii*).

(*9*) An inspector, a member or a visitor shall receive such remuneration to be paid as part of the expenses of the [1][Council], as may be prescribed by by-laws under section 35.

[2][(*10*) The provisions of this section shall be in addition to, and not in derogation of, the relevant provisions in this behalf in the Homoeopathy Central Council Act, 1973 (59 of 1973).]

31.Withdrawal of recognition of Institutions.— If it appears to the State Government on the report of the [3][Council or Central Council] that any institution recognised under section 30 is not maintaining an adequate standard of training according to requirements of the [4][Central Council], the State Government may at any time withdraw the recognition granted to such institution:

Provided that, before any direction for the withdrawal of the recognition is made under this section, the institution shall be given a reasonable opportunity and time to come up to the required standard by the [5][Council] if a report has been made by [6][Council] and in other case by the State Government.

32. [*Amendment of First Schedule.*][*Deleted by Mah. 19 of 1988, s. 21.*]

CHAPTER VI

MISCELLANEOUS

33.Rules.— (*1*) The State Government may by notification in the *Official Gazette* and subject to the condition of previous publication make rules to carry out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the time and place at which and manner in which [7][election of the Members, President and Vice-President of the Council shall be held under section 4];

[8][(*b*) the manner in which the meetings of the Council shall be convened, held and conducted under sub-section (*1*) of section 10;]

[9][(*c*) the fees and other allowances to be paid under section 12 [10][* *];]

[11][(*d*) the other powers, duties and functions of the Council, under clause (*q*) of section 14;]

(*e*) the salary, allowances and other conditions of service of the Registrar under section 15;

[12][(*ea*) the number and term of office of, the manner of filling casual vacancies among, and the procedure to be followed by, the members of the Executive Committees; and the powers, duties and functions of [13][the Council delegated to the Executive Committee, under section 15A];]

[14][* *]

(*g*) the particulars to be entered in the register under clause (*e*) of sub-section (*2*) of section 20;

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1 This word was substituted for the word "Court" by Mah. 16 of 1988, s. 32.
2 3 This sub-section was added by Mah. 19 of 1988, s. 19(*d*).
4 These words were substituted for the words "Council or otherwise" by Mah. 19 of 1988, s. 20(*a*).
5 6 These words were substituted for the word "Council" by Mah. 19 of 1988, s. 20(*b*).
7 This word was substituted for the word "Court" by Mah. 16 of 1988, s. 33.
This word was substituted for the word "Court" by Mah. 16 of 1988, s. 33.
4 and section 17 read with section 4" by Mah. 16 of 1988, s. 35(*a*).
8 Clause (*b*) was substituted for the original by Mah. 16 of 1988, s. 35(*b*).
9
10 11 12 13 14 Clause (*c*) was substituted by Mah. 31 of 1963, s. 6.
The words and figures "and under section 17 read with section 12" were deleted by Mah. 16 of 1988, s. 35(*c*).
Clause (*d*) was substituted for the original by Mah. 16 of 1988, s. 35(*b*).
Clause (*ea*) was inserted by Mah. 20 of 1962, s. 7(*a*)(*ii*).
This portion was substituted by Mah. 16 of 1988, s. 35(*e*).

[1][* *]

[2][(*i*) the forms of application for registration and the documents to accompany such forms, under section 20;]

[3][(*ia*) the form of application for provisional registration and the form of certificate of provisional registration, under sub-section (*3A*) of section 20;]

(*j*) the manner of making enquiry under sub-section (*9*) of section 20 [4][* *];

[5][(*k*) the forms of certificate of registration, under sub-section (*12*) of section 20 [6][* *];

(*ka*) the fees chargeable, and the form of application, for the issue of duplicate certificate of registration under clause (*c*) of sub-section (*12*) of section 20;]

(*l*) the manner in which the undertaking shall be executed under section 22;

(*m*) the manner of holding inquiries under section 23, the conditions and fees for re-entering the name of a practitioner removed under that section, and the remuneration to be paid to the assessors appointed under that section;

(*n*) the fees chargeable for the alteration of entries as respects additional qualifications or change of name under sub-section (*3*) of section 25;

[7][(*na*) the form of application for renewal of certificate of registration and the documents to accompany such form, under section 26A;

(*nb*) the form of Identity Card to be issued and particulars to be mentioned therein, under section 26B;]

[8][* *]

(*q*) any other matter which is to be or may be prescribed under this Act;

(*r*) the furtherance of any of the objects of this Act.

[9][(*3*) All rules made under this section shall be laid for not less than thirty days before each House of the State Legislature as soon as possible after they are made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid, or the session immediately following, and publish in the *Official Gazette*.]

34.Regulations.— (*1*) The [10][Council] may, with the previous sanction of the State Government, make regulations not inconsistent with this Act or the rules made thereunder, for the following matters, namely :—

(*a*) the number and designations, salaries, allowances and other conditions of service of its officers and servants other than the Registrar under sub-section (*6*) of section 15;

(*b*) such matters as may be necessary for the exercise of the powers and performance of duties and functions by the [11][Council] under this Act.

(*2*) The State Government on receiving the draft regulations may sanction or refuse to sanction the same or sanction them subject to such modifications as it may think fit or return them to the [12][Council] for further consideration.

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1 Clause (*h*) was deleted by Mah. 16 of 1988, s. 35(*g*).
2 3 Clause (*i*) was substituted for the original by Mah. 16 of 1988, s. 35(*h*).
4 Clause (*ia*) was inserted by Mah. 22 of 2011, s. 5(*a*).
5 6 The words, brackets and figures "and sub-section (*9*) of section 21" were deleted by Mah. 16 of 1988, s. 35(*i*).
7 8 Clauses (*k*) and (*ka*) were substituted for the original clause (*k*) by Mah. 16 of 1988, s. 35(*j*).
9 The words, brackets and figures "and sub-section (*3*) of section 21" were deleted by Mah. 19 of 1988, s. 22.
10 11 12 Clauses (*na*) and (*nb*) were inserted by Mah. 22 of 2011, s. 5(*b*).
Clauses (*o*) and (*p*) were deleted by Mah. 39 of 1974, s. 6.
This sub-section was inserted by Mah. 20 of 1962, s. 7(*6*).
This word was substituted for the word "Board" by Mah. 16 of 1988, s. 36.
This word was substituted for the word "Board" by Mah. 16 of 1988, s. 36.

35.By-laws.— (*1*) The [1][Council] may, with the previous sanction of the State Government, make by-laws not inconsistent with the provisions of this Act or the rules made thereunder, for the following matters, namely :—

(*a*) the examinations to be held by it;

[2][* *]

[3][* *]

(*d*) the degree, diploma, certificate or any other like award to be conferred upon those who pass the examinations, and the manner of conferring such degree, diploma, certificate or award;

(*e*) the language in which the examinations shall be conducted;

[4][(*f*) the fees to be paid to the examiners, paper-setters, moderators and other persons appointed, and the fees to be charged, for the conduct of examinations;]

[5][* *]

(*h*) the number of students to be admitted to the recognised institutions;

(*i*) the language in which instructions shall be given in the recognised institutions;

(*j*) the remuneration to be paid to an inspector or a member or a visitor;

(*k*) the number and designation, salaries, allowances, and other conditions of service of its officers and servants including the inspectors;

(*l*) such other matters as may be necessary for the exercise of the powers and performance of duties and functions by the [6][Council] under this Act.

(*2*) The State Government on receiving the draft by-laws may sanction or refuse to sanction the same or sanction them subject to such modifications as it may think fit or return them to the [7][Council] for further consideration.

36.Control of State Government.— (*1*) If at any time it appears to the State Government that the [8][Council] has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Act, or has failed to perform any of the duties conferred upon it, by or under this Act, or has otherwise ceased to function or has become incapable of functioning, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the [9][Council], and if the [10][Council] fails to remedy such failure, excess or abuse within such time as the State Government may fix in this behalf, the State Government may dissolve the [11][Council] and

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1 This word was substituted for the word "Court" by Mah. 16 of 1988, s. 37.
2 Clauses (*b*) and (*c*) were deleted by Mah. 19 of 1988, s. 23(*a*).
3
4 Clauses (*b*) and (*c*) were deleted by Mah. 19 of 1988, s. 23(*a*).
5 Clause (*f*) was substituted for the original by Mah. 19 of 1988, s. 23(*b*).
6
7 Clause (*g*) was deleted by Mah. 19 of 1988, s. 23(*c*).
8 This word was substituted for the word "Court" by Mah. 16 of 1988, s. 37.
This word was substituted for the word "Court" by Mah. 16 of 1988, s. 37.
by Mah. 16 of 1988, s. 38(*a*)(*i*).
9 This word was substituted for the words "Board or the Court" and the words "Board or the Court, as the case may be,"
by Mah. 16 of 1988, s. 38(*a*)(*i*).
10 This word was substituted for the words "Board or the Court" and the words "Board or the Court, as the case may be," by
11 Mah. 16 of 1988, s. 38(*a*)(*i*).
This word was substituted for the words "Board or the Court" and the words "Board or the Court, as the case may be,"
by Mah. 16 of 1988, s. 38(*a*)(*i*).

cause all or any of the powers or duties of the [1][Council] to be exercised and performed by such person and [2][for such period not exceeding two years as it may think fit, which period may, if the State Government thinks fit be extended by it, from time to time, so however, that the total period does not exceed [3][seven years] in the aggregate and the State Government] shall take steps to constitute a [4][new Council]:

[5][Provided that, the term of office of the person so appointed and holding office on the commencement of the Bombay Homoeopathic and Biochemic Practitioners' (Second Amendment) Act, 1988 (Mah. XIX of 1988) shall be deemed to extend or to expire with the date immediately preceding the date of the first meeting of the Council constituted after such commencement.]

(*2*) Notwithstanding anything contained in this Act, rules, regulations or by-laws if at any time it shall appear to the State Government that the [6][Council] or any other authority empowered to exercise any of the powers or to perform any of the functions under this Act, has not been validly constituted or appointed, the State Government may cause any of such powers or functions to be exercised or performed by such person in such manner and for such period not exceeding six months and subject to such conditions as it thinks fit.

[7][(*3*) The Administrator shall be paid from the fund of the Council such salary and allowances as the State Government may from time to time determine.]

37.Indemnity to persons acting under the Act.— No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is, in good faith done or intended to be done under this Act or under the rules or regulations or by-laws made thereunder.

CHAPTERVII

REPEAL AND TRANSITIONAL PROVISIONS

38.Repeal and saving.— (*1*) Subject to the provisions of this Chapter, on the appointed day,—

(*a*) the Bombay Homoeopathic Act, 1951 (Bom. XLVIII of 1951), in its application to the pre-Reorganisation State of Bombay, excluding the transferred territories; and

(*b*) the Madhya Pradesh Homoeopathic and Biochemic Practitioners' Act, 1951 (M. P. XXVI of 1951) in its application to the Vidarbha Region of the State of Bombay shall be repealed.

(*2*) With effect from the appointed day, the Medical Act in its application to the Hyderabad area of the State of Bombay, shall cease to appl itioners (Hyd. I of 1312F).

(*3*) [8][* *] the regulations made under clauses (*c*) to (*e*) of sub-section (*1*) of section 38 of the Bombay Homoeopathic Act, 1951 (Bom. XLVIII of 1951) and clauses (*d*) to (*h*) of sub-section (*1*) of section 29 of the Madhya Pradesh Homoeopathic and Biochemic Practitioners' Act, 1951 (M. P. XXVI of 1951), and such other regulations and such of the rules made under the said Acts as the State Government may by order specify on the appointed day, shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been made under and for the purposes of the relevant provisions of this Act and be in force accordingly unless and until superseded by any rules, regulations or by-laws made under this Act. All other regulations and rules made under the said Act shall cease to be in force.

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1 This word was substituted for the words "Board or the Court" and the words "Board or the Court, as the case may be," by Mah. 16 of 1988, s. 38(*a*)(*i*).

2 These words were substituted for the words "for such period not exceeding two years, as it may think fit and" by Mah. 24 of 1975, s. 2.

3 These words were substituted for the words "six and half years" by Mah. 17 of 1988, s. 2.

4

5 These words were substituted for the words "new Board or Court, as the case may be" by Mah. 16 of 1988, s. 38(*a*)(*ii*).

6 This proviso was added by Mah. 19 of 1988, s. 24.

7

8 This word was substituted for the words "Board or the Court" by Mah. 16 of 1988, s. 38(*b*).

This sub-section was added by Mah. 19 of 1988, s. 38(*c*).

1988, s. 25(*a*).

[1][* *]

(*5*) Any appointment, notification, notice, order or form made, issued or given under the Bombay Homoeopathic Act, 1951 (Bom. XLVIII of 1951) and in force in the pre-Reorganisation State of Bombay, excluding the transferred territories, immediately before the appointed day shall, in so far as it is not inconsistent with the provisions of this Act be deemed to have been made, issued or given under the relevant provisions of this Act and be in force throughout the State of Bombay accordingly, unless and until superseded by any appointment, notification, notice, order or form made, issued or given under this Act.

[2]**[39.Vesting of rights, duties, etc., in Council and saving.—** On and with effect from the date of establishment of the Maharashtra Council of Homoeopathy [3][* * *] under clause (*a*) of sub-section (*1*) of section 3 (hereinafter in this section referred to as "the said date"), the following consequences shall ensue, that is to say,—

(*a*) the Board of Homoeopathic and Biochemic Systems of Medicines, Bombay, and the Court of Examiners of Homoeopathic and Biochemic Systems of Medicines, Bombay, which stood dissolved (hereinafter in this section referred to as "the dissolved Board and Court") and all the powers and duties of which were being exercised or performed by a person appointed under section 36 (hereinafter referred to as "the said person") on the day immediately preceding the date of the commencement of the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985 (Mah. XVI of 1988), shall stand permanently dissolved on the said date and all the rights of the dissolved Board and Court shall, on the said date, vest in the Council;

(*b*) all the property movable or immovable which on the day immediately preceding the said date vested in the dissolved Board and Court shall, subject to all limitations and conditions as were in force on that day, vest in the Council;

(*c*) all sums due to the dissolved Board and Court on any account shall be recoverable by the Council, which shall be competent to take any measure or institute any proceedings which it would have been open to the dissolved Board and Court or the said person to take or institute before the said date;

(*d*) all debts, liabilities and obligations incurred by or on behalf of the dissolved Board and Court or the said person, immediately before the said date and subsisting on the said date, shall be deemed to have been incurred by the Council in exercise of the powers conferred on it by or under this Act and shall continue in operation accordingly;

(*e*) all proceedings and matters pending before any authority or officer immediately before the said date shall be deemed to be transferred to and continued before the corresponding authority or officer under this Act as amended by the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985 (Mah. XVI of 1988), competent to entertain such proceedings and matters;

(*f*) all prosecutions instituted by or on behalf of or against the dissolved Board and Court or the said person and all the suits and other legal proceedings instituted by or against the dissolved Board and Court or the said person or any officer of any such dissolved Board and Court on behalf of the dissolved Board and Court or of the said person pending on the said date, shall be continued by or against the Council;

(*g*) the Registrar and all officers and servants in the employment of the dissolved Board and Court immediately before the said date, shall be the Registrar, officers and servants employed by the Council and shall receive salaries and allowances and be subject to the conditions of service or retirement benefits which they were entitled to or subject to on the said date:

Provided that,—

(*i*) the service rendered by such Registrar, officers and servants before the said date shall be deemed to be service rendered under the Council;

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1 Sub-section (*4*) was deleted by Mah. 19 of 1988, s. 25(*b*).

2 Section 39 was substituted for the original by Mah. 16 of 1988, s. 39. The words "and Biochemistry" were deleted by Mah. 19 of 1988, s. 26(*a*).

3

(*ii*) if, in the opinion of the Council, the services of any officer or servant are not necessary as being surplus or are not suitable to the requirements of services under it, it may, with the previous approval of the State Government, discontinue the services of any such officer or servant, and such officer or servant whose services are so discontinued, shall be entitled to receive from the Council such leave, pension, gratuity or other benefits as he would have, if the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985 (Mah. XVI of 1988) [1][and the Bombay Homoeopathic and Biochemic Practitioners' (Second Amendment) Act, 1988 (Mah. XIX of 1988)] had not been enacted, been entitled to receive on being invalidated out of service of the dissolved Board and Court and may receive such additional amount by way of compensation as the Council may, with the sanction of the State Government, determine;

(*h*) any appointment, notification, notice, order, rule, by-law, register, registration certificate, recognition or form held, made, issued, maintained or granted under this Act and subsisting and in force immediately before the said date shall, in so far as it is not inconsistent with the provisions of this Act as amended by the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985 (Mah. XVI of 1988), [2][and the Bombay Homoeopathic and Biochemic Practitioners' (Second Amendment) Act, 1988 (Mah. XIX of 1988)] continue to be in force, until superseded by any appointment, notifications, notice, order, rule, by-law, register, registration certificate, recognition or form held, made, issued, maintained or granted under this Act as amended by the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985 (Mah. XVI of 1988) [3][and the Bombay Homoeopathic and Biochemic Practitioners' (Second Amendment) Act, 1988 (Mah. XIX of 1988)].

40. [*Dissolution of court and appointment of new court.*] [*Deleted by Mah. 16 of 1988, s. 40.*]

41. [*Provisions regarding Registrars.*] [*Deleted by Mah. 16 of 1988, s. 40.*]

42. [*Provisions regarding examinations.*] [*Deleted by Mah. 16 of 1988, s. 40.*]

43. [*Provisions regarding recognised Institutions.*] [*Deleted by Mah. 16 of 1988, s. 40.*]

44. [*Vesting of rights, duties, etc.*] [*Deleted by Mah. 16 of 1988, s. 40.*]

45.Power to remove difficulties.— If any difficulty arises in giving effect to the provisions of this Act, [4][as amended by the Bombay Homoeopathic and Biochemic Practitioners' (Amendment) Act, 1985 (Mah. XVI of 1988) [5][or the Bombay Homoeopathic and Biochemic Practitioners' (Second Amendment)

Act, 1988 (Mah. XIX of 1988)] during the period of one year from the date of commencement of the said [6][Amendment Acts]], the State Government may as occasion requires by order do anything which appears to it necessary or expedient for the purpose of removing the difficulty.

[7][**46.Amendment of certain enactments.—** The enactments mentioned in column (*2*) of the Second Schedule shall be amended in the manner, and to the extent, specified in column (*3*) of the said Schedule].

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[1] These words, brackets and figures were inserted by Mah. 19 of 1988, s. 26(*b*).
[2] These words, brackets and figures were inserted by Mah. 19 of 1988, s. 26(*c*).
[3] [4] These words, brackets and figures were inserted by Mah. 19 of 1988, s. 26(*c*).
[5] These words, brackets and figures were inserted by Mah. 16 of 1988, s. 41.
[6] [7] These words, brackets and figures were inserted by Mah. 19 of 1988, s. 27(*a*).
These words were substituted for the words "Amendment Act" by Mah. 19 of 1988, s. 27(*b*).

FIRST SCHEDULE

[*Deleted by Mah. 19 of 1988, s. 28.*]

[1][SECOND SCHEDULE

(*See* section 46.)

Number and year of the Act.	Short title of the Act.	Amendments.
(1)	(2)	(3)
Mah. XXVIII of 1961.	The Maharashtra Medical Practitioners' Act, 1961.	1. In section 20,— (*a*) in sub-section (*2*), in clause (*b*), the words "or list" and the words "or the said list" shall be deleted; (*b*) in sub-section (*3*), the words "or the list, as the case may be," and the words "or the said list" shall be deleted. 2. In section 33, in sub-section (*1*), in clause (*ii*), the words "or the list" shall be deleted. 3. In section 33A, in sub-section (*1*), for the words "that section" the word and figures "section 33" shall be substituted. 4. In section 35, in sub-section (*1*), in clause (*d*), for the words "Court of Examiners" the word "Council" shall be substituted.
Mah. XLVI of 1965.	The Maharashtra Medical Council Act, 1965.	1. In section 22,— (*a*) in sub-section (*1*), in Explanation, for the words and figures "Code of Criminal Procedure, 1898 (V of 1898)", in both the places where they occur, the words and figures "Code of Criminal Procedure, 1973 (II of 1974)" shall be substituted; (*b*) in sub-section (*2*),— (*i*) in clause (*a*), the words "or the list" shall be deleted; (*ii*) in clause (*b*), the words "or the list" shall be deleted; (*iii*) the words "or the said list" shall be deleted; (*c*) in sub-section (*3*), the words "or the list, as the case may be," and the words "or the said list" shall be deleted].

[1] Second Schedule was substituted for the original by Mah. 16 of 1988, s. 44.