TAMILNADU HOMEOPATHY SYSTEM OF MEDICINE AND PRACTITIONERS OF HOMEOPATHY RULES, 1972

TAMIL NADU ACT No. 5,1972

TAMIL NADU ACT No. 5 1972
(Tamil Nadu Homoeopathy System of Medicine and Practitioners of Homoeopathy Rules, 1972)

(G.O. Ms. No. 2912, Health and Family Planning, 15th December 1972)

S.R.O. No. A. 1097 of 1972

In exercise of the powers conferred by sub-sections (1) and (2) of section 35 of the Tamil Nadu Homoeopathy System of Medicine and Practitioners Homoeopathy Act, 1971 (Tamil Nadu. Act 5 of 1972) the Governor of Tamil Nadu hereby makes the following rules.

RULES

1: Short title - Those rules may be called the Tamil Nadu Homoeopathy system of Medicine and Practitioners of Homoeopathy Rules 1972.

2. Definitions In these rules, unless the context otherwise requires.

(a) "Act" means the Tamil Nadu Homoeopathy System of Medicine and Practitioners of Homoeopathy Act, 1971 (Tamil Nadu Act 5 of 1.972)

(b) "Form" means a form appended in the Schedule of these rules.

(c) "Returning Officer" means the registrar of the council.

(d) "Section" means a section of the Act.

3. Powers and duties of the president - The president shall preserve order and shall decide all points of order arising at, or in connection with, the meeting. There shall be no discussion on any point of order and the decision of the president on any point of order shall be final. The president is responsible for the administration of the council. All letters issued from the office of the council shall be signed by the president or by the registrar on his behalf.

4. Quorum The number of members necessary to constitute a quorum in the case of-

(i) a meeting of the council shall be five;

(ii) a meeting of the Executive Committee shall be three.

5. Travelling allowance to members of the council for attending its meeting and for other purpose (1) Non-official members of the council
shall be paid travelling allowance at the rate allowed to the members of the first class Government Committees for any journey performed by them by

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rail to attend the meeting of the council or in connection with any of the duties which the council .may, from time to time, assign to them in order to enable the council to discharge its duties. If a member starts from or returns to a station which is not his usual place of residence, the travelling allowance to be paid for such journey shall not exceed the amount admissible for a journey from or to his usual place of resi- dence.

(2) Non-official members of the council shall be paid travelling allowance for attending the meeting of the council or in connection with any of the duties assigned to them if they travel by road and the amount so claimed shall not exceed the amount admissible for a journey if performed by rail. The rate of travelling allowances and daily allowance admissible to the Government Servants under the Madras Manual of Special Pay and Allowances as amended from time to time shall apply to the members of the Council of Homoeopathy.

(3) Non-official members of the council travelling by rail shall furnish a certificate to the effect that they travelled by the first class. They will also furnish when claiming full travelling allowance for journeys by rail, a certificate in one of the followings forms according to the circumstances.

I Certified that the concessional rates were not obtainable for any of the journeys covered by this bill.

or

II Certified that concessional rates obtainable for the journeys on (date) could not be availed of for the following reasons:-

Explanation - Members of the First Class Committee will be entitled to accommodation by the highest class other than air-conditioned accommodation provided on the line by which, they travel. They may draw, in addition to the actual fare of the class by which they travel, as allowance (for incidental expenses) calculated at the rate of 6 paise per kilometer in lieu of half of the first class fare.

(4) No travelling allowance shall be paid to any member coming to a meeting of the council from his residence outside the State for that portion of his journey to and fro lying outside the limits of this State.

(5) A city official member shall be paid conveyance allowance of Rs.30/- (Rupees thirty only) for each day he attends a meeting or meetings of the council or of its committee or committees.

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(6) A sitting fee of Rs.50 (Rupees fifty only) per day in case of mofussil non-official members and Rs.40/- (Rupees forty only) in the case of city non-official members be paid on such days of attendance and that no daily allowance be paid to them in addition.

(7) Official members shall be paid travelling allowance at the rates admissible to them for journeys on tour under the Tamil Nadu -Travelling Allowance Rates.

(8) The expenditure shall in all cases be met from the funds of the council.

(9) The president shall be paid a conveyance allowance of Rs.50/- (Rupees fifty only) per month to meet the transport charges for attending the office to perform his duties.

6. Election to the council - (1) When a vacancy in the council occurs or at time before six months of the date, when such a vacancy will occur in the ordinary course of events, the president shall in the case. of a nominated member inform the Government of the vacancy and in the case of an elected member issues a precept to the electorate apprising it of the said vacancy and requiring it to elect a substitute within a date mentioned in the precept. Such precept shall be published in the, Tamil Nadu Government Gazette, and in any two English daily newspapers of this State.

(2) (i) The Returning Officer shall prepare and publish in the Tamil Nadu Government Gazette the preliminary rolls of all electors in

Form 1 for each of the electorates specified in sub-clauses (i) and (ii) of clause (a) of section 4 together with a notice stating that any objection relating to the entries in, or omissions from, the said electoral rolls may be preferred on or before a specified date to him.

(ii) After the said date, the Returning Officer shall consider the objections received if any and shall, if necessary, revise the electoral rolls. The electoral roll as finally published shall be final and conclusive.

(3) On receipt of any precept under sub-rule (1), the Returning Officer shall forthwith display on the notice board in his office a copy of the final electoral rolls referred to in clause.(ii) of sub-rule (2) above.

(4) The register of medical practitioners prepared under section 16 as last published in Tamil Nadu Government Gazette together with the list published by the Returning Officer in the Tamil Nadu Government Gazette of medical practitioners registered under the said Act subsequent to the publication of the said register shall be the final
electoral roll for the electorate specified in sub-clauses (i) and (ii) of clause (a) of section 4.

(5) Candidates for election shall be nominated by means of nomination papers in Form II.

(6) The Returning Officer shall, on application made to him by an elector, supply free of cost the nomination papers in

Form II to the applicant.

(7) (i) Every nomination paper shall be presented by an elector as proposer and by an elector as seconder Provided that no elector shall subscribe more nomination papers than there are seats to be filled. Provided further that if more than the prescribed number of nomination papers be subscribed by the same elector, the prescribed number of nomination papers first received by the Returning. Officer shall, if otherwise in order, be held to be valid, and if more than the prescribed number of nominations signed by the same elector be received simultaneously by the Returning Officer, all such nomination papers shall be held to be invalid.

(ii) On receipt of each nomination paper the' Returning Officer shall forthwith endorse thereon the date and hour of receipt over his initials.

(8) Nomination Papers which are not received by the Returning Officer before the date and the time appointed in that behalf shall be rejected.

(9) (i) On or before the date appointed for the receipt of nomination papers each candidate intending to contest for election under sub- clauses (i) and (ii) of clause (a) of section 4 shall deposit or cause to be deposited with the Returning Officer a sum of fifty rupees in cash, and no candidate shall be deemed to be duly nominated unless such
deposit has been made.

(ii) If a candidate by whom or on whose behalf the deposit referred to in clause (i) has been made withdraws his candidature in the manner and within the time specified in rule 10 or if the nomination of any such candidate is rejected, the deposit shall be returned to the person by whom it was made, and if any candidate dies before the commencement of the counting of votes, the deposit, if made by the deceased candidate shall be returned to his legal representatives or if not made by the deceased candidate shall be returned to the person by whom it was made.

(iii) If a candidate by whom or on whose behalf the deposit re- ferred to in clause (i) has been made is not elected and the number of

votes polled in his favour does not exceed one-eighth of the total number of votes polled, the deposit shall be forfeited to the council.

(iv). For the' purpose of clause (iii) the number _of votes polled shall be deemed to be, the number of voting papers counted as valid by the Returning Officer.

(v) The deposit made in respect of a candidate whether he is selected or not, shall, if it is not forfeited under clause (iii) be returned to the candidate or to the person who has made the deposit on his behalf, as the case may be, and as soon as may be, after the publication of the result of the election in the Tamil Nadu Government Gazette.

10 (i) On the date and at the time appointed by the President of the council for the scrutiny of nomination papers every candidate and his proposer and seconder may attend the office of the Returning Officer, who shall allow them to examine the nomination papers of all the candidates which have been received by him as aforesaid.

(ii) The Returning Officer shall examine the nomination papers and may, either of his own motion or on objection made decide all questions which may arise as to the validity of any nomination and his decision thereon shall be final.

11 (i) If the number of the candidates who contest for election is equal to the number of members to be elected, the Returning Officer shall forthwith declare such candidates to be duly elected.

(ii) (a) If the number of such candidates is less than the number of vacancies, all such candidates, if any, shall be declared to be elected, and the president of the council shall, in accordance with the provisions of sub-rule (1) take steps to fill the remaining vacancy.

(b) If the number of such candidates exceeds the number of members to be elected, the Returning Officer shall forthwith publish a list containing the names and addresses of such candidates in the Tamil Nadu Government Gazette.

(iii) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer or other person authorized by him at or before 3 o' clock in the afternoon within fourteen days from the date of the publication in the Tamil Nadu Government Gazette of the list referred to in sub-clause (b) of clause (ii)

Provided that if the last of such days is a public holiday within the meaning of section 25 of the Negotiable Instruments Act, 1981 (Central Act, XXVI of 1881) or has been notified by the State Government as a day

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to be observed as a holiday in Government Officers, the notice shall be, considered as having been received in due time if it is presented at. or before 3 o' clock on the next succeeding day which is neither such a public holiday nor a day so notified.

(iv) On receipt of a notice of withdrawal under clause (iii), the Returning Officer shall cause it to be published in the Tamil Nadu Government Gazette.

(v) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

(vi) If the number of candidates who are duly nominated and who have not withdrawn their candidature in the manner and within the time specified in clause (iii) exceeds that of the vacancies, the Returning Officer shall forthwith publish their names in the Tamil Nadu Government Gazette and shall cause their names to be entered in the voting paper in

form IV in alphabetical order. The alphabetical order is to be determined with reference to the order of the sur-names of candidates having sur-names and names proper of other candidates.

(vii) On or before the date appointed by the president of the council in this behalf, the Returning Officer shall send by post to each elector a letter of intimation in

Form V together with a numbered declaration paper in Form III and a voting paper in Form IV which shall be on it the Returning Officer's initial or facsimile signature. A certificate of posting shall be obtained in respect of each such letter intimation sent to an election.

(viii) Before the Voting Paper is issued to an elector, the Returning

Officer, shall place a mark against the name of the elector concerned in the

electoral roll, or a copy of it, used for the purpose of the electoral.

(ix) An elector who has not received his voting and other connected papers sent by post or whose papers, before their despatch back to the Returning Officer have been inadvertently spoilt in such manner that they cannot conveniently be used, or who has lost his papers may apply with a signed declaration to that effect, for new papers in the place of those not received, spoilt or lost. If the papers have been spoilt, they shall be returned to the Returning Officer who shall cancel the same on receipt of the application, the Returning officer, shall if he is satisfied that there is a case for supply of fresh papers, supply such papers to the elector.

(x) In every case where new papers are issued under clause (ix), a mark shall be placed against the name of the elector in the copy

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of the electoral roll referred to in clause (viii) to denote that new papers have been issued in place of those not received, spoilt or lost.

(xi) No election shall be invalidated by reason that an elector has not received his voting paper provided that a voting paper has been issued in accordance with these rules.

(12) Every elector desirous of recording his vote shall after filling up the declaration paper and the voting paper according to the direction given in the letter of intimation, enclose the voting paper in the voting paper cover, stick it up, enclose this cover and the declaration paper in the outer envelope addressed to the Returning Officer and send it by registered post at his own cost to the Returning Officer so as to reach him not later than the day and the latest hour fixed for the poll. All envelopes received after such day and hour as well as envelopes received by unregistered post shall be rejected.

Provided that at his option, the elector may in person or by messenger deposit the envelope containing the declaration paper and the closed cover containing the voting paper in the ballot box which shall be provided at the office of the Returning Officer on the day and during the hours fixed for the poll.

(13) On receipt of the envelopes by registered post containing the declaration paper and the closed cover containing the voting paper the Returning Officer shall endorse on the outer envelope the date and hour of receipt over his initials or facsimile signature.

(14) (1) A voting paper cover shall be rejected by the Returning Officer, if,

(a) the outer envelope contains no declaration paper outside the

voting paper cover, or

(b) the outer envelope, the declaration paper or the voting paper is not the one sent by the Returning Officer, or

(c) the declaration is not signed by the elector, or

(d) the voting paper is placed outside the voting paper cover, or

(e) more than one declaration or voting paper cover have been enclosed in one and the same outer envelope.

In each case of rejection the word "Rejected" shall be endorsed on the voting paper cover or the declaration paper.

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(2) After satisfying himself that the electors have affixed their signatures to the declarations the, Returning Officer shall keep all the declaration papers in safe custody, pending disposal under sub-rule (16).

(15) (i) The Returning Officer shall attend for the purpose of scrutiny and counting of the votes at the date, time and place appointed by the president of the council in this behalf.

(ii) All the voting paper covers, other than those rejected under sub-rule (13) shall be opened and the voting papers taken out and mixed together. The voting papers shall then be scrutinized and the valid votes counted.

A voting paper shall be invalid if:

(a) it does not bear the Returning Officer's initials or facsimile signature; or

(b) a voter signs his name or writes a word or makes any mark on it, by which it becomes recognizable: or

(c) no vote is recorded thereon; or

(d) the number of votes recorded therein exceeds the number of vacancies to be filled; or

(e) It is void for uncertainty of one or more votes exercised;

Provided that. where more than one vote can be given on the same voting paper, if one of the marks, is so placed as to render it doubtful to which candidate it is intended to apply, the vote concerned, but not the whole voting paper shall be invalid on that account.

(iii) Every candidate may be present in person or may send a representative duly authorized by him in writing to watch the process of counting.

(iv) The Returning Officer shall show the voting papers, it is requested to do so, to the candidates or their authorized representatives, at the time of scrutiny and counting of votes.

(v) If any objection is made to any voting paper on the ground that it does not comply with the instructions therein or to the rejection by the Returning Officer of a voting paper, it shall be decided at once by the Returning Officer whose decision shall be final.

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(16) (i) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be duly elected.

(ii) When an equality of votes is found to exist between any candidates and the addition of a vote will entitle any of the candidates to be declared duly elected, the determination of the person to whom such one additional vote shall be deemed to have been shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(17) Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal the voting paper and all other documents relating to the election and shall retain the same for a period of six months and thereafter cause them to be destroyed.

(18) The president of the council shall appoint and notify in the Tamil Nadu Government Gazette and in such other manner as he thinks fit the date, time and place for:-

(a) the receipt of nomination papers and their scrutiny;

(b) the sending of voting papers;

c) the poll; and

d) the scrutiny and counting of votes.

(19) The Returning Officer shall inform the president of the council of the result of the election, who shall then publish it in the Tamil Nadu Government Gazette.

(20) The council may, of its own motion, or on objection made, declare any election that has been held to be void on account of corrupt. practice or any other sufficient cause and may call on the electorate to make a fresh election. The decision of the council therefore shall be final.

(21) The decision of the council on any question that may arise as to the application of these rules shall be final.

7. Election of members of the executive-committee: (1) The election members of the executive committee of the council shall be conducted by the president of the council or in his absence by the person presiding over the meeting of the council.

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(2) Every candidate for election shall be duly proposed by a member of the council and seconded by another. Every candidate shall, at the time of his nomination, signify his consent orally or in writing to serve on the executive committee if elected.

(3) Every member of the council shall be entitled to propose or second as many candidates as there are seats to be filled.

(4) If the number of candidates nominated does not exceed the number of members to be elected, the president of the meeting shall declare all such candidates to have been duly elected.

(5) If the number of candidates nominated exceeds the number of members to be elected, the president of the meeting shall hold an election in the following manner:-

(a) The names of the candidates nominated shall be conspicuously exhibited in writing on a black board or in any other convenient manner so as to be visible to the members.

(b) Every member wishing to vote shall be supplied with a voting paper initialed by the president of the meeting and containing the names of the candidates either typewritten or cyclostyled in English, in alphabetical order with some space between one name and another. The members shall then proceed to the place set apart for the purpose of voting and there put the mark "X" against the name of the candidate or candidates for whom he wishes to vote. He shall then fold up the voting paper so as to conceal his vote and, after showing to the president, the president's initials, deposit the same in a ballot box placed in the view of the president and so constructed that the paper may be placed therein but not extracted there from without the box being opened.

(6) The President of the meeting shall, immediately after the election, count the number of votes cast by the members present and voting, and declare the candidates, to whom the majority of votes have been given, duly elected as members of the executive committee.

(7) If there is an equality of votes between two or more candidates, the choice of the member to be elected shall be determined by the president by lot.

(8) Casual vacancies shall be filled in accordance with the provisions of sub-rule (1) to (7)

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(9) If any dispute arises in connection with any election under these rules, the dispute shall be referred to the Government whose decision thereon shall be final.

8. Delegation of powers to the executive committee. - After the members of the executive committee are elected by the council at its first meeting, the council may decide the powers and duties to be delegated to the executive committee and the council may with the previous sanction of the Government delegate powers and duties to the executive committee.

9. (1) Application for Registration - Every person who wishes to register his name shall send an application in Form VI to the Registrar. Every person who applies for registration under section 15 (1) (a) shall send the Diploma or Degree in original as proof of qualification. The person who applies for registration under section 15 (1) (b) 15 (1) (c), shall send a certificate in original issued by the Collector of the district in which the applicant had regular practice, in Form VII.

(2) Fees - (i) A fee of Rs.22.50 (Rupees twenty two and paise fifty only) i.e. rupees twenty being registration fee, rupee one and paise fifty for Court Fee Stamps, and rupee one to cover postage for the supply of free copy of the register), shall be paid by every person along with the application for registration.

The fee once paid is not refundable whether the application for registration is accepted or not.

(ii) Every registered practitioner who applies for registration under a new name or in respect of any additional qualification obtained subsequent to registration shall pay a fee of Rs.5/- (Rupees five only)

10. Deletion of the name of a practitioner (1) Every application under sub-section (4) of section 19 by a registered practitioner for the deletion of his name from the Medical Register, shall be accompanied by a declaration in

Form XIII.

(2) On receiving such application, the Registrar shall ascertain whether there is any objection to the deletion of the name by referring to the medical authorities who granted the applicant his qualification or qualifications, and if, the applicant's name has been registered in the medical register of any other province, also the authority who
granted the registration.

(3) After the replies from the authorities referred to in sub-rule (2) are received or, if no replies are received, after allowing a reasonable time for the receipt of the replies, the application shall, at the earliest opportunity, be placed before the executive committee of the council. The recommendation of the executive committee shall be placed before the council.

(4) The council shall consider the recommendation of the executive committee and pass a resolution either accepting or rejecting the application.

Provided that no application shall be disposed of during the pendency of any disciplinary proceedings against the applicant or if any disciplinary proceedings are contemplated against him, until such proceedings are completed and orders are passed thereon.

Provided further that if any application is made with a view to enable the applicant to pursue a course of conduct which would have brought him under the disciplinary jurisdiction of the council, had the applicant's name continued to remain On the medical register, it shall be rejected.

(5) The Registrar shall carry out the decision of the council and communicate the decision to the applicant by a letter addressed to the applicant's registered or last known address.

(6) When the name of any registered practitioner has been omitted from the medical register, the Registrar shall notify such deletion to all the councils of homeopathy in India and the Registrar of each such council will be requested on receiving this notification to remove forthwith from his medical register the name of the registered practitioner, if he is registered in such medical register.

(7) The Registrar may restore to the medical register the name of a practitioner upon a fresh application for registration in

(8) Municipal Commissioner and District Collector to furnish information regarding death of practitioners (i) In respect of a municipal area, the municipal commissioner concerned and in respect of any other area, the district collector concerned shall send to the Registrar a monthly return in

Form XV regarding the death in the preceding month of the registered practitioners residing within the municipal areas or the other areas, as the case may be.

(ii) The Registrar shall, as soon as possible, after the register is published under rule 11 (3) send to the municipal commissioners and the district collectors concerned extracts from the register of the names of the registered practitioners residing within the municipal areas or the other areas, as the case may be.

11. Rules for the compilation and publication of the Medical Registers and connected matters. (1) The register of medical practitioners shall be maintained by the Registrar in

Form No. VIII.

(2) The registers shall be verified and attested by the Registrar.

(3) Every year the Registrar shall in the month of February cause to be printed and published the registers prescribed above and corrected up to 31st December, proceeding. The registrar shall keep an interleaved copy of such printed list wherein he shall make, during the year, any entry, alteration or erasure that may be necessary.

(4) (i) Where the address of any practitioner is not known or is found to be incorrect, the Registrar shall write to the practitioner at his last known address and ask him to furnish his correct address. The Registrar may also make other endeavors to ascertain the correct address.

(ii) If no information regarding the correct address is received from the practitioner or from any other authentic source, the words "Address unknown" shall be entered in the address column of the registers against the name of the practitioner.

(iii) Where authentic information is available that a practitioner is dead, the Registrar strikes off his name from the register.

(5) At the end of each register printed as laid down in sub-rule (3) there shall be entered a statement showing (1) total number of persons at the beginning of the year, (2) the number of persons added by registration during the year, (3) the number of persons restored to the register, (4) the number of person erased from the register stating the section of the Act under which the name has been erased, (5) the number of persons removed by death on account of death, (6) the total number remaining at the end of the year.

(6) Every person whose name has been entered in the register, shall be entitled to receive from the Registrar a Certificate of Registra- tion in Forms IX, X and XI respectively on payment of the stamp duty leviable under the law for the time being in force relating to the levy of

stamp duty. The certificate shall set forth the full name of the person registered his address, the date and the, place of registration and the qualification in respect of which he has been registered.

Form I shall be entitled to receive a duplicate certificate in the same form on payment of a fee of five rupees and the stamp duty. The work "Duplicate" shall be clearly shown in red ink across the duplicate certificate.

12. Qualifications and conditions for performing surgery and postmortem, etc., in an approved institution. (1) Every person who possesses any of the qualifications specified in the Schedule to the Act and registered as a practitioner and issued a certificate 'A' in

Form IX shall perform surgery and post-mortem in any approved institution if such person has undergone a regular course of surgery before obtaining the Degree or Diploma.

(2) No person with Certificate 'B' or 'C' shall perform surgery and post-mortem in any approved institution.

13. Appeals (1) An appeal to the council, preferred under section 20 against a refusal of the Registrar to register the name or any title or qualification of any person on the register of registered practitioners, shall be in writing and shall state the grounds on which registration is claimed, the names of the qualifications and the dates on which and the authorities from whom they were received.

(2) On receipt of such an appeal it shall be referred to a Committee of the council for consideration and report.

(3) The Committee shall have the power to call for the original diploma or license, etc. from the applicant for inspection and also for such other documentary or oral evidence as may be considered necessary by them.

(4) At the conclusion of the inspection the Committee shall make a report to the council embodying such recommendations as it may think fit, with the reason therefore.

(5) The appeal, the Committee's report on it and all other documents in connection with the case shall be laid before the council at their next
session.

(6) The date on which the appeal is to be taken up by the council shall be notified' to the appellant. The appellant shall also be allowed,

if he .so chooses, to represent his case before the council either by himself or by his Pleader.

14. Inquiry (1) Whenever information is received that a medical practitioner who is an applicant for registration, or whose name has already been registered, has been guilty of conduct which prima facie constitutes infamous conduct in professional respect, the registrar shall make an abstract of such information.

(2)Where the information in question is in the nature of a complaint by a person or body charging a medical practitioner with infamous conduct in a professional respect, such complaint shall be made in writing addressed to the, registrar and shall state the grounds of the complaint and shall be accompanied, by one or more declarations as to the facts of the case.

(3) Every declaration must state the description and place of abode of the declarant, and where the facts stated in a declaration are not within the personal knowledge of the declarant, the source of the information and the grounds for it must be accurately and fully stated.

(4) (i) The abstract and, where a complaint has been lodged, the complaint, and all other documents. which have a bearing on the case, shall be submitted by the registrar to the, president who may, if he thinks fit, instruct the registrar to furnish the medical practitioner concerned with a copy of the complaint and other documents and invite him by means of a registered letter to submit my explanation he may have to offer. The documents, including any explanation submitted by practitioner to the registrar, shall then be placed before the council.

The Council may then

(a) order that all further proceedings be stopped.

(b) appoint a Committee to consider the matter and submit a report to the council as to whether proceedings should be instituted under section 15 or section 19 or

(c) direct that a regular inquiry be held by the council or a committee thereof appointed under section 21 (1).

A committee appointed to make a preliminary inquiry shall have power to cause further investigation to be made and further evidence to be taken and to take any legal advice or procure any legal assistance it may think necessary. The committee shall submit its report to the council.

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(ii) If the council consider that the case is one in which an inquiry under section 15 or section 19 ought to. be held, the president shall direct the registrar to take steps for the institution of any inquiry and for having the case heard and determined by the council.

Explanation - It is not necessary that declaration under sub-rules (2) and (3) should be attested by a Magistrate. The declaration is only intended to ensure that there shall be bonafide grounds for proceedings against a medical practitioner and that action is not initiated on there allegations which are not capable of being verified.

(5) When the charge is brought by a complainant, they shall require the complaint to be reduced to writing and verified by oath or solemn affirmation of the complainant. The articles of charge and a list of documents and witnesses by which each charge is to be sustained shall then be prepared and the registrar shall issue a notice in writing on behalf of the council addressed to the medical practitioner concerned. Such notice shall be accompanied by a copy of the articles of charge and a list of witnesses and documents referred to above and shall inform the medical practitioner concerned of the day on which and the hour at which the council or committee intend to deal with the case and shall call upon him to attend before the council or committee on that day and hour. The notice shall be in

Form XIV with such variations as circumstances may require. It shall be served on the medical practitioner fifteen clear days before the beginning of the inquiry, and shall be accompanied by a copy of sections 15, 19 and 21 and of the rules to regulate the procedure for conducting any inquiry thereon. Service of the notice may be made either by delivery to the medical practitioner in person or by registered letter addressed to his usual residence.

(6) In every case in which the council resolve that an inquiry shall be instituted and notice of inquiry is issued accordingly, the complainant (if any) and the medical practitioner concerned shall, upon the request in writing signed by the party or his pleader, be entitled to be supplied by the registrar with a copy or any declaration, explanation, answer or other document given or sent to the council by or on behalf of the other party, which such either party will be entitled on proper proof to use at the hearing as evidence in support of, or in answer to, the charge specified in the notice of inquiry.

(7) Any answer, evidence, or statement forwarded, or application made by the medical practitioner between the date of issue of the notice and the day named for the hearing of the charge, shall be dealt with by the president in such manner as he may think fit.

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(8) Copies of all documents which are laid before the council or committee as evidenc in regard-to the case shall be made and furnished to each member of the council or committee, as the case may be, before the hearing of the case.

-(9) At the hearing of the case by the council or committee the complainant and also the medical practitioner concerned may, if they so desire, be represented or assisted by pleaders.

(10) When the complainant appears personally or by pleader, the order of procedure shall be as follows.

(i) The complainant shall exhibit the articles of charge to the council or committee, which shall be openly read.

(ii) The medical practitioner concerned shall then be called upon to plead "guilty" or "not guilty" to each of them, which plea shall forthwith he recorded with the articles of charge. If the medical practitioner refuses or without reasonable cause neglects to appear to answer the charge either personally or by pleader, he shall be taken to admit the truth of the articles of charge.

(iii) The complainant may then address the council or committee in explanation of the articles of charge and, of: the evidence by which they are proved.

(iv) The oral and documentary evidence shall then be exhibited. The witnesses shall be examined by or on behalf of the complainant any may be cross-examined by or on behalf of the medical practitioner concerned. The complainant shall then be entitled to re-examine the witnesses on any point on which they have been cross-examined. No questions should be asked in re-examination on any new matter without the leave of the council. The council or committee may put such questions as they think fit.

(v) If, before the close of the case for the complainant it shall appear necessary, the council or committee may, in their discretion, allow the complainant to exhibit evidence not included in the list furnished to the medical practitioner concerned or may themselves call for new evidence, and in such case the medical practitioner shall be entitled to have, if he demands an adjournment of the proceedings for three clear days before the exhibition of such new evidence, exclusive of the day of adjournment and of the day to which the proceedings are adjourned.

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(iv) When the case of the complainant is closed, the medical practitioner concerned shall be required to make his defence, or any or in writing, as he shall prefer. If made in writing, it shall be openly read and a copy shall be given at the same time to the complainant.

(vii) The evidence for the defence shall then be exhibited and the witnesses examined, who shall be liable to cross-examination and re-examination and to examination by the council or committee in the same manner as the witnesses for the complainant.

(viii) The council or committee or some person, appointed by them shall take notes in English of all the oral evidence, which shall be read aloud to each witness by whom the same was given, and if necessary explained to him in the language in which it was given, and shall be recorded with the proceedings.

(ix) If the medical practitioner concerned makes only an oral defence and exhibits no evidence, the inquiry shall end with his defence. If he records a written defence or exhibits evidence, the complainant shall be entitled to a general oral reply on whose case and may also exhibit evidence to contradict any evidence exhibited for the defence, in which case the medical practitioner concerned shall not be entitled to any adjournment or of the proceedings, although such new evidence were not included in the list furnished to him.

(x) When the council or committee is of opinion that the articles of charge, or any of them are not drawn with sufficient clearness and precision, the council or committee may, in their discretion, require the same to be amended, and may thereupon, on the application of the complainant or the medical practitioner, adjourn the inquiry for such time as they may consider reasonable. The council or committee may also if they think fit, adjourn, the enquiry from time to time, on the application of either the complainant or the medical practitioner concerned, on the ground of sickness or unavoidable absence of any witness or such other case as they may consider reasonable. When such application is made and refused, the council or committee shall record the application and their reasons for refusing to comply with it.

(11)When there is no complainant or no complainant appears, the proceedings shall begin by the registrar reading to the council the notice of inquiry addressed to the medical practitioner concerned and the articles of charge and stating the evidence by which the articles of charge are supported.

The medical practitioner shall then be called upon to plead "guilty" or "not guilty". The further proceedings shall be conducted in accordance with the procedure laid down in sub-rule (10) above.

(12) The council or committee may at their discretion, hold the inquiry in camera.

(13) (i) Upon the conclusion of the case, the: council or committee will deleborate thereon in private, and at the conclusion of the deliberations, the council or the committee shall vote on the question whether the articles of charge are proved or not and whether they show that the medical practitioner concerned has been guilty of infamous conduct in a professional respect, or not.

(ii) If the council or committee by a majority find the medical practitioner guilty of infamous conduct in a professional respect, the president shall direct the registrar not to register his name if he be an applicant for registration, or to remove his name altogether or for a specified period from the register of medical practitioners if he is already a registered practitioner except in cases where the council or committee consider that in view of extenuating circumstances, the practitioner may be let off with a warning.

(14) When the registration of the name of any medical practitioner -is refused or when the name of any registered medical practitioner is removed from the register, the registrar shall forthwith send notice of such refusal or removal to the medical practitioner concerned in

Form XII and such notice shall be sent by a registered letter addressed to his last known address. The registrar shall also send forthwith intimation of any such refusal or removal to the body or bodies from whom the medical practitioner received his qualification or qualifications and shall request them not to admit him to any examination for any new qualification which is registerable in the register of registered practitioner without previous reference to the council.

15. Fees to be credited to the funds of the council - All fees received shall be credited to the funds of the council.

16. Moneys to be deposited in the State Bank of India (1) An account shall be opened in the State Bank of India in the name of the council and all moneys of the council shall, subject to sub-rule (2) be deposited in that Bank.

(2) The registrar shall receive all moneys payable to the council. He shall not retain in his hands any sum exceeding Rs.100/- (Rupees one hundred only), the balance being deposited in the State Bank of India to the credit of .the council.

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17. Statement of account to be annually prepared. (1) The registrar shall in the month of July each year prepare a statement of income and expenditure of the proceeding financial year and draw the attention of the council to such matters as he may think fit.

(2) The annual accounts shall be made up by the registrar.

18. Budget estimate - (1) As estimate of the revenue and expenditure of the council for every financial year shall be laid before the council at its meeting sufficiently in advance of the commencement of that year, for approval.

(2) Such estimate shall provide for meeting the liabilities of the council and for effectively carrying out its objects. It shall include on its revenue side, besides all revenue ordinarily anticipated, such grant as the Government may have allotted and is expected to be received during the year and all fees expected to be received from registration or other sources during the year.

(3) The council shall consider the estimate submitted to it and shall sanction the same, either without alteration or subject to such alterations as it deems fit.

(4) The council may, at any time, during the year for which any estimate has been sanctioned cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimate shall be considered and sanctioned by the council in the same manner as an annual estimate. Any expenditure that might be incurred by the council which is not duly provided for in the annual estimate or in the supplementary estimate shall require the sanction and approval of the president.

(5) A bill or other voucher presented as a claim for money shall be received and examined by the registrar. If the claim be for a sum not exceeding Rs.10/- and the bill or other voucher is in order he shall pay it. If the claim be for a sum exceeding Rs.10/- but not exceeding Rs.350 payment may be made by the registrar after obtaining the sanction of the president. If the claim exceeds Rs.350 payment shall not be made until it has been examined and passed by the council.

(6) The Registrar shall immediately bring into account in the general cash-book all money received or spent by the council.

19. Drawing of cheques - All cheques shall be signed by the registrar and by the president or by one of the members of the council authorized by it in this behalf.

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20. Auditing of accounts The accounts of the council shall be audited annually by the. Examiner of Local Fund Accounts.

21. Names of the members of the council is to be maintained in a book. A book shall be maintained containing the name of each of the members of the council, the electorate he represents, the date of notification of his election or nomination, the term for which he was elected or nominated and the date of his death, resignation, or retirement or on which day he otherwise ceased to be a member, the book shall be

regularly maintained so as to show the period at which the body or authority having power to elect or nominate should make a fresh nomination or elect a member.

22. Seal of the council - (1) The corporate seal of the council shall be kept in a box having two different locks and the key of one of those locks shall be in the custody of the president, and the key of the other lock in the custody of the registrar.

(2) The seal shall be affixed only by the order of the council or when the council is not in session by the order of the president.

(3) Any order for affixing the seal shall state the object of its use and shall be entered in the minutes of the council.

23. Custody of the documents - (1) The registrar shall be held responsible for the safe custody of all documents.

(2) The registrar shall have the documents arranged in the chronological order or otherwise so as to facilitate their inspection during office hours.

24. Inspection of documents The following shall be the conditions subject to which leave shall be granted to members of the council to inspect the documents of the council when not required for use.

(1) A notice in writing of three days shall be given to the registrar except when the council is in session, in which case special leave may be granted.

.(2) The subject to which the document needed for inspection relates shall be stated in the notice.

(3) Documents under inspection shall not be removed from the promises of the council and the inspection shall be made in the presence.

(4) All such documents and the information derived there from shall be treated as strictly confidential.

THE SCHEDULE

FORM

[Vide Rule 11(7)]

Preliminary Roll of electors

A. List of persons qualified to vote under sub-clause (i) of clause (a) of section 4 of the Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy Act, 1971 (Tamil Nadu Act 5 of 1972)

Name	Qualification	Designation	Remarks
(1)	(2)	(3)	(4)

B. List of persons qualified to vote under sub-clause (ii) of clause (a) of section 4 of the Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy Act, 1971 (Tamil Nadu. Act 5 of 1972)

Name	Qualification	Designation	Remarks
(1)	(2)	(3)	(4)

FORM II

[Vide Rule 6(5)]

Nomination Paper

1. Name of candidate and registration Certificate Number:-

2. Father's Name:

3. Age:

4. Registered qualification of the candidate

5. Address

6. Signature of the proposer

7. Signature of the seconder

Declaration by the candidate

1, hereby declare that I agree to this nomination

Signature of the candidate

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This nomination paper was receive by me at (date and hour)

Returning Officer Instructions

(1) Nomination papers which are not received by the Returning Officer before will be invalid.

(2) The names of the proposer and the seconder, as they appear on the electoral rolls, their registered qualifications and the registration certificate numbers should also be clearly written below their respective signature:

FORM III

[Vide rule 8 (10) (vi) and (vii)]

Declaration paper

Serial Number

Elector's Name

Number of the electoral roll, if any

Elector's Declaration

I ..... declare that I am an elector for (Name in full and designation (if any) the election to the Tamil Nadu Homeopathy Council by the registered medical practitioners and have signed no other voting paper at this election.

Station: Signature Date :

Address

FORM IV

[Vide rule 8 (10) (vi) and (vii)]

Voting Paper

Serial Number	Name of the Candidate	Vote
(1)	(2)	(3)

Returning Officer

Instructions

1. The number of vacancies to be filled in is .....

2. Place a cross-mark 'X' against the name of the candidate (or each of the candidate) for whom you wish to vote.

TAMIL NADU ACT No. 5., 1972 3. A voting paper will be invalid if .....

(a). It does not bear the Receiving Officer's initials or the facsimile signature; or
(b) A voter signs his name or writes a word or makes mark on it by which it becomes recognizable
(or)
(c) no vote is recorded thereon or
(d) the number of votes recorded therein exceeds the number of vacancies to be filled; or
(e) it is void for uncertainty of one or more votes exercised (amended as in the voting paper)

FORM V

[Vide rule 8 (10) (vii)]

Letter of Intimation

Sir / Madam

The persons whose names are printed on the voting paper, sent herewith have been duly nominated as candidates for election to the Tamil Nadu Council of Homeopathy. Should you desire to vote at the election, I have to request that you will .....

(a) fill up and sign the declaration paper, against the entry "Elector's Name". The name of the elector as it appears in the electoral roll should be clearly written and the number of registration certificate of the elector should also be entered.

(b) mark your vote, in the column provided for the purpose in the voting paper, as directed on the voting paper.

(c) enclose the voting paper in the smaller over, and stick it up; and

(d) enclose the smaller cover and the declaration paper in the outer envelope addressed to me and return the same to me by regis- tered post so as to reach me not later than ..... p.m. on the ..... day of..... 20 ..... or deposit or cause to be deposited the envelope addressed to me in the ballot box provided for the purpose at the office of the Returning Officer between ..... a.m. and ..... p.m. on .....

2. Voting papers will be rejected if .....

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(a) the outer envelope enclosing the voting paper cover has neither been sent by registered post so as to reach the Returning Officer nor later than the day and the latest hour fixed for the poll not deposited in the ballot box provided in the office of the Returning Officer on the day and during the hours fixed for poll ; or

(b) the outer envelope contains no declaration outside the smaller cover, or

(c) the voting paper is not enclosed in the voting paper cover or

(d) The outer envelope, the declaration paper or the voting paper is not the one sent by the Receiving Officer to the Voter or

(e) more than one declaration paper or cover containing voting paper have been enclosed in one and the same envelope or

(f) the declaration is not in order; or

(g) the voting paper is invalid

3. A voting paper will be invalid, if:-

(i) It does not bear the Returning Officer's initial or facsimile signature or.

(ii) A voter signs his name, or writes any word or makes any mark by which it becomes recognizable; or

(iii) no vote is recorded therein; or

(iv) the number of votes recorded therein exceeds the number of vacancies to be filled in; or

(v) it is void uncertainty of one or more votes exercised.

4. If a voter inadvertently spoils a ballot paper he can return it to the Returning Officer who will, if satisfied of such inadvertence issue to him another voting paper.

5. The scrutiny and counting of votes will begin on

6. No person shall be present at the scrutiny except the president, the Returning Officer, and such other persons as the president may appoint to assist the Returning Officer, the candidates and not more than one representative of each candidate duly authorized by him in writing.

Office of the Registrar,

TNHM Council Chennai.

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FORM VI

[Vide rule 9 (1)]

Application for registration

Date: To

The Registrar
Council of Homeopathy

Chennai. Tamil Nadu

Sir,

I have the honor to request that my name may be registered under the Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy Act, 1971 and that I may be furnished with a certificate of registration.

The information necessary for registration is specified on the reverse.

The Diploma which I posses is forwarded herewith in original which may please be returned when no longer required. The certificate obtained in the prescribed form from the Collector of ..... district is forwarded herewith in proof of mine having regular practice in Homeopathy.

The registration fee of Rs.21.50 (Rupees twenty one and paise fifty) only to cover court-fee stamp and Rs.1/ (Rupee one) to cover postage for the supply of free copy of the Register in which my name appears for the first time (Total Rs.22.50) is sent herewith by money order / cash / cheque (including bank commission)

Yours faithfully,
Signature

TAMIL NADU ACT No. 5, 1972

Note: The registration fee once paid is not refundable whether the application for registration is accepted or not.

Strike off that which is not necessary

Applicant's name in full

(in block letters, the full signification of the initials which stand before the name should be given in brackets)

Father's Name (in block letters)

Month and year of Diploma, if any required.

College or School where each was obtained.

Month and year of Diploma, if any

Date and place of registration

Address: Signature Remarks

for the Registrar only

Any remarks.

FORM VII

[Vide rule 9 (1)]

Certificate of regular practice

I certify that Thiru ..... son of Thiru ..... has been in regular practice as a practitioner of Homoepathy system of medicine for the past ..... years at *Address

Station: Signature of the District Date: Collector and seal *Here specify the exact postal address of the place of practice

FORM VIII

[Vide rule 11 (1)]

Register of Medical Practitioners

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TAMIL NADU ACT No. 5,1972 1. Serial Number

2. Name

3. -Father's Name

4. Qualifications

5. Date of Registration

6. Place of Profession and address

7. Remarks

FORM. IX

[Vide rule 11 (6)]

Registration Certificate A Certificate No.

Office of the Tamil Nadu Homeopathy Council

1. Name
2. Father’s name
3. Qualifications
4. Date and place of registration
5. Address
6. Remarks

It is hereby certified that this is a true copyof the entry of the above specified name in Medical Register.

Registrar's Seal

Notice

Every registered medical practitioner should be careful to send the registrar immediate notice of any change in his address and also to answer all enquiries that may be sent to him by the registrar in regard thereto in order that this correct address may be duly inserted in the Medical Register.

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A copy of the published Medical Register wherein his name first appears registered will be supplied, gratis, to every registered medical person, provided that before the end of the year of publication, application is made for such copy to the registrar accompanied by one ,rupee towards postal charges.

Form X

[Vide Rule 11(6)]

Registration Certificate B

Office of the Tamil Nadu Homoepathy Council

Certificate No.

1. Name
2. Father’s Name
3. Qualifications
4. Date and place of registration
5. Address
6. Remarks

It is hereby certified that this is a true copy of the entry of the above specified name in the Medical Register.

Registrar's Seal

Notice

Every registered medical practitioner should be careful to send the Registrar immediate, notice of any change in the address and also to answer all enquiries that may be sent to him by the Registrar in regard thereto in order that his correct address may be duly inserted in the Medical Register.

A copy of the published Medical Register wherein his name first appears register will be supplied, gratis to every registered medical

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person, provided that before the end of the year of publication, application be made for such copy to the 'Registrar accompanied by one rupee towards postal charges.

The last edition of the Medical Register alone is evidence of registration.

Form XI

[Vide Rule 11(6)]

Registration Certificate C

Office of the Tamil Nadu Homeopathy Council

Certificate No.

1. Name
2. Father’s Name
3. Qualifications

place of registration

5. Address

ks

It is hereby certified that this is a true copy of the entry of the above specified name in the Medical Register.

Registrar's Seal

Notice:

Every registered medical practitioner should be careful to send the Registrar immediate, notice of any change in his address and also to answer all enquiries that may be sent to him by the Registrar in regard thereto in order that his correct address may be duly inserted in Medical Register.

A copy of the published Medical Register wherein his name first appears register will be supplied, gratis to every registered medical

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person, provided that before the end of the year of publication, application be made for such ,copy to the Registrar accompanied by one rupee towards postal charges.

The last edition of the Medical Register alone is evidence of registration.

Form XII

[Vide Rule 14(14)]

Notice

Sir,

On behalf of the Tamil Nadu Council of Homoeopathy I give you notice that information and evidence have been laid before the Council by which the complainant makes the following charge (or charges) against you, namely (here set out the circumstances briefly) and that you have thereby been guilty of infamous conduction a professional respect.

And I am directed further to give you notice that on the day of .....20 ..... a meeting of the council will be held at ..... 0' clock in the ..... to consider the above mentioned charge (or charges) against you and decide whether or not they should direct that your name, shall not be registered in that your name be removed from the register of registered practitioners persuant to sec. 15 / 19 of the Tamil Nadu Homoepathy system of Medicine and Practitioners of Homoepathy Act, 1971. You are invited and required to attend in person or by Pleader before the council at the above named place and time to establish any denial or defence that you may have to make to the above mentioned charges and you are hereby informed that, if you do not attend as required the council may proceed to bear and decide upon the said charges in your absence.

Any reply or other communication or application which you may desire to make respecting the said charges or your defence thereto should be addressed to the Registrar of the Council and transmitted so as to reach him not less than three clear days before the day appointed for the hearing of the case.

Copies of sections 15, 19 and 21 of the Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy Act, 1971 and of

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the rules to regulate the procedure for conducting any inquiry referred to in those sections are. enclosed herewith, for your information.

A copy of. the articles of the charges and of list of documents and witnesses by which each 'charge is to be sustained are attached.

FORM XIII

[Vide rule 10 (1)]

Application for deletion of name

I hereby declare that I am not aware of any disciplinary proceedings or any reason for the institution of any such proceedings against me on the ground of a defect of character or of infamous conduct in any professional respect, not have I been convicted of any offence implying a defect of character.

(Sd.) .....

Address

Station:

Date:

FORM XIV

[Vide rule 14 (5)]

Notice to a Medical Practitioner to attend proceedings for the re- moval of his name from the Medical Practitioner Register under section 15 of the Act.

Office of the

Tamil Nadu Homeopathy Council

Dated the

Sir,

On behalf of the Tamil Nadu' Homeopathy Council, I give you

TAMIL NADU ACT No. 5,1972

notice that information and evidence have been laid before the council by which the complainant makes the following charges against you, namely (here set out the circumstances briefly) and that in relation thereto you have been guilty of infamous conduct in a professional respect.

..... or that you were on the day of..... con- victed of the following offence; at ..... namely (here set out particulars of the conviction)

And I am direct further to give you notice that on the .....

day of 20 ..... a meeting of Council will be held at ..... 0' clock to consideer the above mentioned charges against you, and decide whether or not they should direct your name to be removed from register; pursuant to section 19 of the Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy Act, 1971 (Act 5 of 1972). You are required to answer in writing the above charges and to attend before the Council at the above named place and time to establish any denial or. defence that you may have to make the above mentioned charges and you are hereby informed that if you do not attend as required the Council may proceed to hear and decide upon the said charges in your absence.

Any answer or other communication or application which you may desire to make respecting the said charges or your defence thereto must be addressed to the Registrar of the Council and transmitted so as to reach him not less than three clear days before the day appointed for hearing of the case.

A copy of certain rules of the Council, to which your particular attention is invited, is enclosed herewith for your information.

Signed .....

Registrar

FORM XV

[See rule 10 (8)]

Report

Monthly report of death of medical practitioners registered under
TAMIL NADU ACT No. 5,1972
the Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy Act, 1971, for the month of..... 20 ..... of municipality, non municipality areas in the district of .....

1. Name of the Municipality / Village
2. Name of the Practitioner
3. Father's Name
4. Caste
5. Age
6. Occupation
7. Cause of death
8. Name of medical attendant who attended on him at the time of his last illness or death

Signature
Commissioner / Collector

To

The Registrar,
Tamil Nadu Homeopathy Medical Council,
Chennai.

J.A. Ambasankar
Secretary to Government