

*Council of Homoeopathic Medicine, West Bengal*  
Under Department of Health & Family Welfare, Govt. of West Bengal

☎ : 2350 5143



# West Bengal Act XXXIII of 1963

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# West Bengal Act XXXIII of 1963<sup>1</sup>

## THE WEST BENGAL HOMOEOPATHIC SYSTEM OF MEDICINE ACT, 1963.

**AMENDED**



- West Ben. Act XI of 1977
- West Ben. Act I of 1978.
- West Ben. Act. XXXVIII of 1978.
- West Ben. Act I of 1980.
- West Ben. Act XX of 1980.
- West Ben. Act XXXVII of 1980.
- West Ben. Act XXVII of 1985.
- West Ben. Act VI of 1989.
- West Ben. Act III of 1990.
- West Ben. Act VI of 1998.

[6<sup>th</sup> November, 1963.]

*An Act to provide for the development of the Homoeopathic system of medicine, to regulate the teaching and practice thereof and to deal with certain other connected matters.*

It is hereby enacted in the Fourteenth Year of the Republic of India, by the Legislature of West Bengal, as follows:-

1. (1) This Act may be called the West Bengal Homoeopathic System of Medicine Act, 1963.
- (2) It extends to the whole of West Bengal.
- (3) It shall come into force on such<sup>2</sup> date as the State Government may by notification in the Official Gazette, appoint.

Short title  
extent and  
commen-  
cement :

**2. In this Act, unless the context otherwise requires,-**

Definitions

- <sup>1</sup>(a1) "Central Council" shall have the meaning assigned to it in the Homoeopathy Central Council Act, 1973;
- (1) "Council" means the Council of Homoeopathic Medicine, West Bengal, constituted under section 3;

59 of 1973

<sup>1</sup> For Statement of Objects and Reasons, see the Calcutta Gazette, Extraordinary, of the 22<sup>nd</sup> March, 1963, Part IVB, page 575 n.; the Report of the joint Committee of the West Bengal Legislature was published in the Calcutta Gazette, Extraordinary, of the 24<sup>th</sup> July, 1963, Part IVB, pages 2215-2233; for proceedings of the West Bengal Legislature Council see the proceedings of the meeting of that Council held on 2<sup>nd</sup> April, 1<sup>st</sup> 6<sup>th</sup> and 7<sup>th</sup> August and the 9<sup>th</sup> September, 1963; and for proceedings of the West Bengal Legislature Assembly see the proceedings of the meetings of that Assembly held on the 4<sup>th</sup> April, and 3<sup>rd</sup> and 4<sup>th</sup> September, 1963.

<sup>2</sup> The Act come into force with effect from 1<sup>st</sup> August, 1964, Vide notification No.Med/4373/311-16/64, dated 21-7-64 published in the Calcutta Gazette, Extraordinary dated 23-7-64 Part I, page 2311.

<sup>3</sup> Clause (a1) was inserted by s.2(a) of the West Bengal Homoeopathic System of Medicine (Amendment) Act, 1985 (West Ben. Act XXVII of 1985)



(Sections 6-9.)

(2) Notwithstanding anything contained in the foregoing sub-section or elsewhere in this Act, on the first constitution of the Council all the members of the Council shall be nominated by the State Government and the State Government shall also nominate one of the members to be the Vice-President.

Power of State Government to nominate members in certain circumstance.

6. If the nominating authority referred to in clause (c) of sub-section (I) of section 5, or the electoral body referred to in clause (f) of the said sub-section fails by the prescribed date to nominate or elect the requisite number of member or members which such authority or body is entitled to nominate or elect, the State Government shall fill up the office of such member or members by nomination of a person or persons qualified to be nominated or elected by such authority or body. Any person so nominated by the State Government shall be deemed to have been duly nominated or elected a member by such authority or body.

Disqualification for nomination or election.

7. A person shall be disqualified for being nominated or elected a member of the Council, if-

- (1) he has been convicted of any offence involving moral turpitude;
- (2) he is an undischarged insolvent;
- (3) he has been adjudged by a competent court to be of unsound mind;
- (4) he is an employee of the Council;
- (5) he has directly or indirectly any share or interest in any contract with, by or on behalf of the Council;
- (6) he has been dismissed from the service of the Central Government or a State Government or a local authority on a charge of gross misconduct or an offence involving moral turpitude;
- (7) he is a person under the age of 25.

Publication of names of members :

8. The name of every member nominated or elected under section 5 or section 6 shall be published by the State Government in the *Official Gazette*

Cessation of membership

9. A person shall cease to be a member of the Council-

- (1) if, without obtaining the permission of the Council he is absent from three consecutive meetings of the Council; or
- (2) if having been nominated or elected as a registered Homeopathic practitioner he ceases to be such a registered practitioner; or
- (3) if he becomes subject to any of the disqualifications referred to in section 7.

(Sections 10-14.)

10. (1) If any member dies or resigns his office or ceases to be a member for any other reason the vacancy shall be filled up within six months by a fresh nomination or election under section 5 or section 6. as the case may be, and the member so nominated or elected shall hold office for the unexpired period of the term of office of the member whose place he fills.

Filling of casual vacancies

(2) If any member referred to in clauses (b), (c), (d), (e) or (f) of sub-section (1) of section 5 is nominated President under the proviso the clause (a) of that sub-section, there shall be a vacancy in that membership which shall be filled up under sub-section (1).

Term of office of members

11. (1) Subject to the provisions of section 10, the term of office of the members nominated or elected under section 5 or section 6 shall be for <sup>five years</sup> four years commencing from the date of the first meeting of the Council after its first constitution or any subsequent periodical reconstitution, as the case may be.

Term of office of members

(2) The term of four years referred to in sub-section (1) shall be held to include any period which may elapse between the expiry of the said period of four years and the date of the first meeting of the Council following its reconstitution at which a quorum is present.

Registration

12. The President, the Vice-President or a member may resign his office by writing under his hand addressed to the State Government, of which he shall send a copy to the Council.

Registration  
Resignation

13. (1) The President shall hold office for the period mentioned in section 11 or until his successor is nominated, whichever is longer.

The President

(2) If the President dies or resigns his office or ceases to hold office, the State Government shall nominate another person as President and such President shall hold office for the unexpired portion of the term of office of the previous President in whose place he is nominated.

(3) In the event of the occurrence of any vacancy in the office of the President under sub-section (2), the Vice-President shall discharge the functions of the President until a new President is nominated.

(4) When the President is unable to discharge his functions owing to absence, illness or any other cause, the Vice-President shall discharge his functions until the date on which the President resumes his duties.

14. (1) The members of the Council shall, at the first meeting after every periodical reconstitution, elect a Vice-President from among themselves in such manner as may be prescribed.

The Vice President



(Sections 15, 15A.)

Last Election - 2010.  
→ 2014.  
Last G.O. 21 Nov. 2013  
Last S.O. 2014

(2) The Vice-President shall hold office for the period mentioned in section 11: Provided that a Vice-President, shall cease to hold office if he ceases to be a member of the Council.

(3) If the Vice-President dies or resigns his office or ceases to hold office, the members of the Council shall elect, from among themselves, another Vice-President in such manner as may be prescribed and such Vice-President shall hold office for the unexpired portion of the term of office of the previous Vice-President whose office he fills.

Executive Committee

15. (1) The members of the Council shall constitute from among themselves, an Executive Committee to perform such functions, discharge such duties and exercise such powers as may be delegated to it by the Council.

(2) The Executive Committee shall consist of the President and the Vice-President, ex-officio and five other members elected by the members of the Council in the prescribed manner from among themselves.

(3) The President and the Vice-President of the Council shall be the President and Vice-President, respectively, of the Executive Committee.

(4) The term of office of an elected member of the Executive Committee shall be two years from the date of his election, but, subject to his being a member of the Council, he shall be eligible for re-election to the Executive Committee.

(5) No business shall be transacted at any meeting of the Executive Committee unless a quorum of three members be present.

(6) The Council may also, subject to the approval of the State Government from time to time appoint one or more Committees consisting of members of the Council or outsiders or both, on such terms as may be approved by the State Government, for the purpose of advising it on such matters as it deems necessary and may appoint a Chairman for any such Committee who shall convene and preside over the meetings of the Committee.

Ad-hoc Committee

<sup>1</sup>15A. <sup>2</sup>(1) Notwithstanding anything contained elsewhere in this Act -

(a) if, at any time, it appears to the State Government that the nomination or election to the Council has not taken place in accordance with the provisions of this Act or a period of more than ~~four years~~ <sup>five years</sup> from the date of the first meeting of the Council has elapsed, or

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<sup>1</sup> Section 15A was inserted by s. 2 of the West Bengal Homoeopathic System of Medicine (Amendment) Act, 1978 (West Ben. Act. I of 1978)

<sup>2</sup> Sub-section (1) was substituted for the original sub-section by s. 3 of the West Bengal Homoeopathic System of Medicine (Amendment) Act, 1985 (West Ben. Act. XXVII of 1985)

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*(Section 15A.)*

(b) if the results of the election to the Council held in accordance with the provisions of this Act or the rules made there under have not been, or could not be, published for any reason whatsoever for a period of more than one year from the date of such election, the State Government may, by order published in the Official Gazette, appoint an Ad-hoc Committee consisting of not more than seven members including a President and a Vice-President,

(2) Upon such appointment of the Ad-hoc Committee, the Council shall be deemed to have been dissolved, and all the members of the Council shall be deemed to have vacated their offices, with effect from the date of the order.

(3) If any vacancy occurs in the Ad-hoc Committee by reason of death, resignation or removal of a member, or otherwise, the State Government shall appoint another person to fill up the vacancy. The person so appointed shall hold office for the unexpired period of the term of office of the member whose place he fills:

Provided that no act or proceedings of the Ad-hoc Committee shall be called in question or become invalid merely by reason of any vacancy or vacancies in the Ad-hoc Committee.

(4) The State Government may at any time, by notification in the Official Gazette remove any member of the Ad-hoc Committee on the ground of incapacity or misbehaviour, or for any other good or sufficient reason.

(5) The President shall preside over all meetings of the Ad-hoc Committee. In the absence of the President, the Vice-President shall preside over a meeting. In the absence of both the President and the Vice-President, the members present in the meeting shall elect one of such members to preside over that meeting.

(6) The quorum for a meeting of the Ad-hoc Committee shall be four. Provided that no quorum shall be necessary for an adjourned meeting.

(7) The Ad-hoc Committee shall exercise all powers and perform all duties of the Council.

(8) The Ad-hoc Committee shall be deemed to be the Council also for the purposes of section 40 and section 46 of this Act.

(9) Within a period of six months of such appointment of the Ad-hoc Committee, the members of the Council to be elected under clause (f) of sub-section (1) of section 5 in accordance with the provisions of this Act and the rules made thereunder shall be elected, and the members to be nominated under clauses (b), (c) and (e) of the said sub-section shall be nominated within the same period and the members so elected and nominated shall be deemed to have been duly elected and nominated.



(10) The State Government may, if it considers necessary so to do, by order extend the period of six months referred to in sub-section (9) <sup>1</sup>[for a further period of <sup>2</sup>(five years)] not exceeding three months at a time.

(11) Upon the reconstitution of the Council in the manner provided, the Ad-hoc Committee shall cease to exist and the Council shall function in accordance with the provisions of this Act.

**Meetings**

16. (1) The Council shall hold its meetings at such intervals and at such places as may be provided for by regulations.

(2) No business shall be transacted at any meeting of the Council unless a quorum of seven members be present.

(3) Save as provided in clause (b) of sub-section (2) of section 24, all questions arising at any meeting shall be decided by votes of the majority of the members present and voting and in case of an equality of votes by the casting vote of the President or, in his absence, of the member presiding at the meeting.

**Expenses to be paid to members and other persons.**

17. The Council shall pay to its President, Vice-President and members and other persons appointed by it to any Committee referred to in sub-section (6) of section 15, such fees for attending at meetings of the Council, of the Executive Committee or of such Committee and such traveling expenses for journeys undertaken in the performance of duties as may be prescribed.

**Powers of the Council.**

18. **The Council shall have the following powers, namely:-**

<sup>3</sup>(1) with the prior approval of the State Government to establish institutions teaching the Homoeopathic system of medicine including DHMS<sup>4</sup> course or any other diploma course.

<sup>1</sup> The words "for a further period of eighteen months" were first substituted for the words "for a further period of six months" by s. 2 of the West Bengal Homoeopathic System of Medicine (Second Amendment) Act, 1978 (West Ben. Act XXXVIII of 1978). Thereafter, the words "for a further period of two years" were substituted for the words "for a further period of eighteen months" by s. 2 of the West Bengal Homoeopathic System of Medicine (Amendment) Act, 1980 (West Ben. Act. I of 1980). Then the words "for a further period of two years and six month" were substituted for the words "for a further period of two years" by s. 2 of the West Bengal Homoeopathic Medicine (Third Amendment) Act, 1980 (West Ben. Act. XXXVII of 1980)

<sup>2</sup> The words "three years and six months" were substituted for the words "two years and six months" by s. 3 of the West Bengal Homoeopathic Medicine (Amendment) Act, 1989 (West Ben. Act, VI of 1989). Thereafter the words four years were substituted for the words three years and six months by s. 2 of the West Bengal Homoeopathic System of Medicine (Amendment) Act, 1990 (West Ben. Act. III of 1990) Finally the words within the first brackets were substituted for the words "four years" by s.2 of the West Bengal Homoeopathic System of Medicine (Amendment) Act, 1998 (West. Ben. Act, VI of 1998)

<sup>3</sup> Clause (1) was substituted for the original clause by s. 4 (a) of the West Bengal Homoeopathic System of Medicine (Amendment) Act, 1985 (West Ben. XXVII of 1985)



(Section 18)

recognised by the Central Council or by the State Government and to grant or refuse affiliation to such institution or to withdraw, after giving the institution an opportunity to show cause against the action proposed to be taken, such affiliation or to grant permission to conduct class in any course recognised by the State Government:

Provided that from such academic session as the State Government may, by notification in the *Official Gazette* appoint, no institution or college teaching the Homoeopathic system of medicine shall admit students who have not passed the Intermediate Examination in Science or equivalent examination with Physics, Chemistry and Biology as their subjects, in any diploma course;

(2) to call on the authority of an institution affiliated to the Council, or of an institution applying for affiliation, to furnish within such period as may be specified, such reports, returns or other information as the Council may require to judge the efficiency of the institution;

(3) to hold examinations for persons who shall have pursued a course of study <sup>1</sup>[recognised by the Central Council or the State Government] in institutions affiliated to the Council, and to confer degrees, diplomas and certificates on them on having passed the necessary examinations;

2 \*\*\*\*\*

(4) \*\*\*\*\*

(5) to provide for instruction or for refresher courses in such branches of medical science <sup>3</sup>[as are recognised by the Central Council or the State Government];

(6) to appoint examiners and to fix their remuneration and to publish the results of the examinations held by it;

(7) to grant scholarships, prizes and medals to students of institutions affiliated to the Council who are meritorious, or stipends to students who are poor and deserving; and with the sanction of the State Government, to grant to students scholarships for research or special study in any institution that the Council may think fit, whether in India or abroad and to endow chairs of Homoeopathic system of medicine in institutions affiliated to the Council;

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<sup>1</sup>. The words within the square brackets were inserted by s. 4(b) of the West Bengal Homoeopathic System of Medicine (Amendment) Act, 1985 (West Ben. Act XXVII of 1985)

<sup>2</sup>. Clause 4 was omitted by s. 4(c) *ibid.*

<sup>3</sup>. The words within the square brackets were substituted of the words "as would be useful to persons studying the Homoeopathic System of Medicine" by s 4 (d) *ibid.*

<sup>4</sup>. Clause 8 was omitted by s. 4(e), *ibid.*



(9) to collect prescribed fees or charges for admission to the examinations held by the Council and for '[certificate or diplomas] .....granted or conferred by it *certificate, diplomas, degrees or licences*.

(10) to exercise general supervision over the residential and disciplinary arrangements made by the institutions affiliated to the Council and arrangements for promoting the health and general welfare of the students of such institutions;

(11) to recommend to the State Government the sanction of a grant to an affiliated institution teaching the Homoeopathic system of medicine or the withdrawal or suspension, after giving the institution concerned an opportunity of showing cause against the action proposed, of any such grant;

(12) to appoint such number of inspectors for the inspection of institutions teaching the Homoeopathic system of medicine as the Council may deem fit on such terms as the Council may, with the previous sanction of the State Government, determine;

(13) to receive grants, donations, gifts and endowments;

(14) to incur such expenditure, to adopt such measures and to do such acts as may be necessary for the furtherance of the objects mentioned in this section;

(15) to advise the State Government in the matter of research in Homoeopathic system of medicine;

(16) to perform such other functions as the State Government may direct or, on the recommendation of the Council, approve for carrying out the provisions of this Act.

**Registrar  
and staff**

19. (1) The Council shall, with the 'previous approval of the State Government, appoint a Registrar. The Registrar shall receive such salary and allowances as may be prescribed. The Council may from time to time grant him leave and may appoint a person to act in his place. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all purposes of this Act. *See amendment*

(2) The Council may, by order, suspend, punish, remove or dismiss the Registrar from office:

Provided that any such order of the Council shall be subject to appeal to the State Government

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<sup>1</sup>. The words within the square brackets were substituted for the words "certificates diplomas or degrees" by a 4(f) of the West Bengal Homoeopathic System of Medicine (Amendment) Act, 1985 (West Ben. Act. XXVII of 1985)

(Sections 20, 21.)

(3) The Council may appoint such other officers and servants <sup>employees.</sup> as it deems necessary:

Provided that the number and designation of such officers and servants <sup>employees.</sup> and their salaries and allowances shall be subject to the previous approval of the State Government.

(4) The Registrar shall act as the Secretary to the Council and the Executive Committee.

(5) The Registrar and all officers and employees appointed by the Council shall work under the direct control and supervision of the President or, in his absence, of the Vice-President.

**Registration of Homoeopathic practitioners**

20. (1) The Council shall maintain a Register of Homoeopathic practitioners in two Parts, A and B, in such form as may be prescribed.

(2) The Registrar shall from time to time make necessary entries in the Register in respect of the persons whose names are to be registered, their qualifications and their addresses and may also from time to time make such alterations or modifications as may be required in consequence of any orders passed by the Council or otherwise.

<sup>1</sup>(3) The Council shall inform the Central Council without delay of all additions to, and all other amendments in, the Register from time to time.

**Persons entitled to be registered**

21. (1) Every person who possesses any qualification mentioned in paragraphs 1, 2 or 3 of the Schedule shall, subject to the provisions of this Act, and on payment of such fee, as may be prescribed, be entitled to have his name entered in Part A of the Register.

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(3) Notwithstanding anything contained in sub-sections (1) and (2), every person, whose name has been registered by the General Council and State Faculty of Homoeopathic Medicine, West Bengal, shall be deemed to have been registered under the provisions of this Act and his name shall be entered in the Register. If such person possesses any qualification mentioned in paragraphs 1, 2 or 3 of the Schedule his name shall be entered in Part A of the Register <sup>3</sup> \*\*\*\*\*

<sup>4</sup>Provided that the rights and privileges, of the Homoeopathic practitioners, whose names had been registered in Part B of the Register before the coming into force of the West Bengal Homoeopathic System of Medicine (Amendment) Act, 1985 shall not be affected.

<sup>1</sup> Sub-section (3) was inserted by s. 5 of the West Bengal Homoeopathic System of Medicine (Amendment) Act, 1985 (West Ben. Act. XXVII of 1985)

<sup>2</sup> Sub-section (2) and the proviso thereof were omitted by s 6 (A) *ibid*.

<sup>3</sup> The words in any other case his name shall be entered in part B of the Register were omitted by s. 6(b) (i) *ibid*.

<sup>4</sup> The proviso was added by s 6 (b) (ii) *ibid*



**Power to amend the Schedule**

22. The State Government may, by order published in the *Official Gazette* add to, amend, or alter the Schedule.

**Information required of applicant for registration**

23. (1) Every person who desires to have his name entered in the Register shall submit to the Registrar an application in the prescribed form stating:-

- (a) particulars of his qualifications,
- (b) the period for which he has been in practice, and
- (c) his address which is to be his registered address.

(2) Every application shall be accompanied by the prescribed fee and such proof as may be available or necessary in support of the qualifications stated in the application.

**Power of the Council to refuse registration or to remove name from Register in certain cases.**

24. (1) The Council may, on being satisfied that a person is qualified for registration under section 21 and has paid the prescribed fee, direct that his name be entered in Part A or Part B of the Register, as the case may be, and the Registrar shall thereupon make necessary entries in the Register and grant him a certificate of registration,

(2) The Council may refuse to permit the registration, or direct the removal from the Register, the name of any person -

(a) who has been convicted of any offence involving moral turpitude; or

(b) who has been found guilty of infamous conduct in his professional capacity by a majority of at least two-thirds of the members of the Council after a due enquiry into his conduct at which he has had an opportunity of being heard in person or of being duly represented.

(3) Any refusal or removal under sub-section (2) may be rescinded if the conduct on the basis of which refusal or removal was directed is condoned for good and sufficient reasons,

**Retention**

25. (1) Every person whose name has been entered in the Register before the commencement of the West Bengal Homoeopathic System of Medicine (Second Amendment) Act, 1980 shall, for the retention of his name in the Register, pay to the Council such retention fee and within such period as may be prescribed.

(2) Where the retention fee is not paid within the prescribed period, the Registrar shall remove the name of the defaulter from the Register:

Provided that a name so removed may be restored to the Register on such conditions as may be prescribed.

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<sup>1</sup> Section 25 was substituted for the original section by s.2 of the West Bengal Homoeopathic System of Medicine (Second Amendment) Act, 1980 (West Ben. Act. XX of 1980)



(Sections 26-31.)

(3) On payment of the retention fee. the Registrar shall. in the prescribed manner, endorse the certificate of registration.

**Transfer of name  
from Part B to  
Part A of the  
Register**

26. (1) If any person whose name is entered in Part B of the Register obtains any qualification mentioned in paragraphs 1.2 or 3 of the Schedule he shall be entitled, on payment of such fee as may be prescribed. to have his name transferred from Part B to Part A of the Register.

(2) If any person whose name is entered in Part B of the Register has been a teacher in a Homoeopathic institution affiliated to the Council or a visiting physician in a hospital attached to such an institution from a date prior to the first day of January, 1961, or is, in the opinion of the Council, a Homoeopathic practitioner of special merit or eminence the Council may, with the approval of the State Government, transfer his name from Part B to Part A of the Register.

**Entry of  
additional  
qualification**

27. If any person whose name is entered in the Register obtains any qualification mentioned in the Schedule other than the qualification in respect of which he has been registered, he shall, on payment of such fee as may be prescribed, be entitled to have such qualification entered against his name in the Register either in substitution for or in addition to any entry previously made and the Registrar shall add to or amend the entry accordingly.

**Appeal to the  
Council from  
decision of the  
Registrar**

28. If any person is dissatisfied with any decision of the Registrar refusing to enter his qualification under section 27 in the Register, he may, at any time within three months from the date of such decision, appeal to the Council in the prescribed manner and the decision of the Council shall be final.

**Cancellation  
of fraudulent  
and incorrect  
entries**

29. Any entry in the Register, which is proved to the satisfaction of the Council to have been fraudulently or incorrectly made may be cancelled under an order in writing of the Council.

**Appeal to State  
Government  
from decision  
of the Council**

30. An appeal shall lie to the State Government against any decision or order of the Council refusing to enter a person's name in Part A or Part B of the Register or to transfer his name from Part B to Part A of the Register or removing his name from the Register, if filed within three months of the date of decision or order and the decision of the State Government shall be final.

**Notice of  
death and  
removal of  
name from  
Register**

31. The Council may on receipt of reliable information regarding the death of a person whose name is entered in the Register and on making such enquiry as it may think fit direct the removal of his name from the Register and thereupon the Registrar shall cancel the entry relating to such person.



**Penalty on unregistered person representing that he is registered**

32. If any person whose name is not entered in the Register falsely pretends that it is so entered or uses in connection with his name any words or letters representing that his name is so entered, he shall, whether any person is actually deceived by such representation or not be punishable on conviction by <sup>1</sup>[a Metropolitan Magistrate or a Judicial Magistrate of the first class, as the case may be, with imprisonment which may extend to one year or with fine which may extend to two thousand rupees].

**Penalty for failure to surrender certificate of registration**

33. (1) If any person whose name has been removed from the Register under sub-section (2) of section 24 or sub-section (2) of section 25, fails, without sufficient cause, forth - with to surrender his certificate of registration, he shall be punishable with fine which may extend to <sup>2</sup>[five hundred rupees).

(2) Cognizance of an offence punishable under this section shall not be taken except upon complaint made by an order of the Council.

**Prohibition of unauthorised conferment of degrees etc and penalty for such conferment**

34. (1) No person, association or institution other than the Council, <sup>3</sup>[or any University or any other statutory institution duly recognised by the State Government for the purpose] shall confer, grant or issue, or hold himself or itself out as entitled to confer, grant or issue, any degree, diploma, licence, certificate or any other document stating or implying that the holder, grantee or recipient thereof is qualified to practice the homoeopathic system of medicine.

(2) Any contravention of the provisions of sub-section (1) shall be punishable with imprisonment which may extend to <sup>4</sup>[two years] or with fine which may extend to <sup>5</sup>[two thousand rupees], or with both and if an association or institution is guilty of such contravention, every member thereof who knowingly or wilfully authorises or permits the contravention, shall be punishable with imprisonment which may extend to Two years or with fine which may extend to 5[two thousand rupees], or with both.”

<sup>1</sup> The words within the square brackets were substituted for the words beginning with a presidency Magistrate and ending with the words “to five hundred rupees” by s. 7 of West Bengal Homoeopathic System of Medicine (Amendment) Act, 1985 (West Ben. Act XXVII of 1985)

<sup>2</sup> The words within square brackets were substituted for the words “fifty rupees” by s 8 *ibid*.

<sup>3</sup> The words within the square brackets were inserted by s.9(a) *ibid*.

<sup>4</sup> The words within the square brackets were substituted for the words one year by s. 9 (b)(i) *ibid*.

<sup>5</sup> The words within the square brackets were substituted for the words “one thousand rupees” by s 9 (b) (ii) *ibid*



(Sections 35, 35A and 36,)

Penalty for improper assumption of Homoeopathic qualifications.

35. (I) No person shall use any letters or figures after his name indicating or implying that he possesses any degree, diploma, licence, or certificate as a Homoeopathic practitioner unless such degree, diploma, licence or certificate has been conferred by the Council <sup>1</sup>[or by any University or body established by the State Government under any law], or is recognised <sup>2</sup>[by the Council] with the approval of the State Government.

<sup>3</sup>(2) Whoever contravenes the provisions of sub-section (I) shall be punishable, on the first conviction, with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both and on subsequent conviction with imprisonment which may extend to two years or with fine which may extend to two thousand rupees or with both.

Prohibition of use of certain names and penalty for such use.

<sup>4</sup>35A. (I) No person, association or institution other than an institution established by or affiliated to, the Council shall use for any educational institution any name which resembles the name of an institution established by, or affiliated to, the Council or which contains the expression "Homoeopathic College" or "Homoeopathic Institution" or any abbreviation or variation of such expression in any language whatsoever.

(2) Any contravention of the provisions of sub-section (I) shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees, or with both; and if an association or institution is guilty of such contravention, every member thereof who knowingly or wilfully authorises or permits the contravention, shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees, or with both.

Publication and use of registration list.

36. (1) The Registrar shall, from time to time as occasion may require, on or before the date to be fixed in this behalf by the Council cause to be printed and published (provided that at least twelve months shall have elapsed from the date of the last publication) a correct list of the 'names for the time being entered in the Register under each of the two Parts, A and B, setting forth therein-

(a) names of all registered Homoeopathic practitioners arranged in alphabetical order according to surname;

(b) the registered address of each such person; and

(c) the registered qualifications of each such person and the date on which each qualification was obtained.

<sup>1</sup> The words within the square brackets were inserted by s. 10 (a) (i) of West Bengal Homoeopathic System of Medicine (Amendment) Act, 1985 (West Ben. Act XXVII of 1985)

<sup>2</sup> The words within the square brackets were substituted for the words by it by s. 10 (a) (ii) *ibid.*

<sup>3</sup> Sub - section (2) was substituted for the original section by s. 10(b) *ibid.*

<sup>4</sup> Section 35A was inserted by s. 11 *ibid.*



(Sections 36A, 37.)

(2) The Registrar shall, from time to time as occasion arises, cause to be printed and published a list supplementary thereto, containing additions and alterations in the Register since the publication of the list under sub-section (1) <sup>1</sup>[and shall forward a copy thereof to the State Government and to the Central Council].

(3) Every court shall presume that any person whose name is entered in the latest list printed and published under sub-section (1) read with the latest list supplementary thereto, if any, printed and published under sub-section (2) is duly registered under this Act, and that any person whose name is not so entered is not registered under this Act:

Provided that, in the case of any person whose name does not appear in the latest list printed and published under sub-section (1) read with the latest list supplementary thereto, if any, printed and published under sub-section (2), a certified copy, signed by the Registrar, of the entry of the name of such person in the Register, shall be evidence that such person is registered under this Act.

**Registration of registered Homoeopathic practitioners for election to the Council.**

<sup>2</sup>36A (1) Every registered Homoeopathic practitioner shall, for the purpose of election of members to the Council under clause (h) of sub-section (1) of section 5, register himself as a voter in the manner prescribed.

(2) The Council shall cause to be printed and published a list of all such voters in such manner as may be prescribed.

(3) The list as aforesaid shall be revised from time to time in such manner as may be prescribed.

(4) The list printed and published under sub-section (2) or revised from time to time under sub-section (3) shall be the valid list of voters for the purpose of election of members to the Council under clause (h) of sub-section (1) of section 5 .

**Certain privileges of registered Homoeopathic practitioners**

37. A registered Homoeopathic practitioner shall be entitled-

(a) to grant a death certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner or medical officer;

(b) to grant a medical or physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner or medical officer;

(c) to give evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872.

<sup>1</sup> The words within the square brackets were added by s. 12 of the West Bengal Homoeopathic System of Medicine (Amendment) Act, 1985 (West Ben. Act XXVII of 1985)

<sup>2</sup> Section 36A was inserted by s 4 of the West Bengal Homoeopathic System of Medicine (Amendment) Act, 1989 (West Ben. Act VI of 1989)



(Sections 38-42.)

Homoeopathic practitioners other than those registered under Part A of the Register not eligible for certain appointments.

38. Except with the special sanction of the State Government, no Homoeopathic practitioner other than a registered Homoeopathic practitioner whose name is entered in Part A of the Register shall be competent to hold any appointment as a physician, medical officer or teacher, in any Homoeopathic hospital, asylum, infirmary, dispensary or lying-in-hospital, which is supported wholly or partially by grants made by the State Government, the Council, or a local authority, or in any Homoeopathic educational institution which is so supported or which is affiliated under clause (I) of section 18:

Provided that a registered Homoeopathic practitioner whose name is entered in Part B of the Register shall be competent to hold any such appointment if he has held any such appointment from a date prior to the first day of January, 1961.

Council of manufacture storage and sale of Homoeopathic drugs

39. Subject to the provisions of any law for the time being in force relating to drugs and poisons, the State Government shall have the power to regulate and control the manufacture, storage or sale of Homoeopathic drugs and medicines by the grant of licences, to manufacturers, stockists and sellers, on such conditions and on payment of such fees as may be prescribed.

Bar of suit or other legal proceedings

40. No suit, prosecution or other legal proceedings shall lie in respect of any act or thing done or omitted to be done in the exercise or purported exercise of any power conferred by or under this Act on the State Government or the Council or the Executive Committee or any Committee appointed by the Council or on the Registrar.

Validation

41. No act or thing done by the Council, the Executive Committee or a Committee appointed by the Council shall be invalid merely on the ground of any vacancy in or defect in its composition.

Finance Audit and Budget.

42. (1) All fees payable and prescribed under this Act shall be paid to the Council. (2) An account of all assets and liabilities of the Council and of all fees, sums, grants, donations, gifts and endowments received by it and of all expenses and disbursements incurred or made by it shall be maintained in the prescribed manner.

(3) The account shall be audited annually in such manner and by such officer or authority as may be prescribed. A copy of the audit report shall be submitted to the State Government by the Council.

(4) The Council shall prepare in the prescribed manner a budget for any financial years showing the probable receipt and expenditure, which shall be submitted to the State Government for approval.



(Sections 43, 44.)

<sup>1</sup>(5) The State Government may, in case of contravention by the Council of any of the provisions of sub-sections (3) and (4), take such action against the Council as the State Government may decide,

**Rules**

43. (1) The State Government may from time to time make <sup>2</sup>rules for carrying 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:-

(i) the election of members of the Council, members of the Executive Committee and the Vice-President;

(ii) the functions to be performed by the President and the Vice-President;

(iii) the fees payable under this Act;

(iv) the expenses to be paid under section 17;

(v) the salary and allowances to be paid to the Registrar;

(vi) the conditions for the grant of licences under section 39;

(vii) the manner in which the account referred to in sub-section (2) of section 42 shall be maintained;

(viii) the procedure to be followed by the Council in-

(a) conducting an enquiry under clause (b) of sub-section (2) of section 24,

(b) disposing of appeals from the decision of the Registrar preferred under section 28;

(ix) any other matter which may be or is required to be prescribed under this Act.

**Regulations**

44. (1) The Council may, with the previous approval of the State Government, make regulations, not inconsistent with this Act or the rules made thereunder, for discharging its functions under this Act. <sup>5</sup>

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

(i) the conduct of business of the Executive Committee and of Committees appointed by the Council;

(ii) the time and place at which each meeting shall be held;

(iii) the issue of notices convening such meeting;

(iv) the conduct of business thereat;

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<sup>1</sup>. Sub-section (5) was inserted by s. 13 of the West Bengal Homoeopathic System of Medicine (Amendment) Act, 1985 (West Ben. Act, XXVII of 1985)

<sup>2</sup> For the West Bengal Homoeopathic System of Medicine Rules 1964 see notification No. medle 4/4392/3H-26/63 dated 21st July 1964 published in the Calcutta Gazette Extraordinarily dated 4<sup>th</sup> August 1964 Part I page 2413.

*(Sections 45, 46 and the Schedule.)*

(v) the conditions of appointment and service and the scales of pay and allowances of all the officers and servants appointed by the Council;

(vi) any matter for which power to make regulations is conferred expressly or by implication on the Council by this Act.

45. All rules and regulations shall be published in the Official Gazette.

Publication  
of rules and  
regulations

46. If, at any time, it appears to the State Government that the Council has failed to exercise or has exceeded or abused a power conferred upon it by or under this Act or has failed to perform a duty imposed upon it by this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, after giving the Council an opportunity of being heard, notify the particulars thereof to the Council and if the Council fails to remedy such failure, excess or abuse within such time as may be fixed by the State Government in this behalf, the State Government may dissolve the Council and cause all or any of the powers and duties of the Council to be exercised and performed by such agency and for such period as it may think fit.

Control over  
the Council  
by State  
Government

### THE SCHEDULE

*Qualifications enabling a person to have his name entered in the Register of Homoeopathic practitioners.*

*(See section 21.)*

1. Any degree or diploma or certificate conferred or granted on passing the final examination held by the General Council and State Faculty of Homoeopathic Medicine, West Bengal, <sup>1</sup>[the Council, any University or by any statutory institution recognised by the State Government.]

2. Any other <sup>2</sup>\*\*\*\* diploma or certificate conferred or granted by the Council which is declared by the Council with the approval of the State Government to be a sufficient qualification for registration as a Homoeopathic practitioner.

3. Any degree or diploma or certificate conferred or granted by any <sup>3</sup>[University] institution or authority within or outside the State:

<sup>1</sup> The words within the square brackets were substituted for the words "or by the Council" by s. 14(a) of the West Bengal Homoeopathic System of Medicine (Amendment) Act, 1985 (West Ben. XXVII of 1985)

<sup>2</sup> The words "degree or" were omitted by s. 14 (b) *ibid.*

<sup>3</sup> The word within the square brackets was inserted by s 14(c) (i), *ibid.*



**(The Schedule.)**

Provided that such degree or diploma or certificate has been recognised by the General Council and State Faculty of Homoeopathic Medicine, West Bengal, or is recognised by the Council, with the approval of the State Government <sup>1</sup>[or by the Central Council), as a sufficient qualification for registration as a Homoeopathic practitioner.

2.\*\*\*\*\*

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<sup>1</sup> The words within the square brackets were inserted by s. 14 (c) (ii) of the West Bengal Homoeopathic System of Medicine (Amendment) Act, 1985 (West Ben. XXVII of 1985)

<sup>2</sup> Paragraphs 4 and 5 were omitted by s. 14 (d) *ibid.*

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The  
Kolkata Gazette  
सत्यमेव जयते  
Extraordinary  
Published by Authority

ASADHA 5]

WEDNESDAY, JUNE 26, 2002

[SAKA 1924

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

COUNCIL OF HOMOEOPATHIC MEDICINE, WEST BENGAL

9/1B, Mahatma Gandhi Road, Kolkata-700 009

NOTIFICATION

No. HC/102/154/2000, 12.2.2000.—The following regulations made by the Council of Homoeopathic Medicine, West Bengal, in exercise of the power conferred by section 44 of the West Bengal Homoeopathic System of Medicine Act, 1963 (West Ben. Act XXXIII of 1963), the Council, with the previous approval of the State Government, hereby makes the following amendments in the West Bengal Homoeopathic System of Medicine (Conduct of Business of Council, Executive Committee and Special Committee) Regulation, 1970 (hereinafter referred to as the said regulation):—

Amendments

In the said regulations, in regulation 38,—

- (1) in sub-regulation (1), for the words and figure "All cash transaction shall be made up to 2 P.M. on any working day.", substitute the words and figure "All cash transaction shall be made up to 4 P.M. on any working day.";
- (2) for sub-regulation (2), substitute the following sub-regulation:—

"(2) In addition to the holidays and half-holidays declared by the State Government from time to time for their offices, the Council shall observe holidays on the 10th of April of each year, which is the birthday of Dr. Hahnemann and on the 1st of August of each year, which is the foundation day of the Council.";
- (3) for sub-regulation (6), substitute the following sub-regulation:—

"(6) The Pay; allowances; other benefits and conditions of services of the staff of the Council shall be at par with those laid down by the State Government for the identical categories of State Government employees and their services shall be regulated by the West Bengal Service Rules.".

DR. OMAR ALI,  
President, Council of Homoeopathic  
Medicine, West Bengal.



*The West Bengal Homoeopathic System of Medicine (Amendment) Act, 2002.**(Section 8.)*Amendment of  
section 34.

8. In section 34 of the principal Act, for sub-section (2), the following sub-section shall be substituted:—

“(2) Any contravention of the provisions of sub-section (1) shall be punishable with imprisonment which may extend to two years or with fine which may extend to two thousand rupees, or with both; and if an association or institution is guilty of such contravention, it shall be a cognizable offence, and every member thereof who knowingly or wilfully authorises or permits the contravention, shall be punishable with imprisonment which may extend to two years or with fine which may extend to fifty thousand rupees or with both.”.

By order of the Governor,

U.P.GANGULY,  
*Secy.-in-charge to the Govt. of West Bengal,  
Law Department.*



The  
Kolkata Gazette



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Extraordinary  
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ASADHA 11]

TUESDAY, JULY 2, 2002

[SAKA 1924

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL  
DEPARTMENT OF HEALTH AND FAMILY WELFARE  
ISM&H Branch

No. HF/O/ISMH/513/3H-10/2001(Pt.-I)

Kolkata, the 14th June, 2002.

NOTIFICATION

In exercise of the power conferred by section 43 of the West Bengal Homoeopathic System of Medicine Act, 1963 (West Ben. Act XXXIII of 1963), the Governor is pleased hereby to make the following amendments in the West Bengal Homoeopathic System of Medicine Rules, 1964 (hereinafter referred to as the said rules):—

Amendments

in the said rules,—

- (1) in rule 3, in sub-rule (1), for the words 'three persons', substitute the words 'not more than three persons';
- (2) in rule 7,—
  - (a) in sub-rule (1)—
    - (i) in item (i), for the words and figures 'Rs. 16', substitute the words and figures 'Rs. 250';
    - (ii) in item (ii), for the words and figures 'Rs. 8', substitute the words and figures 'Rs. 150';
  - (b) in sub-rule (2), for the words 'Government Servants', substitute the words 'Government employees';
- (3) in rule 9, for sub-rule (1), substitute the following sub-rule:—

"(1) The Registrar of the Council shall draw pay in the time scale of Rs. 8000-275-13500 plus all other allowances as admissible to State Government employees";
- (4) in rule 12, in sub-rule (1), for the words 'a fee of five rupees', substitute the words 'a fee of rupees one thousand';
- (5) in rule 14, in sub-rule (3), for the words 'a fee of ten rupees', substitute the words 'a fee of one hundred rupees';
- (6) in rule 19,—
  - (a) in sub-rule (1), for the words 'signed by the Registrar and counter signed by the President or the Vice-President', substitute the words 'jointly signed by the Accountant and the Registrar of the Council';
  - (b) in sub-rule (2), for the words 'three hundred rupees', substitute the words 'one thousand rupees';
  - (c) in sub-rule (4), for the words 'twenty rupees', wherever occur, substitute the words 'five hundred rupees at a time';
  - (d) in sub-rule (6), for the words 'twenty rupees', occurring in two places, substitute the words 'five hundred rupees';



- (7) in rule 20,—
- (a) in rule (1), *omit* the words 'with the approval of the State Government';
  - (b) in sub-rule (3), for the words 'The President, Vice-President or the Registrar', *substitute* the words 'The Registrar';
- (8) in rule 21, in sub-rule (2), for the words 'such grant as the State Government may allot and all fees received from registration and other sources', *substitute* the words 'such recurring grant as the State Government shall allot'.

By order of the Governor,  
ASIM KUMAR BARMAN,  
*Secretary to the Govt. of the West Bengal.*

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**Kolkata** **Gazette**  
*Extraordinary*  
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THURSDAY, FEBRUARY 19, 2004

[SAKA 1925

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 294-L.—19th February, 2004. —The following Act of the West Bengal Legislature, having been assented to by the President of India, is hereby published for general information :—

**West Bengal Act XXXVII of 2002**

THE WEST BENGAL HOMOEOPATHIC SYSTEM OF MEDICINE  
(AMENDMENT) ACT, 2002.

*[Passed by the West Bengal Legislature.]*

*[Assent of the President of India was first published in the Kolkata Gazette, Extraordinary, of the 19th February, 2004.]*

*An Act to amend the West Bengal Homoeopathic System of Medicine Act, 1963.*

WHEREAS it is expedient to amend the West Bengal Homoeopathic System of Medicine Act, 1963, for the purposes and in the manner hereinafter appearing; West Ben. Act XXXIII of 1963

It is hereby enacted in the Fifty-third Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and commencement.

1. (1) This Act may be called the West Bengal Homoeopathic System of Medicine (Amendment) Act, 2002.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 5 of West Ben. Act XXXIII of 1963.

2. In section 5 of the West Bengal Homoeopathic System of Medicine Act, 1963 (hereinafter referred to as the principal Act), in sub-section (1), for clause (a), the following clause shall be substituted:—

“(a) a President is to be nominated by the State Government:

Provided that on the expiry of the first two terms of office of the President as specified in sub-section (1) of section 13, the State Government shall nominate a President from amongst three persons recommended by the newly elected members of the Council, in such manner as may be prescribed.”



*The West Bengal Homoeopathic System of Medicine (Amendment) Act, 2002.**(Sections 3-7.)*Amendment of  
section 11.

3. In section 11 of the principal Act,—

- (1) in sub-section (1), for the words “four years”, the words “five years” shall be substituted;
- (2) in sub-section (2), for the words “four years”, in the two places wherever they occur, the words “five years” shall be substituted.

Amendment of  
section 15A.

4. In section 15A of the principal Act,—

- (1) in sub-section (1),—
  - (a) in clause (a), for the words “four years”, the words “five years” shall be substituted;
  - (b) for the words “not more than seven members”, the words “not more than nine members” shall be substituted.
- (2) in sub-section (9), for the words “within a period of six months”, the words “within a period of twelve months” shall be substituted;
- (3) sub-section (10) shall be omitted.

Amendment of  
section 18.

5. In section 18 of the principal Act,—

- (1) after clause (3), the following clause shall be inserted :—  
“(4) to provide by regulations courses of study for different examinations held by the Council;”;
- (2) after clause (7), the following clause shall be inserted :—  
“(8) to confer honorary degrees on Homoeopathic practitioners of extraordinary merit;”;
- (3) in clause (9), for the words “certificates or diplomas”, the words “certificates, diplomas, degrees or licences” shall be substituted.

Amendment of  
section 19.

6. In section 19 of the principal Act,—

- (1) in sub-section (1), for the words “The Council shall, with the previous approval of the State Government, appoint a Registrar. The Registrar shall receive such salary and allowances as may be prescribed.”, the words “The Council shall, with the previous approval of the State Government, appoint a Registrar who shall receive salary and allowances at par with the identical categories of employees of the State Government” shall be substituted;
- (2) in sub-section (3), for the word “servants”, in the two places wherever it occurs, the word “employees” shall be substituted;
- (3) in sub-section (5), for the word “servants”, the word “employees” shall be substituted.

Amendment of  
section 32.

7. In section 32 of the principal Act, for the words “which may extend to one year or with fine which may extend to two thousand rupees”, the words “which may extend to two years or with fine which may extend to twenty thousand rupees or with both” shall be substituted.

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FRIDAY, APRIL 1, 2011

1931

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Department of Health & Family Welfare

AYUSH Branch

Swasthya Bhawan,

GN - 29, Sector - V, Salt Lake City, Kolkata-700 091.

No. HF/N/ISMH/161/3H-159/2003

Kolkata, the 1st March, 2011.

NOTIFICATION

In exercise of the power conferred by Section 3 read with Sub-Section (1) of Section 5 of the West Bengal Homoeopathic System of Medicine Act, 1963 (West Bengal Act XXXIII of 1963) subsequently amended in 1989, the Governor is hereby pleased to constitute the Council of Homoeopathic Medicine, West Bengal and to publish the names of the following persons as members of the Council :—

Under Section 5(1)(a) :—

Dr. Mahendra Singh

— President

Under Section 5(1)(b) :—

Dr. Bishnupada Saha

Dr. Subrata Nag

Dr. Junal Dey

Dr. Alin Kr. Neogi

Dr. Subodh Kr. De

Under Section 5(1)(c) :—

To be announced later on



Under Section 5(1)(d) :-

Dr. Ananda Mohan Jana

Under Section 5(1)(e) :-

Dr. Amitava Biswas

Under Section 5(1)(f) :-

To be announced later on

Under Section 5(1)(g) :-

Dr. Shyamal Kumar Mukherjee

Under Section 5(1)(h) :-

Dr. Arabinda Bhattacharya

Dr. Tridib Kumar Ghosh

Dr. Nitish Kumar Kisku

Dr. Shashanka Sekhar Paul

Dr. Sunil Sardar

Dr. Partha Sarkar

Dr. Sahidul Islam

Dr. Ashoke Kumar Banerjee

By order of the Governor,

SUKUMAR GANAI,

*Joint Secretary to the Government of West Bengal.*

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FRIDAY, AUGUST 26, 2011

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**GOVERNMENT OF WEST BENGAL**

Department of Health & Family Welfare  
AYUSH Branch

Swasthya Bhawan, GN-29, Sector-V, Salt Lake, Kolkata-700 091

No. HF/N/AYUSH/604/3H-159/03(Pt.-I).

Kolkata, the 18th August, 2011.

**NOTIFICATION**

In exercise of the power conferred by Section 3 read with Sub-Section (1) of Section 5 of the West Bengal Homoeopathic System of Medicine Act, 1963 (West Bengal Act XXXIII of 1963) subsequently amended in 1989, the Governor is hereby pleased to constitute the Council of Homoeopathic Medicine, West Bengal and to publish the names of the following persons as members of the Council :—

Under Section 5(1)(a):—

Dr. Chitta Ranjan Jana — President.

Under Section 5(1)(b):—

Dr. Hari Das Jaiswal

Dr. Rakesh Singh

Dr. Soumitra Basu

Dr. Tapas Kumar Dutta

Dr. Sanjoy Kumar Das

Under Section 5(1)(c):—

To be announced later on.

Under Section 5(1)(d):—

Dr. Asok Kumar Das

Under Section 5(1)(e):—

Dr. Tapan Kumar Chatterjee



Under Section 5(1)(f):—

Dr. Omar Ali

Under Section 5(1)(g):—

Dr. Shyamal Kumar Mukherjee

Under Section 5(1)(h):—

Dr. Arabinda Bhattacharya

Dr. Tridib Kumar Ghosh

Dr. Nitish Kumar Kisku

Dr. Shashanka Sekhar Paul

Dr. Sunil Sardar

Dr. Partha Sarkar

Dr. Sahidul Islam

Dr. Ashoke Kumar Banerjee

This order will take immediate effect and continue until further order. The Committee constituted vide Notification No.HF/N/ISMH/161/3H-159/2003 dated 01.03.2011 hereby stands dissolved.

By order of the Governor,

SUKUMAR GANAI,  
*Additional Secretary to the Government of West Bengal.*

# GOVERNMENT OF WEST BENGAL

## DEPARTMENT OF HEALTH

### Medical

#### NOTIFICATION

No. Medi/4392/3H-26/63.—21st July 1964.—In exercise of the power conferred by section 43 of the West Bengal Homoeopathic System of Medicine Act, 1963 (West Bengal Act XXXIII of 1963), the Governor is pleased hereby to make the following rules, namely :—

#### THE WEST BENGAL HOMOEOPATHIC SYSTEM OF MEDICINE RULES, 1964

1. **Short title.**—These rules may be called the West Bengal Homoeopathic System of Medicine Rules, 1964.

2. **Definitions.** In these rules unless there is anything repugnant in the subject or context,—

- (a) "the Act" means the West Bengal Homoeopathic System of Medicine Act, 1963 (West Bengal Act XXXIII of 1963) ;
- (b) "Committee" means the Executive Committee constituted under section 15 ;
- (c) "Form" means a form appended to these rules ;
- (d) "Schedule" means the Schedule to the Act ;
- (e) "Section" means a section of the Act ;
- (f) "State Government" means the Government of West Bengal ;
- (g) "Year" means a year reckoned according to British Calendar.

#### Recommendation of names for nomination of President

[Proviso to clause (a) of sub-section (1) of section 5.]

3. (1) Within a period of thirty days from the date of publication of the names of the members in the official gazette under section 8, the President shall convene the first meeting of the Council for the purpose of recommen-



not more than  
three persons (XXii)

ding the names of ~~three persons~~ to the State Government for the nomination of the President. The President shall cause a notice of the meeting to be served on each member specifying the date, time and purpose of the meeting.

(2) The President shall invite the members present at the meeting to propose the names of three persons for recommendation to the State Government for nomination of a President in such manner as he may consider fit. Every name proposed by a member shall be seconded by another member present at the meeting; provided that no member shall propose or second more than three names.

(3) Where names of three persons only are duly proposed and seconded, all such names shall be recommended to the State Government for nomination of the President.

(4) Where names of more than three persons are duly proposed and seconded, the President shall proceed to take a ballot in the following manner, namely :—

(i) a voting paper with names of persons proposed and seconded shall be given to every member present who shall put cross marks against the names of not more than three persons he votes for, fold the paper and hand it over to the President ;

(ii) the President shall then count the number of votes secured by each person and select the names of three persons securing the largest number of votes for recommendation to the State Government;

(iii) if after the counting of the votes it appears that there is an equality of votes among two or more persons proposed and seconded and if the addition of one vote entitles one or more of such persons to be selected for recommendation to the State Government, the determination of the person or persons to whom such an additional vote is to be given shall be made by lot to be drawn in the presence of the President and in such manner as he may determine ;

(iv) the names of the three persons so selected shall thereupon be recommended to the State Government for nomination of the President.

(5) Where names of less than three persons are duly proposed and seconded, all such names shall be rejected and the President shall proceed *de novo* under this rule,

**Election of Vice-President**

[Sub-section (1) of section 14]

4. (1) The election of the Vice-President shall be held at a meeting of the Council to be convened by the president within thirty days from the date of publication of the names of the members in the official gazette under section 8 and the President shall Preside at the meeting. The President shall cause a notice of the meeting to be served on each member specifying the date, time and purpose of the meeting.

(2) The President shall invite the members present at the meeting to propose in such manner as the President considers fit the names of members for election as Vice-President. Every name proposed shall be seconded by another member present at the meeting provided that no member shall propose or second more than one name.

(3) If the name of only one member be proposed and seconded, he shall be declared to be duly elected as Vice-President.

(4) If the names of more than one member be duly proposed and seconded, the President shall proceed to take votes by show of hands or by ballot as the President considers fit : provided that if any member so demands, votes shall be taken by ballot.

(5) The President shall determine the method of taking votes by ballot.

(6) The result of a ballot shall be announced by the President.

(7) In the event of any equality of votes among two or more candidates, the President shall have a casting vote.

**Appointment of person by State Government to convene meeting referred to in rule 3 or rule 4**

5. If the President fails to convene a meeting referred to in rule 3 or rule 4 within the time specified therefor, the State Government may appoint a person to convene such meeting. Such person shall act as the Chairman of such meeting and perform in relation to such meeting, the functions of the President as laid down in rule 3 or rule 4, as the case may be.

**Election of members of the Executive Committee**

[Sub-section (2) of section 15]

6. (1) Within fifteen days from the date of election of the Vice-President



the President or in his absence, the Vice-President shall convene a meeting for the election of the members of the Executive Committee. The notice of the meeting shall be served on each member, the date, time and purpose of the meeting being specified therein.

(2) The President or in his absence, the Vice-President shall act as the Chairman of the meeting. The Chairman shall invite the members present at the meeting to propose the names of five members for election to the Executive Committee in such manner as he may consider fit. Every name proposed by a member shall be seconded by another member present at the meeting provided that no member shall propose or second more than five names.

(3) Where names of five persons only are duly proposed and seconded, they shall be declared to be duly elected members of the Executive Committee.

(4) When names of more than five persons are duly proposed and seconded the Chairman shall proceed to take votes by show of hands or by ballot as he considers fit: provided that if any member so demands votes shall be taken by ballot.

(5) The Chairman shall determine the method of taking votes by ballot.

(6) The result of a ballot shall be announced by the Chairman.

(7) In the event of any equality of votes among two or more candidates, the Chairman shall have a casting vote.

### Fees for attending meetings and travelling expenses

[Section 17]

7. (1) Fees payable to the President, Vice-President, members and other persons for attending meetings referred to in section 17 shall be at the following rates, namely :—

- (i) for attending a meeting of the Council—Rs. ~~46.~~ 250
- (ii) for attending a meeting of the Executive Committee or any other committee—Rs. ~~8.~~ 150

(2) Travelling allowances payable to members for attending meetings of the Council or of the Executive Committee or of any other Committee and for journeys undertaken in the discharge of duties under the Act shall be at the rates admissible to Government servants. For the purposes of this rule non-official members shall be treated as officers of the first grade.

*employers*

## Functions of President and Vice-President

[Clause (ii) of sub-section (2) of section 43]

8. (1) The president shall perform such functions as are required to be done by the President under the provisions of the Act, and the rules and regulations made thereunder including those delegated to the President by the Council.

(2) The Vice-President shall perform such functions as are required to be done by the Vice-President under the provisions of the Act, and the rules and regulations made thereunder and such other functions as may be delegated to him by the Council or the President.

## Pay of the Registrar ✓

[Sub-section (1) of section 19]

9. (1) The Registrar of the Council shall draw pay, inclusive of all allowances, in the time scale of Rs. 400-25-450-50-600-

₹ 800 — 13500 ✓

(2) If a Government servant is appointed as Registrar, he shall, in addition to his own pay and allowances, draw a special pay equivalent to one-fifth of the pay drawn by him at the time of deputation and shall be entitled to pension and gratuity according to the existing rules of the State Government. His leave and leave salary shall be regulated by the West Bengal Service Rules.

## Maintenance of Register, and fees payable for registration, entry of additional qualification, change of name, duplicate certificate etc.

10. (1) The Register of Homœopathic practitioners shall be maintained in two parts, A and B. Part A of the Register shall be maintained in Form I and Part B of the same shall be maintained in Form II.

(2) The Registrar shall enter in the Register the name of every person who is registered under the Act, together with his address or place of service and qualifications, with the date on which each qualification was acquired. The names shall be entered in the Register in the order in which applications for registration are admitted and sufficient space shall be left for future additions and alterations in qualifications and address in respect of each name entered.



(3) The Registrar shall verify each page of the Register and shall put his signature thereon.

(4) The fee for entering the name of a Homœopathic practitioner in the Register shall be twenty rupees. A fee of five rupees shall be paid by such practitioner for subsequent entry of any additional qualification.

(5) A fee of five rupees shall be paid for registering a change of name in the Register. No fee shall be payable for alteration of any address.

(6) Every person whose name has been entered in Part A of the Register shall receive from the Registrar a certificate of registration in Form III-A, and every person whose name has been entered in Part B of the Register shall receive a certificate of registration in Form III-B. Such certificate shall state the full name of the person registered, his address, the date of registration and the qualification in respect of which he has been registered. All changes including additions made in the Register under this rule shall be entered in the certificate of registration and authenticated by the Registrar.

(7) The Registrar shall enter in the Register the names of all persons who are entitled to have their names registered in terms of sub-section (3) of section 21 and shall, on application made in writing, issue to them certificates in Form III-A or Form III-B, as the case may be, in lieu of the certificates of registration granted by the General Council and State Faculty of Homœopathic Medicine, West Bengal.

(8) If a certificate of registration is lost, destroyed, damaged or mutilated an application for issue of a duplicate certificate may be made to the Registrar on payment of a fee of five rupees. The original certificate, where it exists, shall be produced before the Registrar. After verification of necessary particulars, the Registrar shall issue a duplicate certificate.

11. (1) Every person intending to have his name entered in the Register in terms of the proviso to sub-section (2) of section 21 read with paragraph 4 of the Schedule shall submit to the Registrar an application in Form IV-A along with two certificates (in Form IV-B), one from a registered Homœopathic practitioner of at least ten years' practice and the other from any of the following persons, namely :—

- (i) a gazetted officer of the Central or any State Government,
- (ii) the Chairman of the Municipality or the District Board within the jurisdiction of which the applicant ordinarily resides, and

) a member of Parliament or of the State Legislature.

2) Every person who is entitled to have his name entered in the in terms of section 21 read with paragraphs 1, 2, 3 and 5 of the shall submit to the Registrar along with a fee of fifteen rupees an on in Form IV-C together with certificates of qualifications in

(3) Every application for registration received by the Registrar shall be considered by him together with his opinion before the meeting of the Council and after receipt of such application, for such direction as the Council may give.

(4) The Registrar shall take such action on the application as the Council may direct and shall return the certificates of qualifications in original, with the certificate of registration, if registration has been allowed, to the applicant concerned within fifteen days from the date of the meeting. The certificates shall be returned to the applicant under registered post and the receipt of acknowledgement shall be kept by the Registrar as an official document for future reference, if necessary.

12. 12. (1) A person who is entitled to have his name transferred from Part A of the Register shall submit to the Registrar an application in Form IV-D along with a fee of ~~five~~ rupees: 1000

(2) On receipt of every such application the Registrar shall proceed in accordance with sub-rules (3) and (4) of rule 11, so far as they are applicable, and the name, if allowed, shall be entered in Part A of the Register under a new entry keeping necessary note in the remarks column against the corresponding entry in Part B of the Register.

(3) A new certificate of Registration in Form III-A shall be issued by the Registrar to the transferee in lieu of the certificate granted in Form III-B.

### Renewal fees

[Section 25]

13. (1) A fee of twenty-five rupees shall be paid for every renewal of registration.

(2) Registration made at any time during a year shall remain valid for one year inclusive of the year of registration :

Provided that the registration made in terms of sub-section (3) of



section 21 shall remain valid for five years inclusive of the year in which the Act is brought into force.

(3) Not less than ninety days before the expiry of the period of validity of registration under sub-rule (2), a person whose name has been entered in the Register shall apply in writing to the Registrar for renewal of registration under section 25.

Every such application shall be accompanied by the renewal fee and the certificate of registration.

(4) The fact of renewal shall be endorsed on the reverse of the certificate of registration. Every such endorsement shall be attested by the Registrar with his signature under his official seal.

### Removal of name from Register for default and restoration of name

14. (1) The Registrar shall, in case of—

(a) removal of the name of a person from the Register under subsection (2) of section 24 or

(b) cancellation of any entry in the Register under section 29, send notice of such removal or of such cancellation, as the case may be, to the person concerned by a registered letter addressed to his registered address and shall keep the acknowledgement receipt thereof.

(2) A person whose name has been removed from the Register may, within sixty days from the date of receipt of the letter, apply to the Registrar for restoration of his name. He shall in his application, state reasons for non-payment of renewal fee within the specified period.

(3) A fee of <sup>1000</sup>ten rupees shall be paid for such restoration.

(4) The Council may, if satisfied with such reasons, order restoration of the name of such person in the Register.

(5) The name of such person shall thereupon be restored to the Register.

**Procedure to be followed in conducting an enquiry referred to in clause (b) of sub-section (2) of section 24.**

15. (1) Whenever information is received that a Homœopathic 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 a professional capacity, the Registrar shall make an abstract of such information and of such further information as he may subsequently obtain.

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

(3) Every such declaration must give the description and the place of residence 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 grounds for the belief of the declarant in its truth must be accurately and fully stated.

(4) The abstract and all other documents bearing on the case together with any complaint that may have been lodged shall be submitted by the Registrar to the President, who shall, if he thinks fit, instruct the Registrar to ask the Homœopathic practitioner concerned by means of a registered letter for an explanation within a time to be fixed by the President. After the expiry of such time the documents with the explanation, if any, shall be referred for consideration to a Penal Cases Committee which shall be appointed by the Council. The Committee shall have power to cause further investigation to be made and further evidence to be taken and, if necessary, obtain legal or other advice.

Penal Cases Committee

(5) The Committee shall report to the Council, and if on such report the Council considers that the case is one in which an inquiry ought to be held by the Council, the President shall direct the Registrar to take steps for the institution of an inquiry and for having the case heard and determined by the Council.

(6) The inquiry shall be commenced by the issue of a notice in writing by the Registrar on behalf of the Council, addressed to the Homœopathic Practitioner concerned. The notice shall specify the nature and



particulars of the charge and the date on which the Council intends to inquire into the charge, and shall call upon the practitioner concerned to give a written answer to the charge by that date and also to attend the meeting of the Council on that date.

(7) The notice referred to in sub-rule (6) shall be in Form V, with such variations as circumstances may require. It shall be sent at least twenty-one days before the date of the inquiry, and shall be accompanied by a copy of section 24, and of the relevant rules to regulate the procedure for conducting any inquiry referred to in that section. A copy of the notice shall at the same time be sent to the complainant, if any.

(8) In every case in which the Council resolves that an inquiry shall be instituted and a notice for an inquiry is issued accordingly, the complainant (if any) or the Homœopathic practitioner charged shall, upon request in writing for that purpose signed by him or his legal representative, be entitled to be supplied by the Registrar with a copy of any declaration, explanation, answer or other documents given or sent to the Council by or on behalf of the other party, which may on proper proof be used at the hearing as evidence in support of or in answer to the charge specified in the notice of inquiry.

(9) Any application made by the Homœopathic practitioner proceeded against between the date of issue of the notice to him and the day fixed for the hearing of the charge shall be dealt with by the President in such manner as he shall think fit.

(10) All material documents which are to be laid before the Council as evidence in regard to the case shall be printed, or cyclostyled and a copy shall be furnished to each member of the Council before the hearing of the case.

(11) At the hearing of the case by the Council, the complainant or the practitioner proceeded against may be represented or assisted by a legal representative.

(12) Where a complainant appears personally or by a legal representative the order of procedure shall be as follows :—

- (i) The Registrar will read to the Council the notice of the inquiry addressed to the Homœopathic practitioner concerned.
- (ii) The complainant will then be invited to state his case himself or by his legal representative and to produce his evidence in

support of his allegations. At the conclusion of the complainant's evidence his case will be closed.

- (iii) The Homœopathic practitioner concerned will then be invited to state his defence himself or by his legal representative and to produce his evidence in support of it. He may address the Council either before or at the conclusion of his evidence, but only once.
- (iv) At the conclusion of the case of the Homœopathic practitioner concerned the Council will, if the said practitioner has produced evidence, hear the complainant in reply on the case generally, but will hear no further evidence except in a special case in which the Council may think it right to receive such further evidence. If the said practitioner produces no evidence, the complainant will not be heard in reply, except by special leave of the Council.
- (v) Where a witness is produced by any party before the Council, he will be first examined by the party producing him, and then cross-examined by opposite party and then re-examined by the party producing him. The Council may decline to admit in evidence any declaration where the declarant is not present for or declines to submit to, cross-examination.
- (vi) The Chairman of the meeting may put questions to any witness and members of the Council, through the Chairman, may also put questions to any witness.

(13) Where there is no complainant, or no complainant appears, the procedure shall be as follows :—

- (i) The Registrar will read to the Council the notice of inquiry addressed to the Homœopathic practitioner proceeded against and will state the facts of the case and produce before the Council the evidence by which it is supported.
- (ii) The said practitioner will then be invited to state his case himself or by his legal representative, and to produce his evidence in support of it. He may address the Council either before or at the conclusion of his evidence, but only once.

16. (1) Upon the conclusion of the hearing of the case in the manner as laid down in rule 15 the Council will deliberate thereon in private, and at



the conclusion of such deliberations the Chairman shall call upon the Council to vote on the question whether the Homœopathic practitioner charged is guilty of infamous conduct in a professional capacity.

(2) If the Council, by a majority of two-thirds of the members present and voting at the meeting find the Homœopathic practitioner concerned guilty of infamous conduct in a professional capacity, the Council shall direct the Registrar not to register his name, if he be an applicant for registration, or to remove his name from the Register if he is already a registered Homœopathic practitioner.

17. When the registration of the name of any Homœopathic practitioner is refused, or when the name of any registered Homœopathic practitioner is removed from the Register in accordance with the provisions of the preceding rules, the Registrar shall forthwith send notice of such refusal or removal to the practitioner, 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 said practitioner received his qualification or qualifications, and shall request it or them not to admit him without previous reference to the Council to any examination for any new qualification which is registrable in the Register. If a name is removed from the Register, the Registrar shall issue a notification in the "Calcutta Gazette" announcing the removal.

### Disposal of appeals

[Section 28]

18. (1) An appeal to the Council preferred under section 28, against a refusal of the Registrar to register any qualification of any person whose name is entered in the Register shall be in writing and shall state the particular qualification in respect of which registration is being claimed and the date on which and the authority from which it was 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, or any other relevant document from the appellant for inspection and also such other evidence as may be considered necessary by it.

(4) At the conclusion of its inquiry, the Committee shall make a report to the Council embodying such recommendations as it shall think fit to make, with the reasons for the recommendations.

(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 its next meeting.

(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 chooses, to represent his case before the Council, either by himself or by his legal representative.

### Accounts

19. (1) An account shall be opened with the State Bank of India in Calcutta in the name of the Council and such account shall be operated upon by cheque or payment orders signed by the Registrar and countersigned by the President or the Vice-President, if so authorised by the President in writing for acting in his absence. Cheques drawn in favour of the Council shall be endorsed by the President, the Vice-President or the Registrar.

Accountant  
- Registrar

(2) The Registrar shall receive all moneys payable to the Council. He may at any time retain in his hand a sum not exceeding three hundred rupees to meet different items of current expenditure. The balance shall be lodged in the Bank to the credit of the Council.

1000,

(3) The Registrar shall immediately bring into account in the general cash book all moneys received or spent by the Council.

(4) The Registrar may purchase any one article not exceeding twenty rupees in value. No expenditure exceeding twenty rupees shall be incurred and no article the value of which exceeds twenty rupees shall be purchased by the Registrar without the previous sanction of the President.

500

(5) The Registrar shall in the month of July each year prepare a statement of the income and the expenditure of the preceding financial year and shall place it before the Council.

(6) A bill or any 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 twenty rupees he shall pay it. If the claim be for a sum exceeding twenty rupees payment shall not be made until it has been examined and passed by the President.

(7) Any money received by the Council in advance towards payment of fees shall, if not claimed by the person entitled thereto within a period of three years, be credited at the end of the period to the account of the Council.



(8) The annual accounts shall be prepared by the Registrar under the direction of the President.

### Audit

20. (1) The accounts of the Council shall be audited annually as soon as possible after the close of the financial year by a registered firm of auditors to be appointed by the Council with the approval of the State Government. *omitted*

(2) In auditing the accounts the auditors shall see that the accounts have been kept and presented in proper proforma, that the particular items of receipts and expenditure are stated in sufficient details, that the payments are supported by adequate vouchers and authority, that all sums recovered or which ought to have been recovered are brought into account and that receipts and expenditure are such as are authorised by the Act or the rules or regulations made thereunder. They shall also ascertain the unpaid liabilities of the Council and also whether these can be met out of the funds of the Council when falling due.

(3) The ~~President, Vice-President or the Registrar~~ <sup>*omitted*</sup> shall, at the time of audit, cause to be produced all accounts, registers, documents and subsidiary papers which may be required by the auditors for the purpose. He shall also produce the cash balance and the balance of the Imprest before the auditors for verification.

(4) The President shall on receipt of the report of audit from the auditors forward a copy thereof to the State Government. He shall place the report at the next meeting of the Council for consideration and decision as to the action to be taken to remedy the defects and irregularities, if any, pointed out in the report. A copy of the resolution adopted by the Council to remedy the defects and irregularities pointed out by the auditors in their report shall also be forwarded to the State Government by the President.

### Budget

21. (1) In the month of September in each year and not later than the fifteenth of the month an estimate of the revenue and of the expenditure of the Council for the year commencing on the 1st April next ensuing shall be prepared by the Registrar and laid before the Council.

(2) Such estimate shall make provision for the fulfilment of the liabilities of the Council and for effectually carrying out its objects. It shall include on its revenue side, besides all revenue ordinarily anticipated, such grant as the State Government may allot and all fees received from registration and other sources.

(3) The Council shall consider the estimate so submitted to it and shall forward the same to Government for approval with such modifications as the Council may deem fit by the fifteenth of December.

(4) The Council may by the fifteenth of October of the year for which an estimate has been sanctioned cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimate shall be considered by the Council in the same manner as if it were an original annual estimate and forwarded to the State Government for approval by the fifteenth of November of the year. No expenditure shall be incurred by the Council which are not duly provided for in the budget or in the supplementary budget estimate.



(XXXVI)

FORM I

[Vide rule 10(1)]

Part A of the Register of Registered Practitioners

Serial No.	Date of Registration.	Name.	Address or place of service.	Qualifications and dates thereof.
1	2	3	4	5

Paragraph of the Schedule under which Registration is allowed.	Date and reason of removal.		Remarks.
	Date.	Section of the Act under which the name has been removed.	
6	7	8	9

(xxxvii)

FORM II

[Vide rule 10(1)]

**Part B of the Register of Registered Practitioners**

Serial No.	Date of Registration.	Name.	Address or place of service.	Qualifications and dates thereof.
1	2	3	4	5

Paragraph of the Schedule under which Registration is allowed.	Date and reason of removal.		Remarks
	Date	Section of the Act under which the name has been removed	
6	7	8	9



(xxxviii)

FORM III-A

[Vide rule 10(6)]

Council of Homœopathic Medicine, West Bengal  
**Certificate of Registration in respect of entries made in Part A  
of the Register**

Certificate No.....

Name.	Address or Place of service.	Date of registration	Qualifications and dates thereof.	Paragraph of the Schedule under which registration is allowed.
1	2	3	4	5

I declare that the certificate reproduces the entries in the proper columns of Part A of the register of Homœopathic practitioners in respect of the name specified in the certificate.

Dated.....

Registrar

Office Seal

FORM III-B

[Vide rule 10(6)]

Council of Homœopathic Medicine, West Bengal  
**Certificate of Registration in respect of entries made in Part B  
of the Register**

Certificate No.....

Name.	Address or place of service.	Date of registration.	Qualifications and dates thereof.	Paragraph of the Schedule under which registration is allowed.
1	2	3	4	5

I declare that the certificate reproduces the entries in the proper columns of Part B of the register of Homœopathic practitioners in respect of the name specified in the certificate.

Dated.....

Registrar

Office Seal

FORM IV-A  
[Vide rule 11(1)]

**Application for Registration**

To the Registrar, Council of Homœopathic Medicine West Bengal

Sir,

I beg to apply for registration of my name as a Homœopathic practitioner under section 23 read with sub-section (2) of section 21 of the West Bengal Homœopathic System of Medicine Act, 1963 (West Bengal Act XXXIII of 1963).

Two certificates in the prescribed form in support of my regular practice for a period of not less than three years preceding the date of commencement of the Act, i. e. .... are enclosed.

Particulars about myself are furnished below :—

1. Name in full (in block letters).....
2. Age on the date of application.....
3. Father's/Husband's name.....
4. The period of practice (till the date of application) is.....  
years namely from.....to.....
5. The address which is to be the registered address.....  
.....
6. (a) If the name of the applicant was ever registered with the General Council and State Faculty of Homœopathic Medicine, West Bengal/Council of Homœopathic Medicine, West Bengal/Council of any other State.....  
(b) if so, if the said registration is still valid.....  
.....  
(c) if not, the reasons therefor.....

**Declaration**

I, ..... (Applicant) hereby further declare that the statement made above is correct. I further declare that I shall maintain the dignity and ethical standard of the profession in my practice as a Homœopath.

I undertake that I shall intimate to the Registrar any change of my address or place of practice.

The certificate of my qualification (in original/attested copy thereof) is submitted herewith, which may be returned as soon as done with.

The prescribed fee of fifteen rupees is sent herewith has been remitted by postal money order.

Dated.....

Signature of applicant.



(xxxx)

FORM IV-B

[Vide rule 11 (1)]

I hereby certify that the applicant Shri/Sm.....  
of (address)..... has been in regular practice  
as a Homœopathic practitioner for.....  
years, namely from.....to  
and that the particulars furnished by the applicant in his/her application are  
correct and true to the best of my knowledge and belief.

(Space for office

Seal)

.....  
Signature

Dated, the.....

\_\_\_\_\_  
(Name in full in block letters)

Address (in full) of the  
Testifier :—

Designation

FORM IV-C

[Vide rule 11 (2)]

**Application for Registration**

To the Registrar, Council of Homœopathic Medicine, West Bengal.

Sir,

I beg to apply for registration of my name as a Homœopathic practitioner  
under section 23 read with sub-section (1) of section 21 of the West Bengal  
Homœopathic System of Medicine Act, 1963 (West Bengal Act XXXIII of  
1963)

Particulars about myself are furnished below :—

1. Name in full (in block letters).....
2. Age on the date of application.....
3. Father's/Husband's name.....

4. Particular's of qualifications.....
5. The address which is to be the registered address.....
6. (a) If the name of the applicant was ever registered with the General Council and State Faculty of Homœopathic Medicine, West Bengal/Council of any other State/Council of Homœopathic Medicine, West Bengal.....
- (b) If so, if the said registration is still valid.....
- (c) If not, the reasons therefor.....

### Declaration

I, ..... (Applicant) hereby declare that the statements made above are correct. I further declare that I shall maintain the dignity and ethical standard of the profession in my practice as a Homœopath.

I undertake that I shall duly intimate to the Registrar any change of my address or place of practice.

The certificate of my qualification (in original/attested copy thereof) is submitted herewith, which may be returned as soon as done with.

The prescribed fee of fifteen rupees is sent herewith/has been remitted by postal money order.

Dated.....

Signature of Applicant.

FORM IV-D

[Vide rule 21]

### Application for transfer of name from Part B to Part A

To The Registrar, Council of Homœopathic Medicine, West Bengal.

Sir,

I am a registered Homœopathic Practitioner bearing registration number ..... of the Part B of the Register.

I have obtained the following qualification(s) which entitle(s) me to have my name transferred to Part 'A' of the Register under provisions of Sub-Section (1) of section 26 of the West Bengal Homœopathic System of Medicine Act, 1963 (West Bengal Act XXXIII of 1963).

I accordingly apply for the transfer of my name from Part B to Part A of the Register.

The certificate of Registration, in original is submitted herewith. The prescribed fee of five rupees is sent herewith/has been remitted by postal money order.

Dated.....

Signature of Applicant.

Address of the applicant.



(xxxxii)

FORM V

[Vide rule 15(7)]

**Notice to Practitioner to attend proceedings in connection with the enquiry under section 24(2)(b) of the Act**

Sir,

On behalf of the Council of Homœopathic Medicine, West Bengal, I give you notice that information and evidence have been laid before the Council by which the complainants make 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 capacity.

And I am directed further to give you notice that on the \_\_\_\_\_ of \_\_\_\_\_ 19\_\_\_\_, a meeting of the Council will be held at \_\_\_\_\_ O'clock in the.....to consider the abovementioned 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 pursuant to clause (b) of sub-section (2) of section 24 of the West Bengal Homœopathic System of Medicine Act, 1963. You are invited and required to answer in writing the above charges and to attend before the Council at the abovenamed place and time, to establish any denial or defence that you may have to make to the abovementioned charges, and you are hereby informed that if you do not attend as required, the Council may proceed to hear and to 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 of Homœopathic Medicine, West Bengal and transmitted so as to reach him not less than \_\_\_\_\_ days before the day appointed for the hearing of the case.

A copy of Section 24 of the West Bengal Homœopathic System of Medicine Act, 1963 and of the rules to regulate the procedure for conducting any enquiry referred to in that section to which your particular attention is invited, is enclosed for your information.

Dated.....

(Office Seal) Registrar.

By order of the Governor.

B. R. GUPTA,

Secy. to the Govt. of West Bengal,

# THE CALCUTTA GAZETTE, JUNE 4, 1970

*Council of Homoeopathic Medicine, West Bengal*

1B, Old Post Office Street, Kolkata - 700 001

## NOTIFICATION

No. HC / 3797 / 1R-6/67, 24th March / 8th April, 1970. The following regulations made by the Council of Homoeopathic Medicine, West Bengal, in exercise of the Power conferred by Section 44 of the West Bengal Homoeopathic System of Medicine Act, 1963 (West Bengal Act. XXXIII of 1963) and with the previous approval of the State Government are published as required by Section 45 of the said Act :-

## REGULATIONS

### CHAPTER - I

#### Preliminary

1. Short title and commencement (1). These resolutions may be called the West Bengal Homoeopathic System of Medicine (Conduct of Business of Council, Executive Committee and Special Committee) Regulations, 1970.
  - (2) They shall come into force with effect from the date of their publication in the official Gazette.
2. Definitions : In these regulations, unless the context otherwise requires :-
  - (a) "The Act" means the West Bengal Homoeopathic System of Medicine Act, 1963 (West Bengal Act XXXIII of 1963);
  - (b) "Council" means the council of Homoeopathic Medicine West Bengal, constituted under section 3 of the Act;
  - (c) "Form" means a form appended to these regulations;
  - (d) "President" means the President of the Council;
  - (e) "Rule" means a rule of the West Bengal Homoeopathic System of Medicine Rules, 1964.
  - (f) "Section" means a section of the Act;
  - (g) "Vice-President" means the Vice-President of the Council.



CHAPTER - II

## Meetings of the Council and conduct of Business thereat

3. Place and time of meeting - The Council shall meet at least once in three months in the office of the Council. The date and time of a meeting shall be fixed by the President or in his absence, by the Vice-President :
- Provided that the President may convene a meeting at any other place as may be specified in the notice of such a meeting.
4. Notice of an ordinary meeting -
- (1) Notice of every ordinary meeting specifying place, date and time fixed for such meeting along with the agenda shall be issued by post under Certificate of posting to the members by the Registrar at least thirty days before the date of the meeting.
- (2) Non-receipt of a notice by any member shall not invalidate the proceedings of a meeting.
5. Special meeting - The President may call a special meeting of the Council as and when necessary, with notice issued to the members at least seven days before date of the meeting.
6. Requisition meeting -
- (1) The President shall call a special meeting of the Council on receipt of a requisition made to him in writing and signed by at least seven members for consideration of any particular matter.
- (2) When a requisition meeting is called, a notice of atleast ten days shall be given to each member with a copy of the requisition received.
- (3) In case of failure on the part of the President to convene the requisitioned meeting within the stipulated time, the requisitioners may call the meeting by giving ten days notice to the members and held the same in the office of the Council.
7. Meeting by Circulation - The President may, instead of calling a meeting of the Council, obtain the opinion of the members on any particular urgent matter, within the purview of the Act, by issuing a Council letter giving all the facts and information relating to the same and the action proposed to be taken. He may take action according to the opinion of the majority of the members obtained within the stipulated time to be mentioned in the circular letter. The item shall be put up at the ensuing ordinary meeting of the Council for regularisation and incorporation in the minutes of its proceedings.



8. Chairman of the meeting - the President shall preside over every meeting of the Council at which he is present. In his absence, the Vice-President shall preside. When both the President and Vice-President are absent, the members present shall elect one amongst themselves to preside over the meeting.
9. Permission for addressing and for leaving the meeting -
- (1) A member desiring to participate in any discussion shall seek permission from the Chairman before addressing the meeting. The Chairman shall fix up a time limit for each individual speaker on any particular issue within which the speaker shall finish his sayings.
  - (2) Members attending a meeting may leave the same with the permission of the Chairman of the meeting.
10. Adjournment of meeting - When a quorum is not present within half an hour from the time fixed for a meeting convened on requisition by members of the Council under regulation 6, the meeting shall be dissolved, but in any other case it shall stand adjourned to the same day in the next week or on the next working day, if such a day or the subsequent day or days are declared holidays, and at every such adjourned meeting the members present, whatever be their number, shall have power to transact all the business except financial commitments, which could have been transacted in the original meeting. No notice for such adjourned meeting shall be necessary but the members absent in the meeting shall be intimated by ordinary post.
11. Quorum for adjourned meetings - No quorum for an adjourned meeting shall be necessary.
12. Notice of an motion -
- (1) Notice of a motion on any subject not inconsistent with the purpose of the Act to be brought up by any member shall reach the Registrar at least fifteen days before the date fixed for the meeting. A copy of such motion, if allowed by the President, or, in his absence, by the Vice-President, shall be issued to the members at least seven days before the date of the meeting.
  - (2) All motions and their amendments shall be placed before the meeting after these are signed by the mover and the seconder and when admitted by the Chairman, these shall be open for discussion. In case of refused by the Chairman to admit a motion, the house may allow admission of the same for consideration provided two-thirds of the members present vote for it.
  - (3) Any unfinished business referred to an ensuing meeting shall get priority for consideration.
13. Power of the Chairman to rule out or after a motion - The Chairman of a meeting may, for reasons recorded in writing and entered in the minutes of the proceedings -
- (a) rule that a motion is ultra vires of the Act, and,
  - (b) make such alteration in a motion or amendment as shall, in his opinion,



render it proper and consistent with the purposes of the Act and permit the consideration of the motion or amendment, provided the proposer and the seconder shall accept the alteration and sign the change.

The decision of Chairman in the above matters shall be final.

14. Resumption of debates adjourned on any item - No resolution adopted at a meeting or a decision arrived at by the majority of votes obtained by circulation under regulation 7 shall usually be revoked or altered at any subsequent meeting unless six months have elapsed from the date on which such resolution was adopted or such decision was taken :

Provided that in the event of unforeseen and special circumstances which justify immediate change in the previous decision, it shall be referred for consideration to a meeting of the Council and may be altered by a fresh resolution adopted at a meeting of the Council where at least two-thirds of the members of the Council are present.

15. Proceeding of the meetings -

- (1) Draft proceedings shall be entered in a permanent book (A) by the Registrar and signed by the Chairman at the end of the meeting.
- (2) Typed copy of the proceedings shall be forwarded with the draft (A) to the Chairman for scrutiny and counter signature. One copy shall be kept in the permanent minute book (B), and copies sent to the members within a month from the date on which the meeting is held.
- (3) In the event of any objection for correctness of the minutes being raised, the President shall decide the question after reference, if necessary to the original draft of the resolutions and if he considers necessary, he shall make necessary correction under his signature, before the minutes are confirmed and attested by the Chairman at the subsequent meeting. There after the minutes shall be entered in the permanent register.
- (4) Before confirmation of minutes by the Council all matters pending with the Council or any of its Committees and all proceedings thereof shall be treated as confidential and unless otherwise directed by the Chairman, no action shall be taken on the decisions.

16. Recording of minutes, motions etc. -

- (1) Minutes of the Council shall be recorded in the form of resolution on the decision under the different items of the agenda. It shall not contain any comment or observation made by any member at the meeting.
- (2) Minutes of the Council and the Executive Committee shall be recorded in the yearly volume.
- (3) A notice book shall be maintained by the Registrar in which all notices of



(5)

the meeting and notices of motions shall be entered. All such notices shall be dated and numbered.

17. Special agenda -

- (1) At any meeting, items of business included in the agenda shall normally be considered; but if the chairman so permits after taking the consent of the members present, any other business may be taken up for consideration.
- (2) Except with the permission of the majority of member present at a meeting the subjects shall be discussed in the order in which they appear in the agenda, provided items left out or adjourned for discussion in a previous meeting shall be given precedence under sub-regulation (3) of regulation-12.

18. Questions -

- (1) Provided due notice is given by a member at least seven before the date of the meeting he may ask question relating to the affairs of the council.
- (2) The member shall be allowed to explain briefly reasons for raising the question. The President shall arrange to answer them or place the replies in writing or in print before the meeting. No discussion shall be allowed unless definite motion in this regard is placed before the Council under regulation 12.

19. Points of order - Any members shall be at liberty to call attention of the Chairman on a point of order raised by him even when another member is speaking. On a point of order being raised, the members addressing shall resume his seat until the question has been decided by the Chairman. After decision of the Chairman, the same point of order cannot be raised again. Except as provided for by these regulations, no member shall interrupt speaker in the possession of the house.

20. Protest to dissent - objection raised by members opposing the majority decision shall be recorded in brief in the minutes, provided the members concerned so desire.



CHAPTER - III

Meetings of the Executive Committee and the Business to be transacted by it.

21. Meeting -
- (i) The Executive Committee shall ordinarily meet four times a year in the office of the Council on such dates as may be fixed by the President or, in his absence, by the Vice-President.
  - (ii) The President or, in his absence, the Vice-President shall be Chairman of every meeting. In the absence of both the President and Vice-President, the members present shall elect one from amongst themselves to preside over the meeting.
22. Power to transact business - The Executive Committee shall transact the business which shall be entrusted to it by the Council from time to time within the purview of the Act and the rules and regulations made thereunder and shall also perform such other functions as are required to be done by it under the provisions of the Act or the rules.
23. Notice -
- (i) Notice of a meeting of the Executive Committee specifying place, date and time fixed for the purpose along with the agenda shall be issued by post under certificate of posting to the members by the Registrar at least ten days before the date of the meeting.
  - (ii) Failure to receive a notice by any member shall not invalidate the proceeding of a meeting.
  - (iii) An emergent meeting of the Executive Committee may be held with 'five days' notice.
24. Adjournment of meeting -
- (i) When a quorum is not present within half an hour from the time fixed for the meeting, the meeting shall stand adjourned to the same day in the next week or to the next working day thereafter, if such a day or the subsequent day or days are declared holidays. It shall not be necessary to issue fresh notice, but absence member shall be given due intimation by ordinary post.
  - (ii) The meeting may be continued from the day should necessity arise, for which no fresh notice shall be announced by the Chairman in the meeting.
25. Proceeding of the Meetings of the Executive Committee -

(7)

- (i) Similar procedure as laid down in regulation 15 shall be followed in keeping with the proceedings of the meetings of the Executive Committee.
- (ii) Copies of the proceedings of each meeting shall be sent to every member of the Council along with the notice of the next meeting of the Council for discussion on such points of the resolutions, as the members may consider necessary and for consideration of the items specifically referred to the Council by the Executive Committee.

#### CHAPTER - IV

##### Conduct of Business of Special Committees.

##### 26. Special Committees -

- (i) The Registrar shall, under the direction of the Chairman of any special committee appointed under sub-section (6) of section 15, call a meeting giving seven days' notice to each member.
- (ii) Quorum for the meeting of the Special Committee shall be fixed at the time of its appointment.
- (iii) The Special Committees shall sit from time to time and shall be necessary in the office of the Council for completion of the business entrusted to it.
- (iv) The proceedings of the Special Committee shall be submitted to the council at its next meeting for consideration and necessary action.
- (v) The Special Committee shall be dissolved by the Chairman or the Council on completion of its work.

27. Maintenance of notice and minute books - A separate Notice Book and a separate Minute Book shall be maintained for the purpose of calling meetings and incorporating the proceedings of all such Special Committees.

#### CHAPTER - V

Affiliation to a Homoeopathic Institution and Formalities to be observed by an Affiliated Institution.



28. Submission of application - Application with a non-refundable fee of rupees one hundred for affiliation to an institution shall be submitted to the Registrar in Form A, available from the office of the Council on payment of rupee one.
29. Conditions for affiliation - Affiliation shall be granted to an institution on the fulfilment of the following conditions :-
- (a) That the institution has an attached hospital with not less than thirty beds.
  - (b) That the institution is a public institution or a Trust Body, managed by a Governing Body consisting of members of which at least one-fourth are from the teaching staff of the institution and the Principal shall be its ex-officio Secretary.
  - (c) The institution shall have an adequate and duly qualified teaching staff having qualifications as will be laid down from time to time by regulations. Not more than twenty-five percent, of the total strength of teaching staff shall be non-Homoeopaths for the purpose of teaching basic medical sciences or other non-Homoeopathic subjects.
30. Teaching arrangement - A teaching institution shall, at the time of submission of application for affiliation, satisfy the council that arrangements have been made for imparting medical teaching in accordance with the syllabus of study and curriculum as shall be laid down from time to time by regulations made under the Act.
31. Inspection - The council shall, on receipt of an application for affiliation, arrange for the inspection of the institution by one or more inspectors, who shall inspect the facilities for teaching, training, hospital services and other Cognate matters provided for the running and maintenance of the institutions and shall submit a report to the Council for final decision. The authorities concerned shall give all facilities to inspectors so appointed for the purpose of carrying out the inspection work and answer to their queries. The council shall have right to ask for clarification from the authorities concerned on any point or points mentioned in the report of such inspections.
32. Granting of affiliation and fee therefor - The Council shall, after careful consideration of the merits of each individual proposal, furnish their recommendations to the State Government for their final approval and in case it is finally decided that the affiliation prayed for shall be granted to a particular institution, it shall be required to pay to the Council an affiliation fee of Rupees *five hundred and the affiliation shall be granted from* next regular academic session after the payment of the said affiliation fee.
33. Granting of partial affiliation - Provided that the Council Consider that affiliation up to the Final standard cannot be accorded to an institution at any particular



stage, partial affiliation up to the Intermediate standard may be granted, with the approval of the State Government for such period as the Council may consider necessary. The position shall be reviewed before the expiry of such period and affiliation up to the Final standard shall be granted if the position improves up to the required standard of the institution shall be allowed to continue with the partial affiliation for such further period as the Council may decide. In case, an institution is given partial affiliation, it shall be required to apply to the Council before the expiry of the period of affiliation, with a non-refundable fee of rupees fifty for affiliation, up to the Final standard and shall pay another sum of rupees two hundred in case such affiliation is decided to be granted to it.

34. Responsibility of an affiliated of an affiliated institution - After affiliation is accorded to an institution, it shall be responsible for conducting the course of study and sending up the students for the qualifying examination. The Council shall not in any way be responsible for the predicament of the students who shall seek their admission in any such institution, at their desire.
35. Power to withdraw affiliation - The Council shall have the right to withdraw, with the approval of the State Government, its affiliation, including partial affiliation, to any institution if at any time the institution concerned is found not to maintain the required standards of teaching or training or not to abide by the rules and regulations prescribed by the Council in this regard or is found not to comply with the provisions of the Act and the rules and regulations made thereunder.
36. Submission of reports and audited accounts by affiliated institutions - Every institution shall submit to the council its annual report and audited accounts not later than the month of September next year and shall from time to time furnish all such information as may be required by the Council.
37. Report of vacancy - Every institution shall report to the Council, any vacancy or change in the management or in its teaching staff within thirty days from the date on which such vacancy or change occurs.



CHAPTER - VI**OFFICE PROCEDURE**

38. Working hours, holidays, leave rules office discipline, etc. -
- (i) The working hours of the office of the Council shall be the same as is observed by the State Government from time to time in respect of their office situated in Calcutta. All cash transaction shall be made up to 2 P.M. on any working day.
  - (ii) In addition to the holidays and half-holidays declared by the State Government from time to time for their offices the Council shall observe holiday on the 10th April of each year, which is the birth day of Dr. Hahnemann.
  - (iii) The staff of the Council shall be entitled to casual and other types of leave as are admissible to similar categories of staff of the State Government under the provisions of the West Bengal Service Rules and the executive orders of the State Government issued from time to time.
  - (iv) (a) The office staff shall have to apply for leave to the Registrar who shall deal with the same.  
(b) The leave application of the Registrar shall be dealt with by the President or in his absence by the Vice-President. The fact of granting him leave exceeding fifteen days on one occasion and the consequent arrangement that shall be made in his place, shall be reported to the Council in its next meeting.
  - (v) Separate files in respect of each employee of the Council shall be maintain so as to show the leaves other than casual leave taken by the employee throughout his service career and the leave due to his credit at any time.
  - (vi) Other conditions of service of the staff of the Council shall be at par with those laid down by the State Government from time to time for identical categories of Government employees.
  - (vii) The Registrar shall be responsible for maintaining office discipline and keeping official records. He may adopt the procedures, observed in Government offices or similar other sister organisations for keeping different kinds of records; but he must satisfy the President or a member of the council, if and when necessary that the records are properly maintained and entries in respect of each receipt and despatch have been ensured.

CHAPTER - VII

**PUBLICATION OF THE REGISTER OF REGISTERED PRACTITIONERS**

39. (i) The Registrar shall after the expiry of every period of five years and on or before the date to be fixed by the Council, cause to be printed and published, in Form-B a consolidated list of the names entered up till that time in both the parts A and B of the Register of Registered Practitioners. The symbol A and B shall be affixed to each registration number in order to show in which part of the Register the entry has been made in respect of a particular name.
- (ii) The names shall be arranged in alphabetical order according to the surnames and shown in the list to be so published.
- (iii) The Registrar shall on the expiry of every year other than the year in which the list is printed or published and on or before a date to be fixed by the Council, shall cause to be printed and published in same form and in the same manner as laid down in sub-regulation (I) a supplementary list of names showing the additions and alterations made in both the parts of the Register of Registered practitioners since the publication of the main list.
- (iv) Copies of printed list and supplementaries thereto shall be made available to persons applying for the same on payment of the charge which may from time to time be fixed by the Council.

CHAPTER - VIII

**Bill for Attending Meeting; Travelling and Daily Allowances  
[Section 17 read with rule 7]**

40. (i) Every member shall normally be paid his fee for attending a meeting of the Council, Executive Committee or any special committee by the Registrar as per scheduled rates, within a month from the date of the meeting. In case of delay in making the payment, a member shall have



right to ask the Registrar to expedite the matter or to enquire into the cause of such delay and bring the matter to the notice of the President or the Vice-President.

- (ii) A member shall be required to submit to the Registrar his travelling allowance bill in Form C ordinarily within fifteen days from the date of the journey undertaken in connection with a meeting.
- (iii) The Registrar, on receipt of the travelling allowance bill, shall after necessary verification and alternation, if necessary take steps as per the provisions of the rules, made under the Act for making payment of the same to the member concerned, within a fortnight from the date of its receipt.
- (iv) Payments to examiners, paper setters, scrutinisers tabulators, moderators, officer-in-charge, invigilators and other personnel appointed in connection with an examination shall be made by the Registrar. Finally within a month from the date of publication of the results, as per rates to be fixed by the Council from time to time by regulation.
- (v) The procedure laid down in sub-paragraph (iii) above shall also be observed in making payment of the travelling allowance to one appointed in connection with an examination and entitled to travelling and daily allowances under the existing rules.
- (vi) All payments shall ordinarily be made by cross cheques and the recipient concerned shall be responsible for furnishing formal receipt in Form-D with a revenue stamp, where necessary to the Registrar within a fortnight from the date of receipt of the cheque.

S.K. Dhara

*President*

Council of Homoeopathic Medicine  
West Bengal

**FORM - A**

[See Regulation 28]

**Application for Affiliation of an Institution**

I hereby apply for the affiliation of the Council of Homoeopathic Medicine, West Bengal, to our institution for the Final / Intermediate D.M.S. Course. I hereby submit the relevant particulars with regard to our institution as specified below and shall furnish such other particulars which may be required by the Council in this connection

1. Name and address of the institution.
2. Address of the Hospital premises.
3. Number of beds already provided in the Hospital and details about the provision for future expansion, if any.
4. Status of the institution (Public or proprietary)
5. Names of its Principal and Secretary.
6. Full names and address of the members of its Governing Body, their occupation and other relations, if any, with the institution.
7. Full names, address and qualifications of the members of the teaching staff of the institution.
8. Details about assets -
  - (a) Lands, building and other immovable properties, belonging separately to the institution and to the hospital - Vide Annexure A (to be attached)
  - (b) Financial - Vide Annexure B (to be attached)
9. Details about the liabilities, if any.
10. Sources of income.
11. Details about the expenditure involved in the proposed scheme and the way in which it is intended to be met up.
12. Details about the facilities available for the accommodations required for the theoretical and practical classes.

The prescribed fee of one hundred rupees is sent herewith / has been remitted postal money order / Indian Postal Order.

Dated, the .....

Signature of the Principal or  
Secretary to the Institution  
(Office Seal)



(14)

**FORM - B**

[See Regulation 39(I)]

**Registration List**

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Names	Addresses	Registered Qualifications	Registered No.	Date of Registration
1.				
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(15)

**FORM - C**

[See Regulation 40(2)]

**Proforma for submitting Travelling and Daily Allowance Bills**

Travelling Allowance and Daily Allowance Bill of .....

..... Address .....

For attending the Council / Executive Committee meeting held on .....

at ..... Train fare from ..... to .....

Rs..... Incidental at 35 p. per 10 Kms. for .....

Kms Rs..... Road <sup>mileage</sup> ~~milage~~ for .....

Kms from ..... to ..... and

from ..... to ..... and back

at 32 p. per Km Rs..... Daily Allowance at Rs.....

per diem for day (on and from .....

.....) Rs.....

Total : Rs.....

I certify that I undertook the journey in ..... class of the Rail  
for which the amount has been charged for.

Forwarded to the Registrar, Council of Homoeopathic Medicine, West Bengal,  
with the request to make early payment of the above sum.

Signature of the Member



(16)

FORM - D

[See Regulation 40(6)]

Received cheque No....., dated .....

for Rs..... (Rupees.....)

from the Registrar, Council of Homoeopathic Medicine, West Bengal, towards payment  
of my fee, travelling and daily allowance for attending the meeting of the Council /  
the Executive Committee of the Council held on .....

Dated, the ..... 19

Signature with Revenue Stamp

COUNCIL OF HOMOEOPATHIC MEDICINE, WEST BENGAL.  
1B, OLD POST OFFICE STREET, 3<sup>RD</sup> FLOOR, KOLKATA-700001.  
9/1B, MAHATMA GANDHI ROAD, KOLKATA - 700009.

## NOTIFICATION

In exercise of the powers conferred by sub-section(1) and in particular by clause (i) of sub-section (2) of Section 43 read with Section 36 A of the West Bengal Homoeopathic System of Medicine, Act, 1963 (West Bengal Act XXXIII of 1963), the Council, hereby propose to make the following amendments in the West Bengal Homoeopathic System of Medicine (Nomination and Election of Members of the Council) Rules, 1972 as subsequent amended in 1990 (hereinafter referred to as the said rules):-

### AMENDMENTS

#### IN PART II

(a) & (b) For the heading substitute the following heading:-

“Nomination of Members by the State Govt. under clause (a) and (b) of sub-section (1) of section 5 of the Act”

For the words “proviso to clause (d) shall be omitted.

#### PART - II A

Election of members under clause © of the sub-section(1) of Section 5 of the Act:-

For the words “and (f)” shall be omitted.

3A. The Returning Officer shall send intimation to the Registrar of the University of Calcutta shall be substituted as Registrar the West Bengal University of Health Sciences”.

For the words “to the Secretary West Bengal Legislative Assembly requesting to hold election under clause (f) of the Sub-section (1) of Section 5 of the Act shall be omitted”.

In rule 4, Sub-rule (1) :- For the words “Provided that every registered Homoeopathic Practitioners as mentioned in Register of Homoeopathic Practitioners maintained U/S 20 of the Act”.

“For the words “shall an application in Form AI accompanied by a fee of Re 1/- shall be omitted be eligible voter.”

For the words “on the date /s of filling applicant for registration as voter” shall be omitted.

\* Rule 4 (7) shall be omitted.

FORM - AI

[Vide Rule 4 (1)] [Here take the Form] shall be omitted.



COUNCIL OF HOMOEOPATHIC MEDICINE, WEST BENGAL,  
1B, OLD POST OFFICE STREET, 3RD FLOOR, KOLKATA -700001,  
9/1B, MAHATMA GANDHI ROAD, KOLKATA - 700009.

REGULATIONS

NOTIFICATION

NO.HC/ /15A/2014. ....:- In exercise of the Power Conferred by Section 44 of the West Bengal Homoeopathic System of Medicine Act, 1963 (West Bengal Act XXXIII of 1963), the Council of Homoeopathic Medicine, with the previous approval of the Council hereby proposes to make the following amendments in the West Bengal Homoeopathic System of Medicine(Conduct of Business if Council Executive Committee and Special Committee ) Regulations, 1970 and subsequent amendments, 2002 are published as required by Section 45 of the aforesaid Act:-

AMENDMENTS

In the said regulations, in regulation 4 (1)

1. In sub-regulation (1) "at least thirty days before the date of meeting "substitute "at least fifteen days before the date of meeting."
2. In said regulations , in regulation 12 (1)

In sub-regulation (1) "Notice of or motion on any subject not in consistent with the purpose of the Act to be brought up by any member shall reach the Registrar at least fifteen days before the date fixed for the meeting " substitute the word "fifteen days " to "seven days".

In the said regulations, in regulation 20:- after the word "so desire" insert "in writing".

In the said Regulation, in regulation 23(I) shall be substituted as "seven days in place of ten days. In the said regulations, in regulation 28:- for the words "fee of rupees one hundred for affiliation and on payment of rupee one" substitute the words "fee of rupees ten thousand and on payment of rupees five hundred".

Regulation 29 (a) shall be omitted.

In the said regulations, in regulation 32:- "it shall be required to pay to the Council an affiliation fee of Rupees Five hundred" substitute the words " Rupees Twenty Five thousand only."

In the said regulations, in regulation 33:- The word "partial affiliation up to Intermediate standard may be granted "shall be omitted.

Government of West Bengal  
Department of Health & Family Welfare  
AYUSH Branch

Swasthya Bhawan, GN-29, Sector-V, Salt Lake, Kolkata 700 091

No.HF/O/AYUSH/194/311-41/2010

Dated : 30.03.2012

NOTIFICATION

In exercise of the power conferred by Section 43 of the West Bengal Homoeopathic System of Medicine Act, 1963 (West Ben Act XXXIII of 1963), the Governor is pleased hereby to make following amendments in the West Bengal Homoeopathic System of Medicine Rules, 1964 (hereinafter referred to as the said rules):-

Amendments

In the said rules, in rule 7, in sub-rule (1), -

- (i) in item (i), for the words and figures 'Rs.250', substitute the words and figures 'Rs.400';
- (ii) in item (ii), for the words and figures 'Rs.150', substitute the words and figures 'Rs.300'.

By order of the Governor,

*10 p-1*

Additional Secretary  
to the Govt. of West Bengal

*Copy forwarded  
to Shri. Manoj Adhikary,  
West. Registration, for  
information*

*B. Subh.  
30/4/12*



Government of West Bengal  
Department of Health & Family Welfare  
AYUSH Branch  
Swasthya Bhawan, GN-29, Sector-V, Salt Lake, Kolkata 700 091

No.HF/O/AYUSH/194/3H-41/2010

Dated : 30.03.2012

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- (ii) in item (ii), for the words and figures 'Rs.150', substitute the words and figures 'Rs.300'.

By order of the Governor,



Additional Secretary  
to the Govt. of West Bengal

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Asstt. Registrar, for  
information. 27/4/12



COUNCIL OF HOMOEOPATHIC MEDICINE, WEST BENGAL.  
1B, OLD POST OFFICE STREET, (3<sup>RD</sup> FLOOR) KOLKATA - 700001  
9/1B, MAHATMA GAHNDHI ROAD, KOLKATA - 700009

Draft proposal of the West Bengal Homoeopathic System of Medicine  
(Amendment) Act, 2012

- (1) This Act may be called the West Bengal Homoeopathic System of Medicine (Amendment) Act, 2012.  
(2) It shall come into force on such date as the State Government may, by Notification in the Official Gazette, appoint.
- In Section 5 of the West Bengal System of Medicine Act, 1963 (herein referred to as Principal Act) in sub-section (1) for clause (a), the following clause shall be submitted:-
- (a) "a President is to be nominated by the State Government who must be a Registered Homoeopathic Physician"

Provided that on expiry of the first two terms of the office of the President as specified in sub-section (1) of Section 13, the State Government shall nominate a President" The words "from amongst three persons recommended by the newly elected members of the Council as may be prescribed in such manner" shall be omitted.

In Section 5 (1) (b) :-

Seven members nominated by the State Govt. and "all of the member shall be registered Homoeopathic Practitioners" shall be substituted.

Provided that these nominated members shall not hold office for more than two terms i.e. for five years in each term".

5 (1) (C) " One member elected by the members, other than ex officio members, of the Senate of the University of Calcutta from themselves " shall be substituted as :-

" One member nominated by the members, other than ex-officio members of the West Bengal University of Health Sciences from amongst the members of the Executive Council of the University of Health Sciences".

Sub-Section (1) clause (d) shall be omitted.

In section 5 sub-section (1) clauses (e) shall be substituted as:-

"Two Principal out of which one from Govt. Colleges and another one from Govt. aided Colleges affiliated to the West Bengal University of Health Sciences shall be nominated by the State Govt.

Section 5 of Sub-Section (1) of clause (f) shall be omitted.

In Section 5 (1) (g) shall be substituted as:-

"Two members from the full time teaching category out of which one from Govt. Colleges and another from Govt. aided Colleges affiliated to the West Bengal University of Health Sciences shall be elected from amongst themselves"



Section 6 shall be omitted. Wherever it is applicable.

In Section 10 (1) the word "Section 6 shall be omitted".

In Section 10 (2) the clause (d) (e) & (f) shall be omitted.

In sub-section 15 (6) for the words subject to the approval of the State Govt. and on such terms as may be approve by the State Govt. shall be omitted " and substituted as:-

"The council may also from time to time appoint one or more committees consisting of five members of the council or outsiders or both for the purpose of advising it on such matters as it deems necessary and may appoint a Chairman for any such Committee who shall convene and preside and over the meetings of the Committee.

In section 15 (A) of the Principal Act clause (6):-

" The quorum for a meeting of the Ad-hoc Committee shall be five in place of Four".

(2) In sub-section (9) clauses (b) (c) (e) shall be omitted.

In section 16

In section 16 (2) of the Principal Act, for the words seven members" shall be substituted as "ten members"

In section 18 of the Principal Act:-

In sub-section (1) for the words "including D. H.M.S. course or any other Diploma course" shall be omitted.

In sub-section (10) shall be omitted.

In sub-section (15) for the words "to advise the State Govt. in the matter of Research in the Homoeopathic System of Medicine, shall be substituted as" to advise the State Govt. in all matters including Research related to the upliftment and development of Homoeopathic System of Medicine and for which an Advisory Committee consisted of seven persons shall set up with well-versed and experienced person from different fields of Homoeopathic including President and Vice-President.

In Section 33 of the Principal Act:-

In sub-section (1) for the words "he shall be punishable with fine which may extend to five hundred rupees" shall be substituted as "rupees Twenty thousand".

In Section 35(A) of the Principal Act for sub-section (2) the following sub-section shall be substituted.

(2) "Any contravention of the provisions of sub-section (1) shall be punishable with Imprisonment which may extend to two years or with fine which may extend to fifty thousand and it also rupees or with both applicant in case of an Association of institution or individual

In Section 36 A (1) of the Principal Act, the following sub-section shall be substituted:-

( 1 ) "Every Registered Homoeopathic Practitioners- shall for the purpose of election of members to the Council under clause (h) of sub-section (1) of Section 5 shall be a voter subject the validity of Registration".

36A - (2) (3) (4) shall be omitted.

COUNCIL OF HOMOEOPATHIC MEDICINE, WEST BENGAL  
1B, OLD POST OFFICE STREET, 3<sup>RD</sup> FLOOR, KOLKATA-700001  
9/1B, MAHATMA GANDHI ROAD, KOLKATA-700009

Draft Proposal of the West Bengal Homoeopathic System of Medicine  
(Amendments) Rules, 2012

In exercise of the power conferred by Section 43 of the West Bengal Homoeopathic System of Medicine Act, 1963 (West Bengal Act XXXIII of 1963) the Council of Homoeopathic Medicine, West Bengal, with the previous approval of the State Govt. hereby makes the following amendments in the West Bengal Homoeopathic System of Medicine Rules, 1964 and 2002 (herein after referred to the said rules) -

Amendments

In the said rules -

- (1) on rule 3, sub-rule (1) "not more than three persons" shall be omitted
- (2) In rule 9, sub-rule (1), substitute the following:-  
" (1) The Registrar of the Council shall draw pay in the time scale of Rs. 9000-40,500 plus and all other allowances as admissible to the similar course of State Government employees"
- (3) In rule 9, sub-rule (2) shall be omitted.
- (4) In rule 10, sub-rule (4) substituted as "The fee for entering the name of a Homoeopathic Practitioner and any subsequent entry of additional qualification as may be prescribed from time to time by the Council"

In rule 10 sub-rules (5) - Substituted as "The fees for registering the change of name and address may be prescribed from time to time by the Council"

In rule 10, sub-rule (8) - for the words - "a fee of five rupees" substitutes "as prescribed from time to time by the Council"

In rule 11, sub-rule (1), (2), (3), (4) shall be omitted

In rule 12, sub-rule (1) (2) (3) shall be omitted

In rule 13 (1) "A fee of twenty five rupees shall be paid for every renewal of registration" substitute "as the Council shall prescribed the fees from time to time for every renewal of registration"



COUNCIL OF HOMOEOPATHIC MEDICINE, WEST BENGAL.  
1B, OLD POST OFFICE STREET, 3RD FLOOR, KOLKATA -700001  
9/1B, MAHATMA GANDHI ROAD, KOLKATA - 700009.

REGULATIONS

NOTIFICATION

NO.HC/ /15A/2012. ....:- In exercise of the Power Conferred by Section 44 of the West Bengal Homoeopathic System of Medicine Act, 1963 (West Bengal Act XXXIII of 1963), the Council of Homoeopathic Medicine, with the previous approval of the Council hereby proposes to make the following amendments in the West Bengal Homoeopathic System of Medicine (Conduct of Business of Council Executive Committee and Special Committee) Regulations, 1970 and subsequent amendments, 2002 as published as required by Section 45 of the aforesaid Act:-

AMENDMENTS

In the said regulations, in regulation 4 (1)

1. In sub-regulation (1) "at least thirty days before the date of meeting "substitute "at least fifteen days before the date of meeting."
2. In said regulations , in regulation 12 (1)

In sub-regulation (1) "Notice of or motion on any subject not in consistent with the purpose of the Act to be brought up by any member shall reach the Registrar at least fifteen days before the date fixed for the meeting " substitute the word "fifteen days " to "seven days".

In the said regulations, in regulation 20:- after the word "so desire" insert "in writing".

In the said Regulation, in regulation 23(1) shall be substituted as "seven days in place of ten days.  
In the said regulations, in regulation 28:- for the words "fee of rupees one hundred for affiliation and on payment of rupee one" substitute the words "fee of rupees ten thousand and on payment of rupees five hundred"

Regulation 29 (a) shall be omitted.

In the said regulations, in regulation 32:- "it shall be required to pay to the Council an affiliation fee of Rupees Five hundred" substitute the words" Rupees Twenty Five thousand only."

In the said regulations, in regulation 33:- The word "partial affiliation up to Intermediate standard may be granted "shall be omitted.

In the said regulations, in regulation 38:- for sub-regulation (VI), substitute the following  
"The pay including D.P. allowances including H.R.A. M.A., interim allowances and other benefits like retirements benefits such as gratuity, Pension, encashment of leave etc. and conditions of services of the staff of the Council shall be at par with those laid down by the State Govt. for the identical categories of the State Govt. employees and their services shall be regulated by the West Bengal Service conduct rules from 2002 to the date of publication of the previous amendments of the said regulations.

COUNCIL OF HOMOEOPATHIC MEDICINE, WEST BENGAL,  
1B, OLD POST OFFICE STREET, 3<sup>RD</sup> FLOOR, KOLKATA-700001.  
9/1B, MAHATMA GANDHI ROAD, KOLKATA - 700009.

### NOTIFICATION

In exercise of the powers conferred by sub-section(1) and in particular by clause (i) of sub-section (2) of Section 43 read with Section 36 A of the West Bengal Homoeopathic System of Medicine, Act, 1963 (West Bengal Act XXXIII of 1963), the Council, hereby propose to make the following amendments in the West Bengal Homoeopathic System of Medicine (Nomination and Election of Members of the Council) Rules, 1972 as subsequent amended in 1990 (hereinafter referred to as the said rules) -

### AMENDMENTS

#### IN PART II

(a) & (b) For the heading substitute the following heading -  
"Nomination of Members by the State Govt. under clause (a) and (b) of sub-section (1) of section 5 of the Act"  
For the words "proviso to clause (d) shall be omitted.

#### PART - II A

Election of members under clause (c) of the sub-section(1) of Section 5 of the Act:-

For the words "and (f)" shall be omitted.

3A. The Returning Officer shall send intimation to the Registrar of the University of Calcutta shall be substituted as Registrar the West Bengal University of Health Sciences"

For the words "to the Secretary West Bengal Legislative Assembly requesting to hold election under clause (f) of the Sub-section (1) of Section 5 of the Act shall be omitted".

In rule 4, Sub-rule (1) - For the words "Provided that every registered Homoeopathic Practitioners as mentioned in Register of Homoeopathic Practitioners maintained U/S 20 of the Act"

"For the words "shall an application in Form AI accompanied by a fee of Re 1/- shall be omitted be eligible voter."

For the words "on the date /s of filling applicant for registration as voter" shall be omitted.

• Rule 4 (7) shall be omitted.

#### FORM - AI

[Vide Rule 4 (1)] [Here take the Form] shall be omitted.



COUNCIL OF HOMOEOPATHIC MEDICINE, WEST BENGAL  
1B, OLD POST OFFICE STREET, 3RD FLOOR, KOLKATA - 700001  
9/1B, MAHATMA GANDHI ROAD, KOLKATA - 700009

REGULATIONS

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COUNCIL OF HOMOEOPATHIC MEDICINE, WEST BENGAL  
1B, OLD POST OFFICE STREET, 3<sup>RD</sup> FLOOR, KOLKATA-700001  
9/1B, MAHATMA GANDHI ROAD, KOLKATA - 700009.

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"For the words "shall an application in Form AI accompanied by a fee of Re 1/- shall be omitted be eligible voter."

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Rule 4 (7) shall be omitted.

#### FORM - AI

[Vide Rule 4 (1)] [Here take the Form] shall be omitted.



No. 12 - 4/86 - CCH/5474  
Central Council of Homoeopathy  
10 - Community Centre, Basantlok  
Vasant Vihar, New Delhi - 110 057

To  
The Secretary,  
Govt. of India  
Ministry of Health & F.W.  
Nirman Bhawan, New Delhi

Sub.: Declaring Four Years course in Homoeopathy Equivalent to Degree Dt. - 13.3.1990

Sir,

I am directed to say that the Central Council of Homoeopathy in its meeting, held on 9<sup>th</sup> March, 1990, has decided that Medical Qualifications in Homoeopathy of having Four years duration obtained after undergoing a course of study in Homoeopathy of not less than four years duration like DMS (West Bengal Council), DHMS, LCEH etc. awarded prior to enforcement of Homoeopathy (Diploma Course) regulations 1983 and included in the Second Schedule to the Homoeopathy Central Council Act 1973, may be treated as equivalent to degree.

Yours faithfully

Sd/

(Dr. P. L. Verma)  
Secretary

By Post  
23.4.2012  
at 3.45 PM.

Government of West Bengal  
Department of Health & Family Welfare  
AYUSH Branch

Swasthya Bhawan, GN-29, Sector-V, Salt Lake, Kolkata-700 091.

No.HF/O/AYUSH/195/3H-41/10.

Dated: 30.03.2012.

From : Additional Secretary to the Govt. of W.B.

To : Marketing Manager,  
Saraswaty Press Ltd.,  
32, A. P. C. Road,  
Kolkata - 700 009

S2/826  
23/04/12

Sub: Publication of Notification in the Extraordinary Calcutta Gazette.

Sir,

I am directed to forward herewith a copy of this Department's Notification No.HF/O/AYUSH/194/3H-41/2010 dated 30.03.2012 and to request you kindly to arrange for publication of the aforesaid Notification in the Extraordinary Calcutta Gazette immediately. 100 copies of Notification as published may kindly be sent to this office.

Encl : As stated above.



Additional Secretary

No.HF/O/AYUSH/195/3H-41/10/1(5).

Dated: 30.03.2012.

Copy forwarded for information and necessary action to the :-

1. Senior Marketing Executive,  
Saraswaty Press Ltd.,  
11, B. T. Road, Kolkata - 700 056.
- ✓ 2-3. Registrar / President,  
Council of Homoeopathic Medicine, West Bengal,  
9/1B, Mahatma Gandhi Road (1<sup>st</sup> Floor), Kolkata - 700 009
- 4-5 Office copy / Guard file copy.



Additional Secretary