

**TAMILNADU HOMEOPATHY SYSTEM
OF MEDICINE AND PRACTITIONERS OF
HOMEOPATHY ACT, 1971**

TAMIL NADU ACT No. 5, 1972

GOVERNMENT OF TAMIL NADU
1975

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TAMIL NADU ACT No. 5 OF 1972

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**THE TAMILNADU HOMOEOPATHY SYSTEM OF MEDICINE
AND PRACTITIONERS OF HOMOEOPATHY ACT, 1971.**

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THE SCHEDULE - Qualifications in Homeopathy

REGISTRATION OF PRACTITIONERS

An Act to provide for the development of the homoeopathy system of medicine and registration of practitioners of homeopathy and for matters connected therewith in the State of Tamil Nadu.

Be it enacted by the Legislature of the State of Tamil Nadu in the Twenty second year of the Republic of India as follows:

CHAPTER I
PRELIMINARY

Short title, extent and commencement - (1) This Act may be called the Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy Act, 1971.

(2) It extends to the whole of the State of Tamil Nadu

(3) It shall come into force on such date as the Government may, by notification, appoint and different dates may be appointed for different provisions of this Act.

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

(1) "Approved Institution" means hospital, health centre or other such institution recognised by a university as an institution in which a person may undergo the training, if any, required by his course of study before the award of any medical qualification to him.

(2) "Commencement of this Act" in relation to any provision of this Act means the date of the coming into force of that provision;

(3) "Council" means the Council of Homoeopathy established under section 3

(4) "Government" means the State Government.

(5) "Homoeopathy" means the system of medicine found by Dr. Hahnemann and includes Schussler's System of Bio-chemic remedies and the expression "Homoeopathic" shall be construed accordingly.

(6) "Hospital", "Asylum", "Infirmary", "Dispensary", "Lying in Hospital", "Sanatorium" means an institution where the methods of treatment carried on, those approved by the council.

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(7) "Member" means a member of the council.

(8) "Modern Medicine" means modern scientific medicine commonly known as allopathic medicine in all its branches and includes surgery and obstetrics, but does not include veterinary medicine and surgery;

(9) "Practitioner" means any person engaged in the practice of homeopathy.

(10) "President" means the president of the council.

(11) "Register" means a register maintained under section 16

(12) "Registered Practitioner" means a practitioner whose name is for the time being entered in a register.

(13) "Registrar" means the registrar of the council appointed under section 14

(14) "Regulation" means a regulation made by the council under this Act.

(15) "Rule" means a rule made by the Government under this Act.

(16) "University" means any University in India established by by-law and having a faculty of homeopathy.

CHAPTER II

3. Establishment of Council: (1) The Government shall, by notification, establish for the State of Tamil Nadu, a council to be called the Council of Homoeopathy.

(2) The council shall be a body corporate having perpetual succession and a common seal with power to acquire, held and dispose of property, both movable and immovable, and to contract and shall, by its name, sue and be sued.

4. Constitution of the Council: The council shall consist of the following fifteen members namely:

(a) (i) Six members elected from among themselves by registered practitioners who possess any of the qualifications specified in the Schedule; and

(ii) Three members elected from among themselves by practitioners registered under clauses (b) and (c) of sub-section (1) of section 15

(b) Six members nominated by the Government of whom

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(i) Three shall be registered practitioners

(ii) One shall be either the Secretary to the Government in the Department dealing with Health and Family Planning or one of the Deputy Secretaries to the Government in that Department:-

(iii) One shall be Homoeopathy the Director of Indian Medicine and

(iv) One shall be the head of a Government teaching institution in Homeopathy.

5. President - (1) There shall be a president for the council.

(2) The president shall be nominated by the Government from among the members who are registered practitioners.

6. First council to be nominated by the Government. Notwithstanding anything contained in this Chapter, the first council shall be nominated by the Government and shall hold office for a period of five years from its constitution.

7. Disqualification for membership - No person shall be eligible for being elected or nominated as a member if he:-

(1) Is not ordinarily resident in the State of Tamil Nadu.

(2) In a case falling under clause (a) or sub-clause (i) of clause (b) of section 4, is not such registered practitioner as is referred to in that clause or, as the case may be, sub-clause.

(3) Is an applicant to be adjudicated an insolvent or is an undischarged insolvent

(4) Is of unsound mind and stands so declared by a competent court

(5) Has been sentenced by a criminal court to imprisonment for any offence involving moral turpitude

(6) Is a paid employee of the council or

(7) Has not completed twenty-five years of age.

8. Term of Office of Members: (1) Save as otherwise provided in this Act, the term of office of a member (including the member nominated as President) shall be five years from the date of his election or nomination as member.

(2) An outgoing member (including the member nominated as president), if otherwise qualified, shall be eligible for re-election or re-nomination.

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9. Cessation of Membership A member shall be deemed to have vacated his seat.

(1) on sending his resignation in writing to the president or the registrar.

(2) on his absence without excuse sufficient in the opinion of the council from three consecutive meetings of the council.

(3) on this ceasing to ordinarily reside in the State of Tamil Nadu for twelve consecutive months.

(4) On removal of his name from the register.

(5) On his applying to be adjudicated, or on his being adjudicated an insolvent.

(6) On his being declared to be of unsound mind by a competent court.

(7) On the expiry of the term mentioned in sub-section (1) of section 8

(8) On his being sentenced by a criminal court to imprisonment for any offence involving moral turpitude or

(9) In the case of any officer nominated under sub-clause (ii), (iii) or (iv) of clause (b) of section 4, also on his ceasing to hold the post or

(10) On his becoming a paid employee of the council.

10. Removal of member: (1) The Government may, by order, remove any member (including the president) if the member is, in the opinion of the Government, guilty of gross misconduct in any respect, professional or otherwise, which renders him unfit to be a member.

(2) The Government shall, when they propose to take action under sub-section (1), give the member concerned an opportunity for explanation.

11. Filling of vacancies: When the seat of any member becomes vacant, the vacancy for the remaining period shall be filled by election or nomination, as the case may be, in accordance with the provisions of section 4.

Provided that any vacancy in the office of any

(1) Elected member or

(2) Nominated member,

occurring within six months before the date of the expiry of the term of office of the members under sub-section (1) of section 8.

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(a) In a case falling under clause (1) shall not, without the previous sanction of the Government, be filled or

(b) In a case falling under clause (2) may, if the Government deem fit, be kept unfilled

12. Executive Committee: (1) "There shall be an executive committee of the council consisting of the president ex-officio, and four other members of the council who shall be elected in the prescribed manner by the council at its first meeting".

(2) Every member of the executive committee so elected shall hold office so long he continues to be a member of the council and, if any casual vacancy occurs before the said period, the council shall fill the vacancy for the remaining period by electing a member of the council.

(3) The council may, subject to such rules as may be by the Government in this behalf and with the previous sanction of the Government, delegate any of its powers and duties to its executive committee.

(4) The Government shall have power to cancel any delegation made under sub-section (3)

13. Meetings of council and executive committee: (1) The council and the executive committee of the council shall meet at such time and place and every meeting of the council or the executive committee shall be summoned by such person and in such manner as may be specified by regulations.

Provided that until such regulations are made, it shall be lawful for the president to summon a meeting of the council or of the executive committee at such time and place as he may deem expedient by letter addressed to each member of the council or of the executive committee.

(2) All questions at any meeting of the council, or its executive committee shall be decided by the votes of the majority of the members present and voting at the meeting and in the case of an equality of votes, the member presiding shall have and exercise a second or casting vote.

Provided that in the case of an equality of votes at an election the choice shall be by casting lots.

(3) The members of the council and the members of the executive committee shall paid such daily and travelling allowances as may be prescribed.

(14) Registrar and other officers and servants: (1) (a) The council shall appoint a registrar who shall be the secretary to the council. The

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registrar shall act as treasurer of the council, unless the council appoints another person as treasurer under sub-section (3). The registrar shall also be the secretary of the executive committee.

(b) The council may, at any time, remove the registrar from office by a resolution passed at a special meeting convened for the purpose and supported by the votes of not less than two thirds of the total number of members present and voting at the meeting.

(c) The appointment of the registrar or his removal from office shall be subject to the approval of the Government and shall not take effect until such approval has been accorded.

(2) In the temporary absence of the registrar on leave, by reason of illness or other cause, or pending the filling of a vacancy caused in any other manner, his powers and duties shall, for a period of not more than three months, be exercised and performed by such person and in such manner as the president may direct.

(3) The council may also appoint such other officers and servants as it may deem necessary for the purpose of this Act. The remuneration and other conditions of service of the registrar and other officers and servants of the council shall be such as may be specified by regulations.

(4) All officers and servants of the council appointed under this section shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860)

CHAPTER III

REGISTRATION OF PRACTITIONERS

15. Registration of Practitioners: (1) Subject to the other provisions contained in this Act.

(a) every person who possesses any of the qualifications specified in the Schedule and who furnishes to the registrar proof of his qualification for registration whether or not such person practices or intends to practice homeopathy.

(b) every person who does not possess any of the qualifications referred to in clause (a) but who within the period of one year from the commencement of this Act or such further period not exceeding one year as may be fixed by the Government in this behalf.

(i) makes an application in the prescribed manner so as to reach the council on or before the 4th day of May 1976

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(ii) proves in the prescribed manner to the satisfaction of the council that he has been in regular practice as a practitioner for a period of not less than ten years on the 4th day of May 1974

(c) every person who neither possesses any of the qualifications referred to in clause (a) nor has been in such practice as is referred to in clause (b), but who, within the period of one year from the commencement of this Act or such further period not exceeding one year as may be fixed by the Government in this behalf:

(i) makes an application in the prescribed manner so as to reach the council, on or before the 4th day of May 1976

(ii) proves in the prescribed manner to the satisfaction of the council that he has been in regular practice as a practitioner for a period of not less than four years on the 4th of May 1974

(iii) passes a written test to be conducted by a council within a period of five years from the commencement of this Act.

shall be entitled to have his name entered in the relevant register of practitioners maintained under sub-section (2) of section 16.

(2) The place and time at which the written test referred to in sub-clause (iii) of clause (c) of sub-section (1) shall be conducted and the syllabus for the test shall be prescribed by regulations.

(3) Every application for registration under this Act shall be sent to the Registrar together with the prescribed fee and such proof of qualifications for registration, as may be prescribed.

(4) The council may refuse to permit the registration of any person who has been convicted of any such offence as implies in the opinion of the council a defect of character or who, after inquiry at which opportunity has been given to the candidate to be heard in person or by pleader, has been held by the council to have been guilty of infamous conduct in any professional respect.

16. Registers of practitioners and their maintenance : (1) Subject to the provisions of this Act and subject to any general or special order of the council, it shall be the duty of the registrar to maintain the registers referred to in sub-section (2) and from time to time to revise those registers and publish the same in the prescribed manner.

(2) There shall be maintained the following registers namely:

(i) a register containing the names of practitioners who possess any of the qualifications specified in the Schedule and who are registered or deemed to be registered under clause (a) of sub-section (1) of section 15

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(ii) a register containing the names of practitioner registered or deemed to be registered under clause (b) of sub-section (1) of section 15;

(iii) a register containing the names of practitioners under clause (c) of sub-section (1) of section 15;

(3) every register maintained under sub-section (2) shall be in such form and shall contain such particulars as may be prescribed.

(4) the registrar shall maintain every register in accordance with this Act and the rules made there under and shall remove from such register the name of any registered practitioner who is dead whose name is directed to be removed or deleted from the register under section 19. For this purpose, information to the register by such officer, in such form and in such manner as may be prescribed.

(5) Every register maintained under sub-section (2) shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872 (Central Act 1 of 1872)/

17. Fees for Registration: (1) Every person who applies to be registered under this Act shall pay such registration fee not exceeding one hundred rupees as may be prescribed.

(2) Every registered practitioner who applies to the registrar for registration under a new name or in respect of any additional qualification obtained subsequent to registration under this Act shall pay such registration fee not exceeding ten rupees as may be prescribed.

18. Certificate of registration: (1) Every person whose name has been entered in a register maintained under sub-section (2) of section 16 shall be issued a certificate of registration in the prescribed form.

(2) Where it is shown to the satisfaction of the registrar that the certificate of registrar issued under sub-section (1) has been lost or destroyed, the registrar may, on the payment of such fee not exceeding ten rupees as may be prescribed, issue a duplicate thereof.

19. Alteration of register by council - (1) The council may, if it deems fit and after giving due notice to the person concerned and inquiring into his objections, if any, order that any entry in the relevant register, which shall be proved to the satisfaction of the council to have been fraudulently or incorrectly made or brought about, be cancelled or amended.

(2) (a) The council may direct the removal altogether or for a specified period from the relevant register of the name of any registered practitioner

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for the same reasons for which registration may be refused under sub-section (1) or sub-section (4) of section 15 and the said sub-section (4) shall apply to any inquiry under this section.

(b) The council may also direct that any name so removed shall be restored.

(3) Nothing contained in sub-section (2) shall relieve a registered practitioner of any obligation or code of ethics which may be imposed upon registered practitioners generally by the council.

(4) Any registered practitioner may make an application to the council for the deletion of his name from the relevant register and the council may, subject to such rules as may be made by the Government in this behalf, direct such deletion. Any such practitioner may apply for fresh registration under section 15.

(5) Whenever the name of any registered practitioner is directed to be removed or deleted from the register by the council, it may publish or cause to be published the fact of such removal or deletion in such manner as it deems fit.

20. Appeals (1) Any person aggrieved by

(a) any decision of the registrar refusing to register under sub-section (1) of section 15, may appeal to the council or

(b) any decision of the council under sub-section (4) of section 15 or section 19, may appeal to the Government.

(2) the appeal under sub-section (1) shall be preferred within three months from the date of the receipt by the appellant of the decision appealed against.

Provided that the appellate authority may, in its discretion, allow further time not exceeding three months for preferring any such appeal, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

(3) In disposing of an appeal under sub-section (1), the appellate authority may, after giving the party an opportunity of making his representations, pass such order thereon as it may deem fit.

(4) The order of the appellate authority on such appeal shall be final.

(5) The appellate authority may pending the exercise of its powers under this section, pass such interlocutory orders as it may deem fit.

21. Procedure of council in injuries and appeals - (1) Any inquiry under section 15 or section 19 may be held by a committee consisting of three members of the council elected for the purpose by the council. The council or the committee, as the case may be, may at its discretion, hold such inquiry in camera. When the inquiry is held by a committee it shall make a report to the council which shall pass orders under section 15 or section 19, as the case may be.

(2) For the purpose of any such inquiry or of any appeal under clause (a) of sub-section (1) of section 20, the council or any committee thereof elected as aforesaid shall be deemed to be a court within the meaning of the Indian Evidence Act, 1872 (Central Act 1 of 1872), and shall exercise all the powers of a commissioner appointed under the Public Servants (Inquiries) Act, 1850 (Central Act XXXVII of 1850), and such inquiries and appeals shall be conducted as far as may be, in accordance with the provisions of section 5 and section 8 to 20 of the Public Servants (Inquiries) Act, 1850 (Central Act XXXVII of 1850)

22. Powers of council - The council shall have the following powers, namely:

(1) to establish with the approval of the Government Institutions teaching homeopathy, to aid institutions teaching homeopathy and to grant or refuse affiliation to such aided institutions or to withdraw after giving governing body or authority of the aided institution an opportunity to show cause against the action proposed to be taken, such affiliation.

(2) to call on the governing body or 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 in institutions established by, or affiliated to the council and to confer degrees, diplomas and certificates on them on having passed the necessary examinations.

(4) to provide by regulations course of study for different examinations held by the council.

(5) to provide for instruction or for refresher courses in such branches of medical science as would be useful to persons studying homeopathy.

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

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(7) to grant scholarships, prizes and medals to students of institutions established by, or affiliated to, the council who are meritorious, or stipends to students who are poor and deserving and with the sanction of the Government to grant to students scholarships, for research or special study in any institutions that the council may think fit, whether in India or abroad and to endow chairs of homeopathy in institutions established by, or affiliated to, the council.

(8) to confer honorary degrees on practitioners of extraordinary merit.

(9) to collect prescribed fees or charges for admission to the examinations to be held by the council and for certificates, diplomas or degrees granted or conferred by it.

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

(11) to recommend to the Government the sanction of a grant to an affiliated institution teaching homeopathy or the withdrawal or suspension after giving the governing body or authority of 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 homeopathy as the council may, deem fit on such terms as the council may, with the previous sanction of the Government, determine.

(13) to receive grants, donations, gift 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 Government in the matter of research in homeopathy and

(16) to perform such other function at the Government may direct or, on the recommendation of the council, approve for carrying out the provisions of this Act.

23. Control by Government-Whenever it appears to the Government that the council has neglected to exercise or has exceeded or abused any power conferred upon it by this Act or any rule made thereunder or has neglected to perform any duty imposed upon it by this Act or any rule made thereunder, the Government may notify the particulars

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of such neglect, excess or abuse to the council, and if the council fails to remedy such neglect, excess or abuse within such time as may be fixed by the Government in this behalf, the Government may, for the purpose of remedying such neglect, excess or abuse, cause any of the powers and duties of the council to be exercised and performed by such person or authority and for such period as the Government may deem fit.

24. Reference to special officer (1) In every case mentioned in section 23, the Government may, whether or not they have already taken action under that section, appoint as special officer, a person who is, or has been, or is qualified for appointment as, a District Judge and refer to such special officer the particulars of any neglect, excess or abuse referred to in that section and such special officer shall inquire in a summary manner and report to the Government, as to the truth of the particulars referred to him and, in case of any such neglect, excess or abuse being found by the special officer to have been established the special officer shall recommend the remedies, if any, which are, in his opinion necessary.

(2) The Government may direct the council to adopt the remedies so recommended within such time as, having regard to the report of the special officer, they may deem fit; and if the council fails to comply with any such direction, the Government may pass such orders or take such action as they deem necessary to give effect to the recommendations of the special officer.

(3) The Special Officer shall have power to administer oaths and to enforce the attendance of witnesses and the production of documents and shall have all such other necessary powers for the purpose of any inquiry conducted by him, as are exercised by civil court under the Code of Civil Procedure, 1908 (Central Act V of 1908).

25. Privileges of registered practitioners - Notwithstanding anything contained in any other law for the time being in force.

(i) a certificate required by law is to be given by a medical practitioner shall be valid if it is signed by any registered practitioner belonging to such class of registered practitioners as may be specified by the Government from time to time and

(ii) The expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word or expression importing reference to a person recognised by law as a medical practitioner or as a member of the medical profession shall, in any Provincial Act as defined in clause (46) of section 3 of the General Clauses Act, 1897 (Central Act X of 1897), or in any State Act as defined in clause (59) of the said section 3 or in any Central Act in its application to the State of Tamil Nadu in so far as any

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such Act relates to any of the matters specified in List II or List III in the Seventh Schedule to the Constitution, be deemed to include a practitioner, registered or deemed to be registered under clause (a) of sub-section (1) of section 15.

CHAPTER IV

PENALTIES

26. Prohibition of practice of homeopathy by persons not registered (1) Notwithstanding anything contained in any other law for the time being in force.

(a) no person other than a practitioner registered or deemed to be registered under clause (a) or clause (b) of sub-section (1) of section 15 or registered under clause (c) of that sub-section shall practise homeopathy in the State of Tamil Nadu.

(b) no registered practitioner unless authorised by the Government in this behalf, shall be entitled to.

(i) sign or authenticate a birth or a death certificate or a medical or a physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner; or

(ii) give evidence at any inquest, or in a court of law as an expert under section 45 of the Indian Evidence Act, 1872 (Central Act of 1872), on any matter relating to medicine, surgery or midwifery; or

(c) except with the special sanction of the Government, no person other than a practitioner registered or deemed to be registered under clause (a) of sub-section (1) of section 15 shall hold any appointment as physician, surgeon or other medical officer in any hospital, asylum, infirmary, dispensary, lying-in-hospital, sanatorium or other similar institution of homeopathy only or of both homeopathy and modern medicine, whether supported entirely by voluntary contributions or not.

Explanation-For the purposes of this sub-section, a person who

(i) mechanically fits or sells lenses, artificial eyes, limbs or other apparatus or appliances; or

(ii) is engaged in the mechanical examination of eyes for the purposes of constructing or adjusting spectacles, eye-glasses or lenses; or

(iii) practises physio-therapy or electro therapy or chiropody or naturopathy or hydropathy or yogic healing or

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- (iv) does domestic administration of family remedies; or
- (v) being registered under the Dentists Act, 1948 (Central Act XVI of 1948), limits his practice to the art of dentistry; or
- (vi) being a nurse, midwife, health visitor, or auxilliary nurse-midwife registered under the Tamil Nadu Nurses and Midwives Act, 1926 (Tamil Nadu Act III of 1926), or a dhai, attends on a case of labour, shall not be deemed to practice homeopathy.

(2) any person who contravenes sub-section (1) shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both.

27. *Conferring, granting or issuing colourable limitation of degrees, diplomas, etc., to be an offence* (1) No person other than

- (a) an University or
- (b) an institution established by, or affiliated to, the council or
- (c) an authority empowered or recognised as competent by the Government to confer, grant or issue any degree, diploma, license, certificate or any other like award entitling the holder thereof to practise homeopathy shall confer, grant or issue or hold himself out as entitled to confer grant or issue any degree, diploma, licence, certificate or any other like award which is identical with or is a colourable imitation of, any degree, diploma, licence, certificate or award conferred, granted or issued by a University or an Institution or authority referred to in clauses (b) and (c) and purports to entitle the holder thereof to practise homeopathy.

2. any person who contravenes sub-section (1) shall be punishable

- (i) for the first offence with fine which may extend to one thousand rupees and
- (ii) for the second or any subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or with both.

28. *Prohibition against addition of any title, description, etc., to name of any person unless authorised to do so* (1) No person shall add to his name any title, description, letter or abbreviation which implies that he holds a degree, diploma, licence, certificate or any other like award as his qualification to practise homeopathy unless

- (a) he actually holds such degree, diploma, license, certificate or any other like award; and
- (b) such degree, diploma, licence, certificate or any other like award

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(i) is recognised by any law for the time being in force in India or in any part thereof ;or

(ii) has been conferred, granted or issued by an University or in an Institution or authority referred to in clauses (b) and (c) of sub-section (1) of section 27.

(2) Any person who contravenes sub-section (1) shall be punishable.

(i) for the first offence, with fine which may extend to five hundred rupees ; and

(ii) For the second or any subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

29. Penalty for falsely pretending to be a registered practitioner.

Any person who falsely pretends to be a registered practitioner shall, whether any person is actually deceived by such pretense or not, be punishable.

(i) for the first offence, with fine which may extend to five hundred rupees; and

(ii) for the second or any subsequent offence, with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

CHAPTER V

MISCELLANEOUS

30. Jurisdiction of criminal courts (1) No court shall take cognizance of any offence punishable under this Act except on complaint in writing made by the Registrar in this behalf.

(2) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

31. Bar of jurisdiction of courts : No act done in the exercise of any power conferred by or under this Act on the Government or the council or any committee thereof or the Registrar shall be questioned in any court of law.

32. Offences by companies - (1) If the person committing an offence under this Act of a company, the company as well as every person in charge of and responsible to, the company for the conduct of its business at the time of commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

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

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

Explanation - For the purpose of this section.

(a) "company" means any body corporate, and includes a firm or other association of individuals and

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

33. Acts of council, committee, etc., not to be invalidated by certain defects. No act of the council or any committee thereof or of any person acting as president or as a member of the council or of the committee shall be deemed to be invalid merely on the ground of

(a) any vacancy or defect in the constitution of the council or of the committee

(b) the president or any member of the council or committee not being entitled to hold or continue in office by reason of any disqualification or any irregularity or illegality in his election or nomination; or

(c) any defect or irregularity in such act not affecting the merits of the case.

34. alteration in the list of qualifications mentioned in the Schedule: The Government may, if they are satisfied on the report of the council or otherwise, that the course of study and examinations prescribed by any University, medical college, school or any other institution conferring, granting, or issuing any degree, diploma, licence, certificate or any other like award.

(1) included in the schedule are not such as to secure the possession by persons obtaining such degree, diploma, licence, certificate or any other like award of the requisite knowledge and skill for the efficient practice of homeopathy; or

(2) not included in the Schedule are such as to secure the possession by persons aforesaid of such knowledge and skill, by notification, direct that such degree, diploma, licence, certificate of any other like reward.

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(a) in a case falling under clause (1), be removed from the Schedule or

(b) in a case falling under clause (2), be included in the Schedule, and upon the issue of any such notification, the Schedule shall be deemed to have been amended accordingly.

35. Power to make rules - (1) The Government may make rules to carry out the purpose of this Act.

(2) in particular and without prejudice to the generality of the foregoing power, such rules may provide for

(a) all matters expressly required or allowed by this Act to be prescribed.

(b) the election of members to the council

(c) the election and term of office of the president of the council.

(d) the notification of election or nomination to, or any vacancy in the office of the president or member of the council.

(e) the powers and duties of the president.

(f) the election of members of the executive committee of the council

(g) the number of members necessary to constitute a quorum for the meetings of the council and its executive committee;

(h) the procedure at any inquiry held under section 15 or section 19

(i) the particulars to be stated in, and the proof of qualifications to be sent along with, applications for registration under this Act.

(j) the institution, hearing and disposal of appeals under this Act.

(k) the fees to be paid for applications and appeals under this Act.

(l) the compilation and publication of the registers referred to in sub-section (2) of section 16

(m) the allowances of non-official members of the council

(n) the disposal of fees received under this Act.

(o) the qualifications and conditions required for any registered practitioner performing surgery and post-mortem in any approved institution.

36. Publication of rules, commencement of rules and notifications and placing them before the Legislature (1) All rules made under this Act shall be published in the Tamil Nadu Government Gazette and, unless they are expressed to come into force on a particular day, shall come into

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force on the day on which they are so published.

(2) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(3) Every rule made under this Act and every notifications issued under section 34 shall, as soon as possible after it is made or issued, be placed on the table of both Houses of Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

37. Power to make regulations (1) The council may, with the previous sanction of the Government, by notification, make regulations not inconsistent with this Act and the rules made thereunder for enabling it to perform its functions under this Act.

(2) in particular and without prejudice to the generality of the foregoing power, such regulations may provide for

(a) the convening of meetings of the council and its executive committee.

(b) the conduct of business at such meetings.

(c) the delegation of powers or duties of the council to its president

d) the appointment, control, remuneration and other conditions of service of the officers and servants of the council referred to in section 14

(e) the place and time at which the written test referred to in sub-clause (iii) of clause (c) of sub-section (1) of section 15 shall be conducted and the syllabus for the test.

38. Repeals and savings (1) Any law corresponding to this Act in force in the added territories immediately before the commencement of this Act including the Andhra Ayurvedic and Homeopathic Medical Practitioners Registration Act, 1956 (Andhra Act XXVI of 1956) (hereafter in this section referred to as the corresponding law), shall, in so far as the corresponding law relates to Homeopathy, stand repealed on such commencement.

(2) The repeal by sub-section (1) of the corresponding law shall not affect.

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(i) the previous operation of the corresponding law or any thing duly done or suffered thereunder; or

(ii) any right, privilege, obligation or liability acquired, accrued or incurred the corresponding law; or

(iii) any fine, penalty, forfeiture or punishment incurred in respect of any offence committed against the corresponding law; or

(iv) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, fine, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued, or enforced and any such fine, penalty, forfeiture or punishment may be imposed, as if this Act had not been passed.

(3) Subject to the provisions of sub-section (2), anything done or any action taken, including any appointment or delegation made, notification, order instruction or direction issued, or any rule regulation or form framed, certificate granted or registration effected, under the corresponding law shall be deemed to have been done or taken under this Act and shall continue to have effect accordingly unless and until superseded by anything done or any action taken under this Act.

(4) For the purpose of facilitating the application of this Act in the added territories any court or other authority may construe this Act with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

(5) Any reference to the corresponding law in any law which continues to be in force in the added territories after the commencement of this Act shall, in relation to those territories, be construed as a reference to this Act.

(6) After the commencement of this Act, every practitioner in the added territories who

(a) possesses any of the qualifications specified in the schedule and who is registered under the Andhra Ayurvedic and Homeopathic Medical Practitioners Registration Act, 1956 (Andhra Act XXVI of 1956), as in force in the added territories immediately before the commencement of this Act, shall be deemed to be a practitioner registered under clause (a) of sub-section (1) of section 15 and

(b) does not possess any of the qualifications referred to in clause (a) but who is registered under the Andhra Ayurvedic and Homeopathic Medical Practitioners Registration Act, 1956 (Andhra Act XXVI of 1956) as in force in the added territories immediately before the commencement of this Act, by virtue of his practice in homeopathy for the period specified in that Act shall be deemed to be a practitioner registered under clause (b) of sub-section (1) of section 15.

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(7) The registrar shall on receipt of an application made in this behalf in the prescribed manner by any such practitioner as is referred to in sub-section (6) and after making such inquiry as he deems fit, enter in the relevant register maintained under sub-section (2) of section 16 the name of such practitioner. No fee shall be payable for making any such entry.

(8) Notwithstanding anything contained in this Act or in any other law for the time being in force, all persons possessing any of the qualifications specified in the schedule who at the commencement of this Act are practising both homeopathy and modern medicine shall be entitled to continue such practice.

Explanation -For the purpose of this section, the expression "added territories" shall mean the territories specified in the second Schedule to the Andhra Pradesh and Tamil Nadu (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959)

THE SCHEDULE

Qualification in Homeopathy

(See sections 4 (1), 15 (1) (a), 16 (2) (i), 22, 34 and 38 (6) (a) and (8)

1. Any of the following post-graduate diploma of the Faculty of Homeopathy (London) namely:

(1) F.F. Hom. (Lond.)

(2) M.F. Hom. (Lond.)

(3) D.F. Hom. (Lond.)

2. Any diploma granted by any of the following institutions in West Bengal, namely

(1) The Calcutta Homeopathy Medical College

(2) D.N. De Homoeopathy Medical College

(3) The Prathap and Herring Homeopathy Medical College

(4) The Midnapore Homoeopathy Medical College

(5) The Bengal Allen Homeopathy Medical College

3. Government Diploma in Integrated Medicine (Homeopathy) awarded by the Board of Indian Medicine, Hydrabad.

4. Any degree, diploma, licence, certificate or any other like award conferred, granted or issued by passing the final examination held by the General Council and State Faculty of Homeopathic Medicine, West Bengal.

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5. Any degree, diploma, licence, certificate or any other like award conferred, granted or issued by passing the final examination held by the Council of Homeopathic Medicine, Calcutta, West Bengal.

6. Any degree, diploma, licence, certificate or any other like award conferred, granted or issued by passing the final examination held by the Andhra Board for Ayurveda and Homeopathy, Hyderabad, Andhra Pradesh.

7. Any degree, diploma, licence, certificate or any other like award conferred, granted or issued by passing the final examination held by the State Board of Homeopathic System of Medicine, Patna, Bihar.

8. Any degree, diploma, licence, certificate or any other like award conferred, granted or issued by passing the final examination held by the Board of Homeopathic System of Medicine, Delhi.

9. Any degree, diploma, licence, certificate or any other like award conferred, granted or issued by passing the final examination held by the Council of Homeopathic System of Medicine, Trivandrum, Kerala State.

10. Any degree, diploma, licence, certificate or any other like award conferred, granted or issued by passing the final examination held by the Board of Homeopathic and Bio-Chemic Systems of Medicine, Madhya Pradesh, Bhopal.

11. Any degree, diploma, licence, certificate or any other like award conferred, granted or issued by passing the final examination held by the Court of Examinations in Homeopathy, Bombay, Maharashtra.

12. Any degree, diploma, licence, certificate or any other like award conferred, granted or issued on passing the final examination held by the State Board of Homeopathic System of Medicine, Lucknow and Agra University, Agra.

G.O. Ms. No. 1799, Health dated 10-8-77

13. The Diploma in Homeopathy Medicine and Surgery issued to the students of the Homeopathy Medical College, Madurai on passing the final examination held by the Tamil Nadu Homeopathy Council during the year 1973-1974.

G.O. Ms. No. 946, Health dated 8.6.78

14. The Diploma in Homeopathy Medicine and Surgery issued to the students of the Government Homeopathy Medical College, Madras by the Director of Government Examinations, Madras.

G.O. Ms. No. 793, Health dated 15.5.89

15. The Diploma in Homeopathy Medicine and Surgery issued to the students of the White Memorial Homeopathy Medical College, Attoor, Kanyakumari District by the Tamil Nadu Homeopathy Council, Madras.

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

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TAMIL NADU ACT No. 5 1972

(Tamil Nadu Homoeopathy System of Medicine and Practitioners of Homoeopathy Rules, 1972)

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

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

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

RULES

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

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

(a) "Act" means the Tamil Nadu Homoeopathy System of Medicine and Practitioners of Homoeopathy Act, 1971 (Tamil Nadu Act 5 of 1972)

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

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

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

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

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

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

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

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

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

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

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

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

or

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

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

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

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

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

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

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

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

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

(2) (i) The Returning Officer shall prepare and publish in the Tamil Nadu Government Gazette the preliminary rolls of all electors in Form 1 for each of the electorates specified in sub-clauses (i) and (ii) of clause (a) of section 4 together with a notice stating that any objection relating to the entries in, or omissions from, the said electoral rolls may be preferred on or before a specified date to him.

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

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

(4) The register of medical practitioners prepared under section 16 as last published in Tamil Nadu Government Gazette together with the list published by the Returning Officer in the Tamil Nadu Government Gazette of medical practitioners registered under the said Act subsequent to the publication of the said register shall be the final

electoral roll for the electorate specified in sub-clauses (i) and (ii) of clause (a) of section 4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(vi) If the number of candidates who are duly nominated and who have not withdrawn their candidature in the manner and within the time specified in clause (iii) exceeds that of the vacancies, the Returning Officer shall forthwith publish their names in the Tamil Nadu Government Gazette and shall cause their names to be entered in the voting paper in form IV in alphabetical order. The alphabetical order is to be determined with reference to the order of the sur-names of candidates having sur-names and names proper of other candidates.

(vii) On or before the date appointed by the president of the council in this behalf, the Returning Officer shall send by post to each elector a letter of intimation in Form V together with a numbered declaration paper in Form III and a voting paper in Form IV which shall be on it the Returning Officer's initial or facsimile signature. A certificate of posting shall be obtained in respect of each such letter intimation sent to an election.

(viii) Before the Voting Paper is issued to an elector, the Returning Officer, shall place a mark against the name of the elector concerned in the electoral roll, or a copy of it, used for the purpose of the electoral.

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

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

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

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

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

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

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

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

(a) the outer envelope contains no declaration paper outside the voting paper cover, or

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

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

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

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

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

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

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

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

A voting paper shall be invalid if:

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

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

(c) no vote is recorded thereon; or

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

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

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

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

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

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

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

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

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

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

- (a) the receipt of nomination papers and their scrutiny;
- (b) the sending of voting papers;
- (c) the poll; and
- (d) the scrutiny and counting of votes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Municipal Commissioner and District Collector to furnish information regarding death of practitioners (i) In respect of a municipal area, the municipal commissioner concerned and in respect of any other area, the district collector concerned shall send to the Registrar a monthly return in Form XV regarding the death in the preceding month of the registered practitioners residing within the municipal areas or the other areas, as the case may be.

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

11. Rules for the compilation and publication of the Medical Registers and connected matters. (1) The register of medical practitioners shall be maintained by the Registrar in Form No. VIII.

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

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

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

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

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

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

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

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

(7) Every person who has obtained a certificate of registration from the Retistrar in Form I shall be entitled to receive a duplicate certificate in the same form on payment of a fee of five rupees and the stamp duty. The work "Duplicate" shall be clearly shown in red ink across the duplicate certificate.

12. Qualifications and conditions for performing surgery and postmortem, etc., in an approved institution. (1) Every person who possesses any of the qualifications specified in the Schedule to the Act and registered as a practitioner and issued a certificate 'A' in Form IX shall perform surgery and post-mortem in any approved institution if such person has undergone a regular course of surgery before obtaining the Degree or Diploma.

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

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

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

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

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

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

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

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

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

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

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

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

The Council may then

(a) order that all further proceedings be stopped.

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

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

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

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

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

(5) When the charge is brought by a complainant, they shall require the complaint to be reduced to writing and verified by oath or solemn affirmation of the complainant. The articles of charge and a list of documents and witnesses by which each charge is to be sustained shall then be prepared and the registrar shall issue a notice in writing on behalf of the council addressed to the medical practitioner concerned. Such notice shall be accompanied by a copy of the articles of charge and a list of witnesses and documents referred to above and shall inform the medical practitioner concerned of the day on which and the hour at which the council or committee intend to deal with the case and shall call upon him to attend before the council or committee on that day and hour. The notice shall be in Form XIV with such variations as circumstances may require. It shall be served on the medical practitioner fifteen clear days before the beginning of the inquiry, and shall be accompanied by a copy of sections 15, 19 and 21 and of the rules to regulate the procedure for conducting any inquiry thereon. Service of the notice may be made either by delivery to the medical practitioner in person or by registered letter addressed to his usual residence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21. Names of the members of the council is to be maintained in a book. A book shall be maintained containing the name of each of the members of the council, the electorate he represents, the date of notification of his election or nomination, the term for which he was elected or nominated and the date of his death, resignation, or retirement or on which day he otherwise ceased to be a member, the book shall be regularly maintained so as to show the period at which the body or authority having power to elect or nominate should make a fresh nomination or elect a member.

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

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

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

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

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

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

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

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

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

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

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THE SCHEDULE

FORM I

[Vide Rule 11(7)]

Preliminary Roll of electors

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

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

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

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

FORM II

[Vide Rule 6(5)]

Nomination Paper

1. Name of candidate and registration Certificate Number:-

2. Father's Name:

3. Age:

4. Registered qualification of the candidate

5. Address

6. Signature of the proposer

7. Signature of the seconder

Declaration by the candidate

I, hereby declare that I agree to this nomination

Signature of the candidate

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

Returning Officer

Instructions

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

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

FORM III

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

Declaration paper

Serial Number

Elector's Name :

Number of the electoral roll, if any

Elector's Declaration

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

Station:

Signature

Date :

Address

FORM IV

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

Voting Paper

Serial Number

Name of the Candidate

Vote

(1)

(2)

(3)

Returning Officer

Instructions

1. The number of vacancies to be filled in is

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

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3. A voting paper will be invalid if

(a) It does not bear the Receiving Officer's initials or the fac-simile signature; or

(b) A voter signs his name or writes a word or makes mark on it by which it becomes recognisable

(or)

(c) no vote is recorded thereon or

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

(e) it is void for uncertainty of one or more votes exercised (amended as in the voting paper)

FORM V

[Vide rule 8 (10) (vii)]

Letter of Intimation

Sir / Madam

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

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

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

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

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

2. Voting papers will be rejected if

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

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

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

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

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

(f) the declaration is not in order; or

(g) the voting paper is invalid

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

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

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

(iii) no vote is recorded therein; or

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

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

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

5. The scrutiny and counting of votes will begin on

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

Office of the Registrar,

TNHM Council Chennai.

Receiving Officer

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FORM VI

[Vide rule 9 (1)]

Application for registration

Date:

To

The Registrar

Council of Homeopathy

Chennai. Tamil Nadu

Sir,

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

The information necessary for registration is specified on the reverse.

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

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

Yours faithfully,

Signature

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

Strike off that which is not necessary

Applicant's name in full

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

Father's Name (in block letters)

Month and year of Diploma, if any required.

College or School where each was obtained.

Month and year of Diploma, if any

Date and place of registration

Address:

Signature

Remarks

for the Registrar only

Any remarks.

FORM VII

[Vide rule 9 (1)]

Certificate of regular practice

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

Station:

Signature of the District

Date:

Collector and seal

*Here specify the exact postal address of the place of practice

FORM VIII

[Vide rule 11 (1)]

Register of Medical Practitioners

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1. Serial Number
2. Name
3. Father's Name
4. Qualifications
5. Date of Registration
6. Place of Profession and address
7. Remarks

FORM IX

[Vide rule 11 (6)]

Registration Certificate A

Certificate No.

Office of the Tamil Nadu Homeopathy Council

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

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

Registrar's Seal

Notice

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

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

Form X

[Vide Rule 11(6)]

Registration Certificate B

Office of the Tamil Nadu Homoeopathy Council

Certificate No.

1. Name	2. Father's Name	3. Qualifications	4. Date and place of registration	5. Address	6. Remarks
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It is hereby certified that this is a true copy of the entry of the above specified name in the Medical Register.

Registrar's Seal

Notice

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

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

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

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

Form XI

[Vide Rule 11(6)]

Registration Certificate C

Office of the Tamil Nadu Homeopathy Council

Certificate No.

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

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

Registrar's Seal

Notice:

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

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

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

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

Form XII

[Vide Rule 14(14)]

Notice

Sir,

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

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

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

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

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

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

FORM XIII

[Vide rule 10 (1)]

Application for deletion of name

I hereby declare that I am not aware of any disciplinary proceedings or any reason for the institution of any such proceedings against me on the ground of a defect of character or of infamous conduct in any professional respect, nor have I been convicted of any offence implying a defect of character.

(Sd.)

Address

Station:

Date:

FORM XIV

[Vide rule 14 (5)]

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

Office of the

Tamil Nadu Homeopathy Council

Dated the

Sir,

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

TAMIL NADU ACT No. 5, 1972

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

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

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

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

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

Signed

Registrar

FORM XV

[See rule 10 (8)]

Report

Monthly report of death of medical practitioners registered under

TAMIL NADU ACT No. 5, 1972

the Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy Act, 1971, for the month of 20 of municipality, non municipality areas in the district of

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

Signature

Commissioner / Collector

To

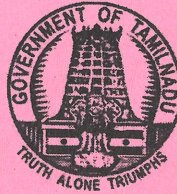
The Registrar,

Tamil Nadu Homeopathy Medical Council,

Chennai.

J.A. Ambasankar

Secretary to Government



GOVERNMENT OF TAMIL NADU
1976

(Registered No. M-1)

TAMIL NADU GOVERNMENT GAZETTE
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Part - III Section 2
Statutory Notifications and Orders Issued by
Heads of Departments

NOTIFICATIONS BY HEADS OF
DEPARTMENTS

**NOTIFICATIONS BY HEADS OF
DEPARTMENTS**

**GENERAL NOTIFICATIONS
TAMILNADU HOMOEOPATHY COUNCIL
Tamil Nadu Homoeopathy Council Regulations, 1973
(No. 303/TNHC/76-D)
G.O. Ms. No 11 H & F Dept. Dt. 3.1.74**

No. SRO C-26/76-In exercise of the powers conferred by section 37 of the Tamil Nadu Homoeopathy System of Medicine and Practitioners of Homoeopathy Act, 1971 (Tamil Nadu Act 5 of 1972), the Tamil Nadu Homoeopathy Council makes the following regulations with the previous sanction of the Government:

1. These regulations may be called the Tamil Nadu Homoeopathy Council Regulations, 1973.

2. (1) In these regulations, unless there is anything repugnant in the subject or context,

(a) "The Act" means the Tamil Nadu Homoeopathy System of Medicine and Practitioners of Homoeopathy Act, 1971 (Tamil Nadu Act 5 of 1972)

(b) "The Council" means the "Tamil Nadu Homoeopathy Council" established by the Government of Tamil Nadu under Section 3 of the Act.

(c) "Agenda" means the list of business proposed to be transacted at a meeting of the Council.

(d) "President" means the President of the Council nominated by the Government of Tamil Nadu under sub-section (2) of section 5 of the Act.

(e) "Presiding Authority" means the President or in his absence any person elected to preside over any meeting of the Council as provided for in clause (8) of these regulations.

(f) "Meeting" means the meeting of the Council, whether ordinary or extraordinary.

(g) "Member" means a member of the Council, elected or nominated, as the case may be, under section 4 of the Act.

(h) "Registrar" means the Registrar of the Council appointed under section 14 of the Act.

(2) Other expressions have the meanings respectively assigned to them under the Act and rules thereunder.

(3) If any doubt arises as to the interpretation of these regulations, the dispute shall be referred to the Government whose decision thereon shall be final.

MEETINGS OF THE COUNCIL

3. (a) The Council shall meet ordinarily once in two months, the date, time and place of the meeting being fixed by the President.

(b) The President, may, however, if he thinks fit and shall on receipt of a written requisition from not less than five members, call for a special meeting and fix the date, time and place for the special meeting within 15 days from the date of such requisition.

4. Fifteen clear days' notice of every meeting shall be given to all members. The necessity of the notice may be waived, if the date, time and place of ensuing meeting have already been fixed at the previous meeting. However, the President, on his own behalf or at the written request of any five members of the council, shall convene extraordinary meetings of the Council with at least three clear days notice given by telegraphic message and the Agenda notes sent by express letter.

In the case of a member who is out of India at the time fixed for the meeting, the notice of such member may be dispensed with.

5. All meetings of the Council shall be convened under the instructions from the President and in the absence of the President, the Registrar shall convene the meeting by letter addressed to each member stating time and place of the meeting.

6. The notice for any meeting shall specify the purpose of the meeting, whether for general business or for any (named) special business. At any meeting which is convened for special business. No business shall be entered on further than such as has been specified in the notice, unless the Council by resolution agrees to consider such business.

7. Previous to any meeting of the Council, the Registrar shall, in consultation with the President, prepare a provisional programme of business with notes and include any other subjects proposed by any

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member and shall furnish a copy thereof to each member of the Council not less than seven days before the day of meeting; and at the same time, forward to all members of the Council copies of the documents and evidence in any penal cases to be brought before the Council during that Session.

8. The President shall preside at the meetings of the Council or, in his absence, the Council shall elect one of their own members to preside over the meetings.

9. All motions and amendments shall be in writing, shall be signed by the mover and before they are spoken to by other members, shall be read from the Chair or by the Registrar under the authority of the Chair.

10. Any motion standing over from the previous meeting shall take precedence over new matters, unless the Council otherwise determines.

11. No motion or amendment shall be withdrawn after having been read from the Chair or by the Authority of the Chair unless by permission of the Council.

12. The proceedings of the meetings of the Council shall be preserved in the form of typed minutes, authenticated, after confirmation by the signature of the President.

13. The minutes of each meeting shall be marked confidential until confirmed, and a copy sent to each member within fifteen days of the meeting.

14. The minutes of each meeting shall contain such motions and amendments as have been proposed and adopted or negotiated with the names of the Proposer and Seconder, but without any comment or observation of members annexed thereto.

If any question arises as to the interpretation of the expression "Motion" the question shall be referred to the President whose decision shall be final.

15. The minutes shall be taken as confirmed as no objection as to their correctness is received by the Registrar from any member within fifteen days of the receipt by such member of a copy of the minutes under regulation 13. If any such objection is received, confirmation of the minutes shall await the next meeting of the Council.

16. The minutes of the Council, after final revision, shall be kept in order that, as soon as convenient after the session, they may be

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made up in sheets and consecutively paged for insertion in the yearly volume.

FOR THE CONVENING OF THE MEETING OF THE EXECUTIVE COMMITTEE FOR THE CONDUCT OF BUSINESS AND FOR THE PRESERVATION OF THE MINUTES OF THE EXECUTIVE COMMITTEE.

17. The President, or in his absence, the Registrar may summon a meeting of the Executive Committee, at any time, by giving eight days' notice, and shall summon a meeting on a written requisition signed by not less than three members of the Executive Committee.

18. The notice of the meeting shall be addressed to each member by the Registrar stating the time and place of meeting.

19. Previous to any meeting of the Executive Committee, the Registrar shall, in consultation with the President, prepare a provisional programme of business and shall furnish a copy thereof to each member of the Committee not less than three days before the meeting of the Committee and shall at the same time forward to all members copies of all papers and records (if any) on any subject to be considered at the meeting of the Committee.

20. The President may place before the Executive Committee any urgent subject not mentioned in the programme on which he wishes to have the opinion of the Committee.

21. The President may obtain the views of the Executive Committee on any subject or subjects by circulation after furnishing the necessary information to the members. In case of difference in opinion, the subjects shall be placed before the next meeting of the Executive Committee. In case of unanimity of opinion, the subject or subjects may be added to the minutes of the Executive Committee.

22. Every meeting of the Executive Committee, shall be presided over by the President and in his absence, the Committee shall elect one member from amongst themselves, as the Chairman of the meeting.

23. The proceedings of the Executive Committee shall be preserved in the form of typed minutes, copies of which shall be supplied to the members of the Executive Committee within eight days after the date of such a meeting.

24. A copy of the minutes of the Executive Committee shall be furnished to any member on request.

APPOINTMENT, CONTROL, PAY AND ALLOWANCES OF THE ESTABLISHMENT EMPLOYED UNDER SECTION 14 OF THE ACT.

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25. No employees shall ordinarily be continued in service after he has attained the age of 60 years.

The Council shall maintain a record of the services of each of its employees recording therein his rank, emoluments, promotions, leave earned and availed of. All changes effected shall be attested by the President in the case of Registrar and in other cases by the Registrar.

25-A. Provided further that under extraordinary circumstances the Registrar, if he is found physically fit, may be retained in service by a resolution of the Council subject to approval of Government even after he attains 60 years of age.

25-B. Applications, if any, for extension shall be made by the employee sufficiently early and subject to his being physically and otherwise fit, the Council shall not grant extension to any employee for more than a year at a time, no more than two such extensions shall be given to an employee under any circumstances. No employee shall be retained in service inclusive of extensions beyond the date on which he attains, 62 years of age.

25-C. Every person appointed to a post shall ordinarily be on probation for a period of two years within a continuous period of three years. If, on the completion of probation, he is found competent, he may be confirmed in the post.

25-D. No person shall be employed by the Council if he is more than 28 years of age on the date of his appointment, provided this rule shall not apply to the Registrar and employment to the Council by Government. Provided that there is also no age limit for backward classes or S.C. / S.T. candidates if they possess qualification higher than the minimum general educational qualification prescribed in the rule if the minimum qualification prescribed for any post is lower than a degree.

Provided that for direct recruitment to a post for which the minimum qualification required is not higher than the minimum general educational qualification, the age limit prescribed shall be increased by five years in respect of candidates belonging to S.C. / S.T.s who do not possess a general educational qualification which is higher than the minimum general educational qualification. Every vacancy of fresh appointment of the Registrar shall be advertised in two of the leading daily newspaper (One in English one in Tamil). Appointments will be made by calling for candidates from the Employment Exchange for the posts of Junior Assistants, Typists, Office Assistants, etc.

26. Security shall be taken from the Registrar, clerks and peons for such amounts as may be fixed by the Council, from time to time.

27. No person shall be continued in service if a moiety of his salary is constantly being attached or is continually attached for two years or if his liabilities cannot be discharged by him in two years.

28. During suspension, an employee shall be given subsistence allowance amounting to one-half of the monthly salary for a period of three months. When an employee is under suspension he shall leave his address with the President. He shall obey all orders to attend any enquiry into his conduct at his own cost. If he fails to do so, the enquiry shall be held in his absence.

29. An employee may resign after giving one month's notice in writing to the President. But the resignation shall not be accepted if any proceedings against him are contemplated or pending.

30. The Registrar shall ordinarily be any person with experience in secretarial work.

31. The minimum qualification for a clerk shall be S.S.L.C. and a working knowledge in Shorthand and Typewriting.

31-A. The salary of the Junior Assistant shall be on the scale of pay as may be prescribed for a Junior Assistant in the Government Scale from time to time. A Graduate Junior Assistant shall be allowed three advance increments in that scale. The Council may in suitable cases with the approval of Government, grant to a Junior Assistant, the Assistant scale or such higher scales obtaining in Government Officer's from time to time. The staff of the Council shall be eligible to draw all such allowances as are admissible to Government Servants holding similar appointments.

31-A. The salary of the Junior Assistant shall be on the scale of pay may be paid by the Council from time to time in addition to the allowances provided for in by-law, 31-A. The Pay of the Office Assistant shall be on the scale pay as may be prescribed for an office Assistant in the Government Scale and allowances from time to time.

31-C. The Registrar shall also be paid any other allowances as may be fixed by the Council from time to time in addition to the Salary provided for in by-law 32, subject to the prior approval by the Government.

31-D. Every person employed in the permanent service of the Council shall subscribe to the Provident Fund under the provisions of Contributory Provident Fund Rules (Tamil Nadu).

31-E. Members of the Office establishment shall be eligible for regular leave in accordance with the provisions of the Tamil Nadu Leave Rules, 1933. Such leave may be granted by the President. Members of the Office establishment shall be eligible for leave salary on surrender of Earned Leave as provided for in G.O. Ms. No. 783, Finance, dated 10th September, 1968 or as ordered by the Government from time to time. The leave and leave salary may be sanctioned by the President.

31-F. The State Government holidays excepted the officers and servants shall attend the office from 10.00 a.m. to 5.30 p.m.

32. The salary of the Registrar shall be in the scale of Rs.250-15-400. But it shall be competent for the Council at its discretion to employ a Registrar who is not a whole time man on payment of such salary as the council may decide. The Council may with the approval of Government in suitable cases appoint a whole-time Registrar on a higher initial pay than Rs.250 but not to exceed Rs.400, the maximum prescribed.

33. The Registrar shall have the general control of the management of the office, authority over the clerks and servants and superintendents of buildings.

34. The duties of the clerks shall be such as shall be assigned to them by the Registrar under the directions of the President.

35. The President may appoint substitutes in the place of those who proceed on regular leave and report the fact to the Council at its next meeting for formal approval.

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36. The following penalties may, for good and sufficient reasons as hereinafter provided be imposed upon members of the establishment employed under section 14 of the Act, namely:

- (i) Censure
- (ii) Withholding of increments or promotion
- (iii) Reduction to lower post on time-scale, or to a lower stage in time-scale.
- (iv) Recovery from pay of the whole or part of the pecuniary loss caused to the Council by negligence or breach of orders.
- (v) Suspension
- (vi) Removal from service which does not disqualify from future employment
- (vii) Dismissal from service, which disqualifies from future employment.

Explanation: The discharge of a person appointed on probation during the period of probation does not amount to removal or dismissal within the meaning of this regulation.

37. Subject to the provisions of section 14 (1) (b) and (c) of the Act, the President may impose any of the penalties specified in regulation 36 on any member of the establishment to therein.

38. No order of dismissal, removal or reduction shall be passed on a member of the establishment (other than an order based on facts which have led to his conviction in a Criminal Court) unless he has been informed in writing of the grounds on which it is proposed to take action and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges which shall be communicated to the person charged together with a statement of the allegations on which each charge is based and of any circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required, within a reasonable time to put in a written statement of his defence and to the authority concerned so direct an oral enquiry shall be held. At that inquiry, oral evidence shall be heard as to such of the allegations as are not admitted and the person charged shall be entitled to cross-examine the witness to give evidence in person and to have such witnesses called as he may wish, provided that the officer conducting the inquiry may for special and sufficient reason to be recorded in writing, refuse to call a witness. The proceedings

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shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof.

This regulation shall not apply where the person concerned has absconded or where it is, for other reasons, impracticable to communicate with him. All or any of the provisions of this regulation may in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived, where there is a difficulty in observing exactly the requirements of the regulation and those requirements can be waived without injustice to the person charged.

39. An appeal from staff and lower grade staff other than Registrar shall be with the Executive Committee for every order imposing any of the penalties specified in regulation 36 passed by the President and in case any such penalty was imposed on the Registrar an appeal shall lie to the Council. An appeal in both cases shall be filed within a month after the date of the order of the President.

40. In the case of such an appeal, the Executive Committee or the Council shall consider:-

(i) Whether the facts on which the order was based have been established,

(ii) Whether the facts established afford sufficient ground for taking action, and)

(iii) Whether the penalty is excessive, adequate or inadequate and after such consideration shall pass such order as it thinks proper.

EXECUTIVE COMMITTEE, ITS POWER Etc.

41. (a) The Executive Committee shall meet ordinarily once in a month and when the Council meets, the Executive Committee shall meet on the previous day.

(b) If any member of the Executive Committee absents himself without sufficient reasons for three consecutive meetings of the Executive Committee, he shall be deemed to have been removed from the Executive Committee.

42. The Executive Committee will be competent to discuss and decide on any point at an emergency. Such decisions taken should, however, be got ratified by the Council at its next meeting.

43. The Executive Committee may invite a member of the Council not being a member of the Executive Committee to attend any meeting of

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the Executive Committee. Any member so invited shall be free to participate in the discussions but shall not function as a member of the Executive Committee by way of voting or otherwise.

44. The Executive Committee may direct the Registrar to bring such subjects as its deem necessary to be brought before a meeting of the Council.

45. The Registrar shall, with previous information to the President, convene all meetings of the Executive Committee. However, when any three of the members direct the Registrar intimating him of the subjects to be discussed at the meeting, it shall be the duty of the Registrar to convene a meeting of the Executive Committee within eight days time and the manner of intimation shall be the same as that of the Council meeting detailed in Regulation No. 17.

46. The Agenda for the Executive Committee meeting shall be prepared by the Registrar and that shall include all matters sent by any member to Executive Committee for favour of consideration at the meeting.

47. Should any elected member of the Executive Committee be absent from three consecutive meetings without leave of the Committee or if the period of leave exceeds six months, he shall cease to be a member of the Committee.

48. The Executive Committee shall keep minutes of its proceedings which shall be dealt with according to the same procedure as that indicated for the minutes of the Council.

49. The Executive Committee shall superintend the publication of the register which shall be prepared by the Registrar. The Registrar shall cause it to be printed after entering therein, annually, the statement of distribution of the copies of the register. The copies shall be distributed to such of the officers of the Government as may be approved by the Government to the Pharmacy Council of India and to such others as may be directed by the Executive Committee.

50. The Executive Committee shall order each year such number of copies of the register to be printed as may seem to the Registrar to be required on a revision of the annual distribution list.

51. The Executive Committee shall consider and prepare reports upon any subjects that may seem to require the attention of the Council and such reports shall be typed and circulated among the members of the Council atleast ten days before the meeting of the Council.

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52. Subject to the provisions of the preceding regulation, all petitions addressed to the Council immediately before or during the sessions of the Council shall be laid on the table of the Council for such action as it deems fit.

53. The Executive Committee shall prepare reports on such subjects as may be indicated to it by the Council at its sittings or by the President at other times. The reports when finally approved by the Executive Committee shall be presented to the Council.

**Tamil Nadu Homoeopathy Council Regulations
(Syllabus for written Test, 1975)**

(No. 303/TNHC/76.2)

No. SRO C-27/76

In exercise of the powers conferred by sub-section (1) and clause (e) of sub-section (2) of section 37 of the Tamil Nadu Homoeopathy System of Medicine and Practitioners of Homoeopathy Act, 1971 (Tamil Nadu Act 5 of 1972), the Tamil Nadu Homoeopathy Council hereby makes the following regulations with the previous sanction of the Government.

1. (1) *Short title and commencement*: These regulations may be called the Tamil Nadu Homoeopathy Council Regulations (Syllabus for Written Test), 1975.

(2) They shall come into force with immediate effect.

2. *Definitions* - (1) In these regulations, unless there is anything repugnant in the subject or context:-

(a) "The Act" means the Tamil Nadu Homoeopathy System of Medicine and Practitioners of Homoeopathy Act, 1971. (Tamil Nadu Act 5 of 1972).

(b) "The Council" means the "Tamil Nadu Homoeopathy Council" established by the Government of Tamil Nadu section 3 of the Act.

(c) "Form" means a form appended in the Schedule to the Tamil Nadu Homoeopathy System of Medicine and Practitioners of Homoeopathy Rules, 1972.

(d) "Registrar" means the Registrar of the Council appointed under section 14 of the Act.

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(2) Other expressions have the meanings respectively assigned to them under the Act and rules thereunder.

(3) If any doubt arises as to the interpretation of these regulations, the dispute shall be referred to the Government whose decision thereon shall be final.

3. *Eligibility for admission:* Practitioners of Homeopathy, who have applied to the Council for registration under clause (c) of section 15 of the Act, in Form VI on or before 4th May 1974 with proof of having regular practice for a period of not less than four years on the date of application and whose applications are found to be in order by the Council shall be eligible to appear for the written test.

4. *Written Test:* A written test shall be conducted by the Council once in every six months during the period from May 1975 to April 1977.

5. *Number of chances of writtten test:* A candidate may avail of all the chances or lesser number of chances as he desires. Since no such tests will be held after 1977, failure to qualify before that date shall disqualify a practitioner of Homeopath from registering his name with the Council.

6. *Place, date and time of written test:* (a) The place, date and time of each test shall be notified, on behalf of the Council, by the Registrar, individually under certificate of posting to the candidates.

(b) Every person eligible to appear for the test shll apply to the Registrar, in Annexure 1 to these regulations which can be had from the Registrar, free of cost, before the last date announced for such requests, along with the fee for the written test, before the last date fixed for the purpose.

(c) Every candidate for the test shall send an applplication along with a fee of Rs.30/- (Rupees thirty only) in the form of crossed Indian Postal Order drawn in favour of the Registrar to the Registrar.

(d) Fee once paid shall not be refunded in any case or adjusted for another examination.

7. *Photographs to accompany application :* Every candidate for the written test shall submit along with the application, two passport size copies of his / her recently taken photographs which shall be duly signed by him / her and one of them attested by a Member of the Council or by a Gazetted Officer.

8. *Issue of Hall Tickets:* Hall Tickets shall be issued to every candidate by the Council by registered post, fifteen days before the

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commencement of the test, on which a copy of the photograph shall be attached. Entrance to the written test shall be only on production of such hall tickets with signature of the Registrar and seal of the Council.

9. *Subjects of written test:* (a) Written test shall be held in the following subjects, namely,

(i) Basic Human Anatomy and Physiology, Organon, Principles of Homeopathy and Material Medica-One paper-3 hours duration and 200 marks.

(b) The syllabus for the test shall be as in Annexure II

10. *Marks for the qualifying at the test:* (A) Minimum marks for qualifying at the test shall be 35 per cent of the total marks in each subject.

(B) A candidate shall qualify at the test at a single sitting in all the subjects.

11. *Language for the test:* The language for the written test shall be Tamil. Candidates shall, however, have the choice of writing the test in English.

12. *Committee to hold the written tests:* The written tests shall be held on behalf of the Council by a COMMITTEE FOR WRITTEN TEST, appointed by the Council. This committee shall appoint sufficient number of examiners and invigilators, cause questions to be prepared and printed, decide the date, time and place of examination, cause the answer papers to be valued, finalise the result, and such other works as are deemed necessary for conducting the test in a most disciplined and strict manner. It shall also decide on all doubts, disputes, complaints etc., that may arise in connection with the examination.

Annexure I

Application Form for admission to the Written Test

[See Regulation No. 6 (b)]

- I. Name of the applicant (In Block Letters)
- II. Home address in full
- III. Age
- IV. Sex

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- V. Father's Name
- VI. Whether application for registration made to the Council and if so, indicate the date of payment of registration fee
- VII. Language of choice for the test (Tamil / English)
- VIII. Date of Payment of fee for written test

Declaration

I, do hereby that all the particulars given above are correct to the best of my knowledge.

Place :

Date :

Signature of the applicant

[Affix copy of the passport size photograph with signature on it (need not be attested)]

Affix a passport size photograph with signature on it. Should be attested by a Gazetted Officer or a Member of the Council.

Attested by:

Name :

Designation :

ANNEXURE II

SYLLABUS

[See Regulation No. 9 (b)]

Subject 1 - Part A

Anatomy and Physiology

1. A basic knowledge of Animal Cell: Various tissues, systems and organs of the body with chief function of each.

2. Human skeleton, names and parts of individual bones of the limbs, vertebrae, skull, face and chest. Positions and chief relations

with articulations of each bone. (No muscular attachments are necessary but the names of muscles in relation with a bone shall be required).

3. The name of the bigger muscles of the body and their chief actions and positions.

4. The position of the heart: (Surface Anatomy) the structure of the heart (gross) the main vessels from and to the heart - General Knowledge and Surface marking of chief vessels that carry blood from and to the heart. A general knowledge of the cardiac cycle and sounds. The rate of normal heart. Examination of the pulse. The mechanism of oxygenation of the blood in the lungs and de-oxygenation in the tissues.

5. Composition of blood, plasma, varieties of blood cells and normal count, Functions of plasma and cells. Substance that hasten and retard coagulation. Measurement of blood pressure; normal pressure.

6. General knowledge of lymphatic drainage : Main position of lymph glands.

7. Different types of food and vitamins: Chief physiological needs of each and their sources. A balanced diet, functions served by each and their final products in the body.

8. Different parts of alimentary canal, their secretions, digestion and absorption of carbohydrates, fats and proteins (starch, fats and meat), liver, spleen, pancreas-position and functions.

9. General knowledge of lungs and wind pipe-Mechanism of respiration rate and control. Methods of artificial respiration.

10. Main endocrine glands, their positions and main functions-Pituitary Thyroid, Parathyroid, Adrenal glands.

11. The gross structure and chief functions of skin.

12. General knowledge of structure and functions of kidneys, formation and composition of urine.

13. Essential reproductive organs in male and female, positions and functions of each. Endocrine control of reproduction.

14. Parts and divisions of nervous system. The nervous control of the muscles and glands. Sensory and motor impulse-Main nerve trunks and their positions. Automatic nervous control, a general knowledge.

15. Essential organs and mechanism of vision, hearing, smell and taste.

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TEXT BOOK: ANATOMY AND PHYSIOLOGY FOR NURSES

by Evely N .C. Pearce

Subject I - Part B

ORGAN PRINCIPLES OF HOMEOPATHY AND HOMEOPATHIC MATARIA MEDICAL

1. A short life history of Dr. Samuel Hahnemann and the circumstances that led to the introduction of Homeopathy.

2. The fundamental principles of Homoeopathy and the logical back-ground of each.

(i) Law of similars

(ii) Doctrine of single remedy and minimum dose

(iii) Doctrine of vital force and drug dinaminsation

(iv) Doctrine of drug proving

3. The knowledge of disease: The philosophical outlook on health and disease. The logical background of the statement that diseases are altered sensations and functions, expressed by signs and symptoms and a sum total of all the signs and symptoms constitute the disease from a practical point. Classification of disease: Method of homeopathic case taking; general guidelines and special precautions necessary during the case taking. Totality of symptoms. Evaluation of symptoms and the different grades of symptoms with their importance during prescriptions.

4. A knowledge of medicinal property: Difference between food, drug, medicines and remedy. Difference between Bio-physical, Bio-chemical and dynamic actions of medicines; different sources of knowledge regarding a medicine with special importance to (i) Human proving and (ii) Clinical proving.

5. Selection of medicine by comparing the drug picture (symptoms) with disease picture. The artistic talents required for the purpose.

6. A knowledge of chronic diseases in general: important characteristic of miasms (psyora, syphilis and sycosis) and treatment of such diseases. The significance and treatment of (i) one sided, diseases, (ii) local maladies (iii) mental diseases and (iv) intermittent diseases.

7. Significance of cure and recovery. Kents observations after administration of a medicine and prognosis of each. Homeopathic aggravation; significance and difference with disease aggravation. Accessory symptoms of disease and medicines. Importance of record keeping. Second prescriptions. Difficult and incurable disease palliation.

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8. Prevention of disease: Hygiene, Vaccination, Homeopathic prophylaxis, Genus epidemics. Fundamental, exciting and maintaining causes of diseases.

9. Pharmacy-Sources of medicine; different vehicles for preparing mother tincture, external applications; Potentisation; Sucussion, triburation and dispensing; Liquid and solid vehicles; advantages and disadvantages of each methods of sucussions and triburation. Prescription writings and meanings of common abbreviations used in prescription. Dose of medicines and general rules for repetition of Homeopathic Medicines.

10. *Homeopathic Materia Medica*: The general adaptability and characteristic symptoms of the following medicines.

List of Medicines

1. Acid Nitricum
2. Acid Phosphoricum
3. Aconitum Napellus
4. Alou Socotrina
5. Antimonium Crudum
6. Antimonium Tartaricum
7. Apis Mellifica
8. Arnica Montana
9. Arsenicum Album
10. Baptisia Tinctoria
11. Baryta Carbonica
12. Belladonna
13. Bryonia Alba
14. Cactus Grandiflorus
15. Calcarea Carbonica
16. Comphora
17. Cantharis Vesicatoria
18. Carbo Vegetabilis
19. Caulophyllum
20. Causticum
21. Chamomilla
22. Chinchona Officinalis

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23. Cimiefuga (Aceta Recemosa)
24. Cina
25. Colchicum Antumnable)
26. Colocynthis
27. Conium Maeulatum
28. Cuprum Metalicum
29. Digitalis Purpurea
30. Drosera Retundifella
31. Duloamara
32. Eupharasia
33. Ferrum Metalicum
34. Gelsemium
35. Glonoine
36. Graphitis
37. Hsmamelis Verginica
38. Helle Borus Niger
39. Hepar Sulphuris
40. Hydrastics Anadensis
41. Hyoscyamus Niger
42. Hypericum
43. Ignata Amaro
44. Iodium
45. Iecacuanha
46. Kalicarbonicum
47. Kali Bichomicum
48. Lachesis
49. Lycopidium
50. Mercurius
51. Nux Vomica
52. Opium
53. Phosphorus
54. Posophylum
55. Pulsatilla
56. Rhus Toxicodendron

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57. Sabina
58. Secale Cornutum
59. Sepia Succus
60. Sillicca
61. Staphisagria
62. Stxramonium
63. Sulphus
64. Thuja
65. Vertrum Albu
66. Zincum Metalicum
67. Psorinim
68. Syphilinum
69. Medorrhinum
70. Inflenzinum
71. Thberculinum
72. Seussler's 12 Tissue Salts

Books

1. Organon of Medicine - By S. Hahnemann (V Edition)
2. Lectures on Homeopathy Philosophy - By Dr. J.K. Kent
3. A Compend of the Principle of Homeopathy
- By Garth Boericke, M.D.
4. Leaders in Homeopathy Therapeutics - By E.B. Nash
5. Key Notes and Characteristics of Homeopathy Mater
in Medicine - By G. Allen
6. Homeopathic Vade Mecum - By E.H. Ruddock, M.D.

Subject II

PRACTICE OF MEDICINE

Part A

A general knowledge and treatment with indications of four common Homeopathic Medicine for each of the following disease / symptoms complexes

- I. (1) Smallpox (2) Chickenpox (3) Measles (4) Typhoid (5) Cholera (6) Diphtheria (7) Whooping cough (8) Mumps (9)

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- (a) Influenza (10) Rheumatic Fever (11) Syphilis (12) Gonorrhoea
(13) Tuberculosis (14) Filariasis (15) Intestinal Worms
(16) Fevers in general and (17) Malaria
- II (1) Anaemia (2) Diabetis (3) Vitamin deficiency diseases
and (4) General Dropsy
- III (1) Meningitis (2) Infantile Paralysis (3) Apoplexy (4) Epilepsy
(5) Infantile Convulsions (6) Hysteria (7) Acute Mania (8)
Neuritis (9) Neuralgia
- IV (1) Syncope (2) Angina pectoris (3) Lymphangitis and (4)
Heart failure
- V (1) Common cold (2) Pneumonia (3) Hoarseness (4) Bron-
chitis and cough (5) Pleurisy (6) Asthma (7) Haemoptysis
- VI (1) Conjunctivitis (2) Styes (3) Iritis (4) Otitis Media and
Externa (5) Deafness (6) Ozaena (7) Epistaxis (8) Nasal
Polypus (9) Adenoids
- VII (1) Stomatitis (2) Toothache (3) Pharyngitis (4) Tonsillitis
and Quinsy (5) Nausea and Vomiting (6) Gastritis (7) Pep-
tic Ulcer (8) Haematemesis (9) Dyspepsia (10) Vertigo (11)
Gastroenteritis (12) Diarrhoea (13) Dysentery (14) Intesti-
nal Colic (15) Constipation (16) Anal Fistula (17)
Haemorrhoids (18) Prolapse of rectum (19) Acute appen-
dicitis (20) Jaundice (21) Enlargement of Liver (22) Biliary
Colic
- VIII (1) Nephritis (2) Cystitis (3) Renal Colic (4) Enlarged Pros-
tate (5) Incontinence of Urine (6) Retention of Urine (7)
Sex (8) Impotency in males
- IX (1) Myxedema (2) Cretinism (3) Goitre and Hyperthyroid-
ism (4) Enlargement of spleen

Part B

- I (1) Urticaria (2) Pruritis (3) Dandruff (4) Leprosy (5)
Impetigo (6) Boils and Abscess (7) Ulcers (8) Eczema (9)
Aene or Pimples (10) Carbuncles (11) Anthrax (12) Corns
and Warts (13) Ringworm (14) Scabies and (15) Herpes
Zoster
- II (1) Shock (2) Burns (3) Abrasion (4) Contusion (5)
Haematoma (6) Sprain (7) Fractures of the limbs (8)

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Wounds and Sepsis (9) Cellulitis (10) Erysipilas (11) First Aid in poisonings and (12) Dressing and bandaging

- III (1) Vulvitis and Pruitis (2) Leucorrhoea (3) Dysmenorrhoea (4) Amenorrhoea (5) Menorrhagia (6) Proplapse of the Uterus (7) Sterility (8) Lumbago (9) Morning sickness and vomitting of pregnancy (10) Antenatal Care (11) Normal Labour and labour pain (12) Toxaemias Pregnancy and Eclampsia (13) Antepartum Haemorrhage (14) Postpartum Haemorrhage (15) Puerperium and Sepsis (16) Postpartum Care (17) Disease of New born and (18) Abortion
- IV (1) The population problem (2) Necessity of a planned family and (3) Principles and methods of birth control
- V Responsibilities of a Physician (Practitioner)

TEXT BOOKS

- 1. Homeopathic Vade Mecum - By E.H. Ruddock, M.D.
- 2. Bering's Domestic Physician
- 3. Practical Homeopathy Therapeutics - By Dewey

C. SRIRAMULU

President, Tamil Nadu Homeopathy Council

Madras - 5

24th September 1976



**GOVERNMENT OF TAMIL NADU
1976**

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**Part - III Section 2
Statutory Notifications and Orders Issued by
Head of Departments**

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NOTIFICATIONS BY HEADS OF
DEPARTMENTS**

NOTIFICATIONS BY HEADS OF DEPARTMENTS

Part III Sec. 2

TAMILNADU HOMEOPATHY COUNCIL

**Amendments to Tamil Nadu Homeopathy Council Regulations
(No. 400/TNHC/80)**

G.O. Ms. No. 35 I M & H Dt. 18.3.1986

No. SRO C-22/86

In exercise of the powers conferred by section 37 of the Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy Act, 1971 (Tamil Nadu Act 5 of 1972), the Tamil Nadu Homeopathy Council makes the following amendments to the Tamil Nadu Homeopathy Council Regulations, 1973 with the previous sanction of the Government:-

After the item 25 of the Tamil Nadu Homeopathy Council Regulations, 1973, the following shall be added:-

25-A. Provided further that under extraordinary circumstances the Registrar, if he is found physically fit, may be retained in service by a resolution of the Council subject to approval of Government even after he attains 60 years of age.

25-B. Applications, if any, for extension shall be made by the employee sufficiently early and subject to his being physically and otherwise fit, the Council shall not grant extension to any employee for more than a year at a time, no more than two such extensions shall be given to an employee under any circumstances. No employee shall be retained in service inclusive of extensions beyond the date on which he attains, 62 years of age.

25-C. Every person appointed to a post shall ordinarily be on probation for a period of two years within a continuous period of three years. If, on the completion of probation, he is found competent, he may be confirmed in the post.

25-D. No person shall be employed by the Council if he is more than 28 years of age on the date of his appointment, provided this rule shall not apply to the Registrar and employment to the Council by Government. Provided that there is also no age limit for backward classes or S.C. / S.T. candidates if they possess qualification higher than the minimum general educational qualification prescribed in the rule if the minimum qualification prescribed for any post is lower than a degree.

Provided that for direct recruitment to a post for which the minimum qualification required is not higher than the minimum general educational qualification, the age limit prescribed shall be increased by five years in respect of candidates belonging to S.C. / S.T.s who do not possess a general educational qualification which is higher than the minimum general educational quali-

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fication. Every vacancy of fresh appointment of the Registrar shall be advertised in two of the leading daily newspaper (One in English one in Tamil). Appointments will be made by calling for candidates from the Employment Exchange for the posts of Junior Assistants, Typists, Office Assistants, etc.

(After the item 31 of the Tamil Nadu Homeopathy Council Regulations, 1973, the following shall be added:)

31-A. The salary of the Junior Assistant shall be on the scale of pay as may be prescribed for a Junior Assistant in the Government Scale from time to time. A Graduate Junior Assistant shall be allowed three advance increments in that scale. The Council may in suitable cases with the approval of Government, grant to a Junior Assistant, the Assistant scale or such higher scales obtaining in Government Officer's from time to time. The staff of the Council shall be eligible to draw all such allowances as are admissible to Government Servants holding similar appointments.

31-A. The salary of the Junior Assistant shall be on the scale of pay may be paid by the Council from time to time in addition to the allowances provided for in by-law, 31-A. The Pay of the Office Assistant shall be on the scale pay as may be prescribed for an office Assistant in the Government Scale and allowances from time to time.

31-C. The Registrar shall also be paid any other allowances as may be fixed by the Council from time to time in addition to the Salary provided for in by-law 32, subject to the prior approval by the Government.

31-D. Every person employed in the permanent service of the Council shall subscribe to the Provident Fund under the provisions of Contributory Provident Fund Rules (Tamil Nadu).

31-E. Members of the Office establishment shall be eligible for regular leave in accordance with the provisions of the Tamil Nadu Leave Rules, 1933. Such leave may be granted by the President. Members of the Office establishment shall be eligible for leave salary on surrender of Earned Leave as provided for in G.O. Ms. No. 783, Finance, dated 10th September, 1968 or as ordered by the Government from time to time. The leave and leave salary may be sanctioned by the President.

31-F. The State Government holidays excepted the officers and servants shall attend the office from 10.00 a.m. to 5.30 p.m.

Madras-600 005.
18th June 1986

S.J. Vincent Amalraj
Registrar, Tamil Nadu Homeopathy Council