



The Orissa Homoeopathic (Amendment) Act, 1994

Act 16 of 1994

Keyword(s):

Homoeopathy, Registered Homoeopathic Practitioner, Doctor

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ORISSA ACT 16 OF 1994

THE ORISSA HOMEOPATHIC (AMENDMENT) ACT, 1994

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ORISSA ACT 16 OF 1994

* THE ORISSA HOMEOPATHIC (AMENDMENT) ACT, 1994

[Received the assent of the Governor on the 5th September 1994, first published in an extraordinary issue of the *Orissa Gazette*, dated the 19th September, 1994]

AN ACT FURTHER TO AMEND THE ORISSA HOMEOPATHIC ACT, 1956.

BE it enacted by the Legislature of the State of Orissa in the Forty-fifth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Orissa Homeopathic (Amendment) Act, 1994.

Amendment of section 3. 3. In the Orissa Homeopathic Act, 1956 (hereinafter referred to as the principal Act), for sub-section (2) of section 3, the following sub-section shall be substituted, namely:—

“(2) The Board shall consist of seven members including the President and shall be constituted in the following manner:—

(a) a President to be nominated by the State Government;

(b) two renowned Homeopathic Practitioners practising in the State of Orissa whose names validly continue for the time being in the register, to be nominated by the State Government;

(c) two members to be elected by the Orissa Legislative Assembly from amongst its members in the prescribed manner;

(d) the Director, Indian System of Medicines & Homeopathy, Orissa; and

(e) one Lady Social Worker having special interest and knowledge in Indian System of Medicines & Homeopathy;

Provided that whenever vacancies arise in the Offices specified in clause (c) due to dissolution of the Orissa Legislative Assembly, the State Government may fill up the said vacancies by nominating two persons who shall, unless sooner removed, hold office till the date on which the names of the members elected under the said clause by the Assembly after its reconstitution are published in the Gazette and the term of office of the members so elected shall be co-terminus with the term of office of the members nominated under clause (b).”

Omission of section 4. 3. In the principal Act, section 4 shall be omitted

Amendment of section 5. 4. In the principal Act, in section 5, the words “second or every subsequent” shall be omitted.

Amendment of section 6. 5. In the principal Act, in section 6, the words and figures “or nominated under section 4” shall be omitted.

Amendment of section 13. 6. In the principal Act, for sub-section (2) of section 13, the following sub-section shall be substituted, namely:—

“(2) No business shall be transacted at any meeting of the Board unless at least three members are present.”

* For the Select Committee Report, see *Orissa Gazette* Extraordinary dated the 15th July 1994 (No. 842).

Amendment of section 21. 7. In the principal Act, for sub-section (4) of section 21, the following sub-section shall be substituted, namely:—

“(4) (a) Notwithstanding anything contained in this Act, on and after the commencement of the Orissa Homeopathic (Amendment) Act, 1994 no person save as provided in clause (b), shall be registered—

(i) as a Listed Homeopathic Practitioner, or

(ii) as a registered Homeopathic Practitioner, unless he possesses any medical qualification included in the Second or the Third Schedule ^{59 of 1973.} to the Homeopathy Central Council Act, 1973.

(b) Any person who, on the date of commencement of the Orissa Homeopathic (Amendment) Act, 1994, validly continues as a Listed Homeopathic Practitioner or Registered Homeopathic Practitioner shall, if he intends to so continue, make an application in the prescribed form and manner to the Registrar for fresh registration as such.

(c) A person, other than a Listed Homeopathic Practitioner or Registered Homeopathic Practitioner, who possesses any medical qualification referred to in sub-clause (ii) of clause (a) and intends to practise Homeopathy, shall make an application in the prescribed form and manner to the Registrar for registration as a Registered Homeopathic Practitioner.

(d) The Registrar shall, if he is satisfied on receipt of an application—

(i) under clause (b), that the person validly continues as a Listed or Registered Homeopathic Practitioner as provided in that clause, cause his name to be entered in the register as a Listed Homeopathic Practitioner or Registered Homeopathic Practitioner, as the case may be; or

(ii) under clause (c), that the person is qualified to be registered as a Registered Homeopathic Practitioner, cause his name to be entered in the register as a Registered Homeopathic Practitioner,

subject to payment of such fees in such manner as may be prescribed.

(e) Every person, whose name is so registered under clause (d), shall be provided with a licence in the prescribed form to practise Homeopathy in the State which shall remain valid for the entire life-time of the person unless his name is removed from the register under any of the provisions of this Act.

(f) Notwithstanding anything contained in this Act, if any person, who validly continues as a Listed Homeopathic Practitioner or Registered Homeopathic practitioner on the date of commencement of the Orissa Homeopathic (Amendment) Act, 1994, fails, without reasonable cause, to obtain a fresh licence in accordance with the provisions of this section before the expiry of—

(i) the period for which he paid his annual fees or, as the case may be, the last annual renewal fees; or

(ii) a period of six months from the date of such commencement,

whichever is later, his name shall be deemed to have been removed from the register with effect from such later date.”,

Omission of section 35. 8. In the principal Act, section 35 shall be omitted.

Amendment of section 36. 9. In the principal Act section 36, the words “and renewal of their licences” occurring in clause (b) thereof shall be omitted.

Amendment
of section 52.

10. In the principal Act, in section 52, for the words "by such person and for such period not exceeding six months as they may think fit and shall take steps to bring into existence a new Board" appearing at the end, the words "during the period of such dissolution by such person as they may think fit to appoint and shall take steps to bring into existence a new Board without delay" shall be substituted.

Amendment
of section 54.

11. In the principal Act, in section 54, in clause (a) of sub-section (2), for the word "elections", the words "the election" shall be substituted.

Validation

12. Notwithstanding anything contained in the principal Act, any person authorised on or after the 25th October, 1988 under section 52 of the said Act as it stood prior to the commencement of this Act to exercise the powers and perform the duties of the Board beyond the statutory limit of six months as provided in that section shall, for all intents and purposes, be deemed to have been validly authorised under that section and any action taken or things done by any such person, under the belief or purported belief that he was validly authorised for that purpose, shall be deemed to have been validly taken or done, as if section 52 of the principal Act as amended by this Act were in force at all material points of time when any such authorisation was made, and accordingly no suit or other legal proceeding shall be instituted, maintained, or continued in any court or tribunal or before other authority merely on the ground that any such authorisation was not in accordance with section 52 of the principal Act.