

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA
Department of Law & Judiciary

Legal Affairs Division

Notification

7/62/2001/LA

The Goa Indian System of Medicine and Homoeopathy Council Act, 2001 (Goa Act 63 of 2001) which has been passed by the Legislative Assembly of Goa on 23-7-2001 and assented to by the Governor of Goa on 31-10-2001, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 8th November, 2001.

The Goa Indian System of Medicine and Homoeopathy Council Act, 2001

(Goa Act 63 of 2001)

[31-10-2001]

AN

ACT

to provide for the constitution of the Goa State Council of Indian system of medicines and homoeopathy, registration of practitioners in said medicines, maintenance of Register of practitioners the practice/ qualifications of such medicines and with a view to encourage the study, spread of such system of medicine and to make certain other provisions relating to the practitioners generally in the State of Goa.

BE it hereby enacted by the Legislative Assembly of Goa in the fifty-second year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa Indian System of Medicine and Homoeopathy Council Act, 2001.

(2) It extends to the whole of the State of Goa.

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

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

(a) "Board" means the Goa Board of Indian system of medicines and Homoeopathy established under section 3, of this Act;

(b) "Chairman" means Chairman of the Board;

(c) "Director of Health Services" means the Director of Directorate of Health Services, Goa.

(d) "Government" means Government of Goa.

(e) "Homoeopathy" means Homoeopathic System of Medicines and includes the use of biochemic remedies and Indian System of Medicines means System of Medicines commonly known as "Asthang, Ayurvedic or Siddha or Unani or Unani Tibb".

(f) "Inspector" means the Inspector appointed under section 30;

(g) "member" means member of the Board;

(h) "practitioner" means a person who practices the Indian system of medicines and homoeopathy as a principle occupation;

(i) "prescribed" means prescribed by the rules made under this Act;

(j) "register" means a register of practitioners prepared and maintained under this Act;

(k) "registered practitioner" means a practitioner whose name is for the time being entered on the register;

(l) "registrar" means Registrar appointed under section 21 of this Act;

(m) "regulations" means regulation made under section 47 of this Act;

(n) "rules" means rules made under this Act;

(o) "Schedule" means Schedule to this Act;

CHAPTER II

3. *Establishment of Board.*— (1) The Government may, as soon as may be, by notification in the Official Gazette, establish a Board to be called the Goa Board of Indian System of medicines and homoeopathy. The Board shall be a body corporate and shall have perpetual succession and a common seal and may by the said name sue and be sued.

(2) The Board shall consist of nine members and shall be constituted in the following manner, namely:—

(a) Six members who have put in at least 5 years practice in Indian System of medicine and homoeopathy, elected by the registered practitioners from amongst themselves.

(b) One practitioner nominated by the Government.

(c) One member from the public having interest in homoeopathy nominated by the Government; and

(d) The Director or a Deputy Director of the Directorate of Health Services of Goa, nominated by the Government.

(e) The election of members referred to in clause (a) of sub-section (2) shall be held at such time and at such place and in such manner as may be prescribed.

4. *Chairman and Vice Chairman.*— The Government shall nominate any member of the Board as Chairman of the Board and the Vice-Chairman of the Board shall be elected by the members from amongst themselves.

5. *Term of Office.*— The term of office of a member shall be two years from the date of election or nomination as a member. The Government, may however, from time to time, by notification in the Official Gazette, extend this term by such period not exceeding two years in the aggregate, as may be specified in the notification.

6. *All members of the Board to be constituted first shall be nominated by the Government.*— Notwithstanding anything contained in this Chapter, all members of the Board to be constituted first shall be nominated by the Government and shall hold office for a period of three years from its constitution.

7. *Resignation.*— The Vice-Chairman or any member may at any time resign his office by a letter addressed to the Chairman of the Board. The Chairman of the Board, wishing to resign, may forward his written resignation to the Government.

8. *Filling of casual vacancies of Chairman, Vice-Chairman or a member.*— If the Chairman or Vice-chairman or a member of the Board dies or resigns or due to any cause, whatsoever, ceases to be Chairman or Vice-Chairman or a member, the vacancy so created shall be filled by fresh nomination or election, as the case may be, within such period as may be prescribed and the person so nominated or elected shall hold office for the remainder of the term of the office of the chairman, Vice chairman or member, as the case may be, in whose place he has been so nominated or elected.

9. *Removal of member.*— (1) If any member, during the period for which he has been nominated or elected,—

(a) absents himself without sufficient cause from three consecutive ordinary meetings of the Board; or

(b) becomes subject to any of the disqualifications mentioned in section 10 of this Act; or

(c) being a legal practitioner, appears in any suit or proceedings, civil or criminal, against the Board; or

(d) obtains any employment under the Board or has without the previous sanction of the Government, acquired, directly or indirectly, by himself or by a partner, any share or interest in any contract with, by or on behalf of the Board; or

(e) has so flagrantly abused in any manner his position as such member as to render his continuance detrimental to the interest of the Board; the Government may remove him from membership:

Provided that when the Government proposes to take action under the foregoing provisions of this section, an opportunity of being heard shall be given to the member concerned, and when such action is taken, the reason therefore shall be placed on record.

(2) The decision of the Government under this section shall not be questioned in any Court of law.

10. *Disqualification of Membership.*— Any person,—

(a) who is an undischarged insolvent; or

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

(c) who has been convicted of an offence involving moral turpitude which, in the opinion of the Government, renders him unfit to be member of the Board; or

(d) whose name has been removed from the register under section 26 of this Act; shall not be eligible for being elected or nominated or for continuing to be a member of the Board.

11. *Duties of Chairman.*— Unless provided otherwise by this Act or prevented by reasonable cause, it shall be the duty of the chairman,

(i) to convene and preside over all meetings of the Board;

(ii) otherwise to control in accordance with any regulations to be made in this behalf, the transaction of business at all meetings of the Board;

(iii) to perform such other duties as are required or imposed on him by or under this Act, or rules framed thereunder.

12. *Delegation by Chairman of his powers and duties to the Vice-Chairman.*— (1) The Chairman may empower, by general or special order, the Vice-Chairman to exercise under his control any one or more of his powers, duties or functions.

(2) An order by the Chairman under sub-section (1) may specify any condition and impose any restriction in respect of the exercise of any such power or, the performance of any duty or the discharge of any function.

(3) In particular, such order may specify the condition that any order by a Vice-Chairman in the exercise of a power conferred on him by sub-section (1), shall be liable to rescission or revision by the Chairman upon appeal to the Chairman within a specified time.

13. *Duties of Vice-Chairman.*— The Vice-Chairman shall,—

(a) in the absence of the Chairman from a meeting of the Board and unless prevented by reasonable cause, preside, regulate the conduct of business of the meeting of the Board and maintain and enforce order at the meeting.

(b) during the vacancy in the office of Chairman or the incapacity or temporary absence of the Chairman, perform any other duty or power of the Chairman;

(c) at any time perform any duty and exercise, when occasion arises, any power delegated to him by the Chairman under section 12 of this Act.

14. *Nomination of members in default of election.*— If the registered practitioners fail by such date as may be prescribed, to elect the requisite number of members of the Board or to fill up any vacancy on the Board, the Government may fill up such vacancies or vacancy by nomination of persons or person qualified to be elected.

15. *Notification of election, nominations of vacancies.*— Every nomination or election of any vacancy in the office of the Chairman, the

Vice-Chairman, or a member of the Board shall be notified in the Official Gazette.

16. *Payment of allowance to members.*— Members of the Board may be paid out of the funds of the Board such travelling and daily allowances, not exceeding those payable to grade 1 Government servants, as may be prescribed.

CHAPTER III

Conduct of Business

17. *Meeting of the Board.*— The Board shall meet at such time and place and every meeting of the Board shall be summoned in such manner as may be provided by regulations:

Provided that until such regulations are made, it shall be lawful for the Chairman to summon a meeting of the Board at such time and place as he may deem expedient by circulating notice to each member.

18. *Procedure at meetings of Board.*— (1) Every meeting shall be presided over by the Chairman or in his absence by the Vice-Chairman.

(2) If at a meeting neither the Chairman nor the Vice-Chairman is present, the members present shall elect one of the members present to be the Chairman of the meeting and such Chairman shall perform all the duties and may exercise all the powers of the Chairman of the Board when presiding at such meeting.

(3) All questions at a meeting of the Board shall be decided by majority of votes of the members present and voting.

(4) In case of an equality of votes, the Chairman of the meeting shall have a second or casting vote.

(5) In order to constitute a meeting of the Board, four members present shall form its quorum.

19. *The minute book and resolutions.*— (1) The names of the members present and the proceedings held and resolutions passed at a meeting of the Board shall be entered in a book to be called the minute book.

(2) The minutes shall be read out at the meeting, or the next ensuing meeting, and after being passed as correct by the members (or a majority of them) present at the meeting, shall be certified as passed under the signature of the Chairman of the meeting at which it is passed.

(3) A copy of the proceedings of every meeting of the Board shall, within 15 days from the date of the meeting, be forwarded to the Government or any other authority appointed by it in this behalf.

20. *Validity of proceedings.*— (1) Vacancy in the Board shall not vitiate any act or proceedings of the Board.

(2) Disqualification of member or defect in the election or nomination of member of the Board and/or of the Chairman or Vice-Chairman shall vitiate any act or proceeding of the Board in which such person has taken part.

CHAPTER IV

Staff and Registration

21. *Registrar, other officers and servants of the Board.*— (1) The Board shall, with the previous approval of the Government, appoint a Registrar who shall be the Secretary of the Board. The Registrar shall receive such salary and allowances and shall be governed by such conditions of service as may be prescribed. The Chairman may, from time to time, grant him leave and may temporarily appoint a person to take his place. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all purposes of this Act.

(2) Any order of the Board appointing, punishing or removing the Registrar from his office shall be subject to the approval of the Government.

(3) The Board may appoint such other officers and servants as may be necessary for carrying out the purposes of this Act:

Provided that the number, designation, pay and allowances of such officers and servants shall be fixed under the regulations framed by the Board:

Provided further that the powers of the Board to punish, dismiss, discharge and remove any officer or servant of the Board, shall be subject to rules framed by the Government and regulations framed by the Board.

(4) All questions of recruitment, promotion, leave, provident fund and other conditions of service relating to staff of the Board shall be governed by rules, framed by the Government.

(5) The Registrar or any other officer or servant appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code 1860 (Central Act 45 of 1860).

22. *Order by Board for maintenance of register.*— (1) The Board shall, as soon as may be after the commencement of this Act, and from time to time as occasion may require, make orders regulating the maintenance of a register.

(2) The register shall be kept in such form as may be prescribed.

23. *Duties of Registrar.*— (1) Subject to the provisions of this Act or subject to any general or special orders of the Board, it shall be the duty of the Registrar to keep the register and discharge such other functions as are required to be discharged by him under this Act or by the rules made thereunder.

(2) The Registrar shall, so far as practicable, keep the register correct and up-to-date and may from time to time, enter therein any material alteration in the addresses or qualifications of the practitioners. He shall also remove from the register the name of the registered practitioners who die or who under the provisions of this Act cease to be entitled to remain on the register.

(3) The Government may, direct that no alterations in the entries in respect of additional qualifications shall be made unless such fee as may be prescribed is paid.

(4) For the purpose of this section, the Registrar may write to any registered practitioner at the address which is entered in the register to inquire whether he has ceased to practice or has changed his residence and if no answer is received to the said letter within three months, the Registrar may issue a registered reminder, and in case no reply is received to the reminder within one month from the date of its issue, he may remove the name of the said practitioner from the register.

Provided that the Board may, if it thinks fit, direct that the name of the practitioner be re-entered in the register.

24. *Persons entitled to registration.*— (1) Every person possessing the qualification mentioned in the Schedule shall, subject to the provisions contained in this Act, and on payment of such fees as may be prescribed in this behalf, be

entitled to have his name entered in the register subject to such conditions as the Board may prescribe:

Provided that an application for entry in the register made by a person, whose case is not clearly governed by the provisions of this Act or by the rules and regulations made thereunder, shall be referred to Board for such decision as it may deem fit.

(2) Any person aggrieved by the decision of the Registrar regarding the registration of any person or the making or removal of any entry in the register may, within ninety days of such registration or entry, appeal to the Board.

(3) Such appeal shall be heard and decided by the Board in the prescribed manner.

(4) The Board may, on its own motion or on the application of any person and after calling for an explanation from the person concerned and considering the same, cancel or alter any entry in the register, if, in the opinion of the Board such entry was fraudulently or incorrectly made or obtained.

25. *Renewal fees.*— (1) The Government may, by notification in the Official Gazette, direct that for the retention of a name in the register after the name is first entered in the register, to pay to the Board such renewal fee and for such period as may be prescribed and where such direction has been made, such renewal fee shall be due and be paid in the manner prescribed.

(2) Where a renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the register:—

Provided that a name so removed may be restored to the register on payment of such fees and in such manner as may be prescribed.

26. *Removal of names from the register.*— The Board may direct that the name of any practitioner who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), and the practitioner discloses such defect of moral character which is in the opinion of the Board sufficient to make him unfit to practice his profession, or who, after due enquiry has been found guilty of conduct which is in the opinion of the Board infamous in any professional respect, shall be removed from the register. The Board may, on sufficient cause being shown, also direct that the name

of the practitioner so removed shall be re-entered in the register.

27. *Power of Board to call for information from medical institution.*— The Board shall have power to call upon the governing body or authorities, of a medical corporation, examining body or other institution recognised or desirous of being recognised by the Government,—

(a) to furnish such reports, returns or other information as the Board may require to enable it to judge the efficiency of the instructions given therein in Indian system of medicines and homoeopathy; and

(b) to provide facilities to enable a member of the Board deputed by the Board in this behalf to be present at the examinations held by such medical corporation, examining body or institution.

28. *Publication of names entered in the register.*— (1) The Registrar shall, in every year and from time to time as occasions may require, on or before a date to be fixed in this behalf by the Board, cause to be published in the Official Gazette, in such manner as the Board may prescribe, a full or supplementary list of names of practitioners for the time being entered in the register and setting forth,—

(a) all names entered in the register arranged in alphabetical order;

(b) the registered address and appointment held by or actual employment of each person whose name is entered in the register; and

(c) the registered titles, degrees and qualifications of each such person and the date on which each such title or degree was granted or qualification acquired:

Provided that the Registrar shall, from time to time, get published in the Official Gazette the names of such practitioners whose names have been duly removed from register under any of the provisions of this Act.

(2) In any proceeding it shall be presumed that every person whose name is entered in the register is a registered practitioner; and that any person whose name is not so entered is not a registered practitioner.

Explanation:— In the case of person whose name has been entered in the register after

the last publication of the list, a certified copy signed by Registrar, of the entry of the name of such person in the register, shall be an evidence that such person is registered under this Act. Such certificate shall be issued free of charge.

29. *Examinations.*— (1) The Board may by regulations lay down the qualifications required for admission to a course of training in Indian system of medicines and homoeopathy system of medicine, the duration of such training, the qualifying examinations and may establish the necessary institutions to give such training and may hold such examinations and confer diplomas.

(2) It shall be the duty of the Board to secure the maintenance of an adequate standard of proficiency for the practice of the Indian system of medicines and homoeopathy system of medicine and for the purpose of securing such a standard, the Board shall have authority to call the governing body or the authorities of any institutions giving instructions in such system:—

(a) to furnish such particulars as the Board may require of any course of study or of any examination held by such institution with reference to the grant of any qualifications, and

(b) to permit inspectors appointed by the Board to inspect the institution.

(3) The Board may form a standing syllabus, and examination committee consisting of persons from amongst its members for conducting the business mentioned in sub-sections (1) and (2).

30. *Appointment of Inspector.*— (1) The Board may appoint such number of inspectors as it may deem fit on such salary as the Board may, with the previous sanction of the Government, determine.

(2) Such Inspector shall in accordance with any general or special directions of the Board, given from time to time, inspect homoeopathic dispensaries, hospitals and the institutions affiliated to Board and shall report to the Board in regard to the course of study pursued and training imparted at every such institutions and on any other matter with regard to which the Board may require him to report.

31. *Grant and withdrawal of recognition.*— The Board may grant recognition to any institution imparting instructions to students for preparing

them for the qualifying examination and may at any time withdraw such recognition if in the opinion of the Board the institution is unable to impart instructions of the required standard.

CHAPTER V

Functions and Finance of the Board

X 32. Powers of the Board.— The Board shall have the power,—

X (1) to recognize Indian system of medicines and homoeopathic educational or instructional institutions for purpose of affiliation;

X (2) to prescribe courses of study and curricula for general instruction or special or refresher courses in institutions affiliated to the Board, in such branches of the medical science of Indian System of Medicine and Homoeopathy as the Board may think fit;

X (3) to hold examinations and to grant and confer degrees and diplomas to and on persons who shall have pursued a course of study in the educational institutions affiliated to the Board;

(4) to institute exhibitions and award medals and also to grant scholarships to those who obtain high position at the Board's examinations or are poor and deserving with sanction of the Government; to grant to students scholarships for special study, in research and manufacture of Indian system of medicines and homoeopathic medicine, whether in India or abroad and to endow Chairs of Indian System of Medicine and Homoeopathy in institutions affiliated to Board;

(5) to receive from students such fees as may be prescribed for admission to the Board's examination;

(6) to exercise general supervision over the residential and disciplinary arrangements made by the educational institutions affiliated to the Board and to make arrangements for promoting the health, general welfare of their students;

(7) to appoint examiners and publish the results of the examinations held by it.

(8) to suspend or withdraw the recognition of any institution which is not conducted in accordance with the conditions prescribed by this Act, or rules framed thereunder;

Provided that no such action shall be taken without affording the management of such an institution an opportunity of making such representation as it may deem fit.

(9) to establish or aid research institutions and to make arrangement for post-graduate study in the Indian system of medicines and homoeopathy and to encourage scientific manufacture of Indian system of medicines and homoeopathy medicines in the State of Goa;

(10) to publish Indian system of medicines and homoeopathy journals; and

(11) to do such acts, not inconsistent with the provisions of this Act, as may be necessary for the furtherance of the objects of this Act.

33. Budget. — (1) The Board shall prepare and lay before it at a meeting to be held in every year before such date, as may be fixed by rules in this behalf, a complete account of the actual and abstracted receipts and expenditure for the year ending on the 31st day of March next following such date together with a budget estimates of the income and expenditure of the Board for the year commencing on the first day of April next following.

(2) The Board shall at such meeting decide upon the appropriations and the ways and means contained in the budget estimate and submit the budget for approval to the Government or to such authority as the Government may, by order direct.

(3) Subject to the like provisions, the Board may suggest variation or alterations in the budget, as circumstances may render desirable.

34. Revised budget.— As soon as may be after the first day of October, the revised budget for the year shall be framed and such revised budget shall, so far as may be, be subject to all the provisions applicable to a budget made under section 33.

35. Indian system of medicines and homoeopathy Fund.— There shall be established Indian system of medicines and homoeopathy Fund and there shall be placed to the credit thereof,—

(a) grants and loans received from the Government;

(b) all fees received by the Board;

(c) contributions received from any local authority or any Indian system of medicines and homoeopathy medical association; and

(d) all sums received by or on behalf of the Board from sources other than those mentioned in the foregoing clauses.

36. *Custody and investment of Indian system of Medicines and homoeopathy Fund.*— The Indian system of Medicines and Homoeopathy Fund shall be kept in the State Bank of India or with the previous sanction of the Government, in any other bank.

CHAPTER VI

Privileges of Registered Practitioners

37. *Practitioner Certificate.*— Notwithstanding anything contained in any law for the time being in force,—

(1) The expression legally qualified Indian system of medicines and homoeopathy practitioner or duly qualified Indian system of medicines and homoeopathy practitioner or any word importing a person, recognised by law as Indian system of medicines and homoeopathy practitioner or member of Indian system of medicines and homoeopathy profession, shall in all Acts, extended to the State of Goa or in all Acts of Legislature, in their application to the State of Goa, in so far as such Acts relate to any of the matters specified in list II or list III in the Seventh Schedule of the Constitution of India, be deemed to include a registered practitioner.

(2) A certificate required under any Act or rule having the force of law from any Indian system of medicines and homoeopathy practitioner shall be valid, if such certificate has been granted by a registered practitioner.

(3) A registered practitioner shall be eligible to hold any appointment as a physician or other medical officer in any dispensary, hospital supported by or receiving a grant from the Government or any local authority and treating patients according to Indian system of medicines and homoeopathy or any public establishment, body or institution dealing with homoeopathic system of Medicine.

(4) Unless the Board otherwise directs a registered practitioner shall be entitled to,—

(a) sign or authenticate a birth or death certificate required by any law or rule to be signed or authenticated by a duly qualified Indian system of medicines and homoeopathic practitioner;

(b) sign or authenticate a medical or physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified Indian system of medicines and homoeopathic practitioner;

(c) give evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872 (Central Act 1 of 1872), on any matter relating Indian system of medicines and homoeopathy practitioner.

38. *Exemption from serving on inquests.*— Notwithstanding anything in any other law for the time being in force, every registered practitioner shall be exempt, if he so desires, from serving on any inquest or as a juror or assessor under the Code of Criminal Procedure, 1972 (Central Act 2 of 1974).

CHAPTER VII

Offences

39. *Registered practitioner not to practice any other system of medicine.*— (1) A registered practitioner shall not be entitled to practice any system of medicine other than Indian system of medicines and homoeopathy, unless he is duly qualified and entitled under any law for the time being in force, to practice that system.

(2) No registered practitioner shall prescribe allopathic drugs and medicines or prepare mixtures of allopathic drugs with Indian system of medicines and homoeopathic drugs for the use of patients unless he is legally qualified in that system of medicines and registered in the Directorate of Health Services, under the law in force.

40. *Conferring, granting or issuing diploma, license, etc., by unauthorized person or institution.*— (1) No person other than an association or institution recognised or authorized under this Act shall confer, grant or issue any degree, diploma, license, certificate or other document stating to practice the Indian system of medicines and homoeopathic system of medicine or hold itself out as entitled to confer, grant or issue such documents or certificates.

(2) (a) No person, other than a registered practitioner under this Act, shall practice Indian system of medicines and homoeopathy system of Medicine.

(b) All the practitioners of Indian system of medicines and homoeopathy registered in the

Directorate of Health Services, under Dip-L-146 8 in force in the State of Goa (shall be considered as registered practitioner and their names shall be transferred to the register maintained by the Board.

(c) No practitioner shall practice in the State of Goa on the ground that he is registered in any other State or Union Territory.

(d) No practitioner shall be registered on the ground that he is holding registration certificate from any State or Union Territory unless he possesses a recognised medical qualification conferred by any College/University recognised by the Board.

(e) All the qualifications, degrees or diplomas conferred by Colleges/Institutions included in the II and III Schedule attached to Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970) and the Homoeopathy Central Council Act, 1973 (Central Act 59 of 1973), shall be considered as recognised qualification.

(f) All practitioners who do not possess recognised qualification and were or are practicing Indian system of medicines and homoeopathy in any other State or Union Territory and desire to establish their practice in the State of Goa shall have to obtain degree/diploma on passing the examination specified under sub-section (3) of Section 32.

(3) Whoever contravenes the provisions of this section shall be punishable, for first such offence, with imprisonment which may extend to one year or with fine which may extend to Rs. 1,000 or with both, and for such subsequent offence with double the fine and imprisonment specified for first offence.

(4) Whoever contravenes the provisions of section 39 of this Act, shall on conviction be punished for first such offence with imprisonment which may extend to one year or with fine which may extend to Rs. 1,000 or with both, and for such subsequent offence with double the fine and imprisonment specified for first offence.

41. *False assumption of certificate or diploma to be an offence.*— Whoever falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, license or certificate conferred, granted or issued by an association or institution recognised or authorized under this Act or that he is qualified to practice the Indian system of medicines and homoeopathy System of medicines

under the provisions of this Act, shall be punishable with imprisonment which may extend to six months or with fine which may extend to Rs. 500 or with both, for the first such offence, and to imprisonment which may extend to one year or with fine which may extend to Rs. 1000 or with both, for every subsequent such offences.

CHAPTER VIII

Miscellaneous

42. *Appeals to Government from decision of the Board.*— (1) An appeal shall lie to the Government from every decision of the Board under this Act, except a decision made by the Board as an appellate authority.

(2) Every appeal under sub-section (1) shall be preferred within three months of the date of communication of such order.

43. *Bar to suit and other legal proceedings.*— (1) No suit or other legal proceeding shall lie against the Government in respect of an act done in the exercise of the powers conferred by this Act.

(2) No suit, prosecution or other legal proceedings shall lie against the Board or any member or any officer or servant of the Board or any person acting under the direction of the Board or of the Chairman or of any officer or servant of the Board in respect of anything which is done in good faith or intended to be done in pursuance of this Act or of any rules or regulations made thereunder.

44. *Control of Board by Government.*— (1) The Government may give such direction to the Board as it may deem fit and the Board shall comply with all such directions.

(2) If at any time, it shall appear to the Government that the Board has failed to exercise or has exceeded or abused power conferred upon it by or under this Act or has failed to perform a duty imposed upon it by or under this Act, the Government may, if it considers such failure, excess, or abuse to be of a serious character, notify the particulars thereof to the Board; and if the Board fails to remedy such default, excess or abuse within such time as may be fixed by the Government in this behalf, the Government may dissolve the Board and cause all or any of the powers and duties of the Board to be exercised and performed by such agency and for such period as it may think fit:

Provided that it shall take steps within six months of such dissolution of the Board, constitute a new Board under the provisions of this Act.

45. *Court competent to try offences under this Act and take cognizance of offences.*— (1) No court other than the court of a magistrate of the first class shall take cognizance of, or try an offence under this Act.

(2) No court shall take cognizance of any offence under this Act except on a complaint in writing of an officer empowered by rules made in this behalf.

46. *Delegation of powers.*— The Government or the Board may delegate such of its powers and to such authority as the Government or the Board, as the case may be, deem necessary.

47. *Making of Regulations.*— (1) Subject to the provisions of this Act and the rules framed by the Government thereunder, the Board may with the previous approval of the Government frame regulations for regulating the following matters, namely:—

(i) (a) Conditions on which a person may be registered under section 24 or an institution may be affiliated or recognised under section 29;

(b) the admission of students to the educational or instructional institutions affiliated to the Board;

(c) the conditions under which students shall be admitted to the degree or diploma or certificate course and to the examination of the Board and shall be eligible for degrees, diplomas and certificates;

(d) the conditions of residence of the student in the educational or instructional institutions affiliated to the Board and the levying of fees for such residence;

(e) the number, qualifications, emoluments of teachers of the educational or instructional institutions affiliated to the Board;

(f) the fees to be charged for courses of study in such institutions and for admission to the examinations, of degrees, diplomas and certificates of the Board;

(g) the conditions and mode of appointment and duties of examiners and the conduct of examinations;

Provided that in framing regulations, the Board shall take into consideration the financial and other conditions of the institutions generally:

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

(b) the issue of notices convening such meetings; —

(c) the conduct of business thereat;

(d) the salary, allowances and other conditions of service of officers and servants of the Board other than the Registrar;

(e) all other matters which may be necessary for the purposes of carrying out the objects of the Act.

(2) All such regulations shall be published in the Official Gazette.

(3) The Government may, by notification in the Official Gazette, cancel or modify any regulation.

48. *Rules.*— (1) The Government may, from time to time, make rules consistent with this Act to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules for any of the following matters:—

(a) the time and place at which and the manner in which election shall be held under sub-section (3) of section 3;

(b) regulation of election under this Act;

(c) the conduct of meetings and the maintenance of correct minutes of meetings of the Board;

(d) the manner in which vacancies shall be filled under section 8;

(e) the privileges, salary and allowances and other conditions of service of the Registrar;

(f) the account to be kept by the Board, the manner in which accounts shall be audited and published and the power of auditors in respect of disallowance and surcharge;

(g) the date before which a meeting shall be held for the sanction of the budget;

(h) the method and form to be adopted in the preparation of budget;

- (i) the returns, statements and reports to be submitted by the Board;
- (j) the form of the register of practitioners to be maintained under this Act and the classifications of practitioners into two or more classes according to their qualifications;
- (k) fees chargeable under this Act and their application;
- (l) the manner in which appeals against the decision of the Registrar shall be heard by the Board under section 24;
- (m) allowances payable to members of the Board and its Chairman;
- (n) the maintenance of patient register by practitioner in the prescribed form;
- (o) the furtherance of any objects of the Board as a teaching or examining body;
- (p) delegation of powers by the Government and by the Board; and
- (q) the furtherance of any other objects of the Act.
- (1) All such rules shall be published in the Official Gazette.

CHAPTER IX

Repeal and Transitional Provisions

49. *Repeal and Savings.*— (1) Subject to the provisions of this Chapter, on the appointed day, the Decreto No. 34417 dated 21-2-1945 (Art. 130) shall stand repealed.

(2) Unless the Government otherwise directs, any rule or regulations made under the Decreto repealed by sub-section (1) shall, from the appointed day, cease to be in force.

(3) The registers kept or maintained or deemed to be kept or maintained under the Decreto so repealed which are in force immediately before the appointed day, shall be deemed to be the registers prepared under the act, until the register prepared under section 22 comes into force.

(4) Anything done or any action taken (including any appointment or application made, notification, order or direction, issued or fee levied or certificate or notice given) under the Decreto so repealed and subsisting immediately before the appointed day shall, in so far as it is not inconsistent with the provisions of this Act, and unless the Government otherwise directs, be deemed to have been made, issued, levied or given under the relevant provisions of this Act, and be in force accordingly, unless and until superseded by anything done by any action taken under this Act.

SCHEDULE I

1. All the Institutions included in the Homoeopathy Central Council Act, 1973.
2. All the Institutions included in the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970).
3. Indian system of medicines and homoeopathy doctors registered under Directorate of Health Services under article of Portaria 1468.
4. Indian system of medicines and homoeopathy doctors passing the final examination held by the Goa Board, of Indian system of medicines and homoeopathy.

Secretariat Annexe,
Panaji.

R. RAGHURAMAN,
Secretary to the
Government of Goa.

Dated: 8-11-2001. Law Department (Legal Affairs).