

**THE HIMACHAL PRADESH HOMOEOPATHIC PRACTITIONERS  
(GENERAL) RULES, 1983**

**HEALTH AND FAMILY WELFARE DEPARTMENT**

**NOTIFICATION**

Shimla-171002, the 3rd September, 1984.

**No. HFW-B(A)3-3/81** .- Whereas the draft Himachal Pradesh Homoeopathic Practitioners (General) Rules, 1982 were published in the Rajpatra, Himachal Pradesh (Extraordinary), dated 10th August, 1982, as required under section 53 of the Himachal Pradesh Homoeopathic Practitioners Act, 1979 (Act No. 3 of 1980), vide this Department Notification No. 11-2/73-H&FW-II, dated the 2nd February, 1982 for inviting objections and suggestions from all persons likely to be affected thereby before the expiry of thirty days from the date of publication;

Whereas, the Government has considered the objections and suggestions received from the public on the said draft rules within the prescribed period;

Now, therefore, in exercise of the powers conferred under section 53 of the said Act, the Governor, Himachal Pradesh is pleased to make the following rules, namely:-

**1. Short title and commencement** .- (1) These rules may be called the Himachal Pradesh Homoeopathic Practitioners (General) Rules, 1983.

(2) These shall come into force at once.

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

- (a) "Act" means the Himachal Pradesh Homoeopathic Practitioners Act, 1979 (Act No. 3 of 1980);
- (b) "Appendix" means an Appendix to these rules;
- (c) "Chairman" mean the Chairman of the Council;
- (d) "committee" means a committee appointed by the Council ;
- (e) "form" means a form appended to these rules;
- (f) "section" means a section of the Act;
- (g) "University" means any University incorporated by an Act of Parliament or State Legislature.

(2) The terms and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Act.

**3. Registration of practitioners** .- (1) Every person entitled to have his name entered in the Register under section 16 shall, if he is so desirous of having his name entered, make an application to the Registrar in Form "A".

Every such application shall be accompanied by the fee prescribed in rule 32. He shall also furnish along with application such documents as may be necessary to establish his claim for having his name entered in Part A or B of the Register, as the case may be.

(2) The Registrar may, after examining the application, require the applicant to furnish such other information or documents within such time as he may specify.

(3) If the Registrar, on receipt of the application under sub-rule (1) or on receipt of further information or documents required from the applicant under sub-rule (2) and after making such further enquiry, as he may deem proper, is satisfied that the applicant is entitled to get his name entered in Part A or B of the Register, as the case may be, he shall do so. If he is not so satisfied, he shall reject the application:

Provided that no order of rejection of any application shall be passed without giving the applicant an opportunity of being heard.

(4) Practitioner whose name is entered in the Register under sub-section (1) or sub-section (2) of section 16 shall be issued a certificate in Form 'B' on payment of fee of five rupees and the applicant whose application is rejected shall be sent an intimation of rejection by registered post.

(5) Every Registered practitioner registered under section 16 shall renew his registration after every year.

**4. Validity of Registration** .- The name of every person Registered under the Act shall, subject to the provisions contained in the Act as to the removal of names from the Register, remain entered therein.

**5. Change of address to be intimated to the Registrar** .- (1) Every Registered practitioner shall send to the Registrar a notice of any change in his address within one months of such change and shall also promptly answer all such enquiries as may be made from him by the Registrar in regard thereto, in order that his correct address may be entered in the Register.

(2) A Registered practitioner who changes his name shall immediately inform the Registrar about his changed name and shall satisfy the Registrar that he has already notified the fact of the change of his name in a newspaper having a wide circulation in the area in which he carries on his business and is published in the regional language of that area. The Registrar, shall, on being so satisfied and on receipt of a fee prescribed in rule 32 correct the Register accordingly.

He shall also on being required to do so by the Registered practitioner, make necessary correction in the Registration Certificate.

**6. Entries in the Register regarding further qualifications** .- (1) A Registered practitioner who obtains any further degrees, diplomas, certificates or other qualifications, homoeopathic or other recognised medical

degrees, diplomas or certificates and is desirous of getting the same entered in the Register, shall make an application in Form 'C' accompanied by the fee prescribed in rule 32. He shall also furnish alongwith his application the original degrees, diplomas or certificates as the case may be, on the basis of which the entry in the Register is sought.

(2) If the Registrar on receipt of the application under sub-rule (1) and after making such further enquiry as he may deems fit, is satisfied that the applicant is entitled to have entered in the Register the degrees, diplomas, or certificates, as the case may be, obtained by him, he shall do so and grant such practitioner a certificate in Form 'D'. If he is not satisfied he will reject the applications; Provided that no order rejecting any application shall be passed without giving the applicant an opportunity of being heard.

**7. Issue of a duplicate Registration Certificate** .- If a Registration Certificate is lost, destroyed, mutilated, the holder may at any time during which certificate is in force, apply to the Registrar for a copy of the certificate and the Registrar may, on being satisfied issue on receipt of the fee prescribed in rule 32, a duplicate certificate.

**8. Removal from Register under section 16(5)** .-Whenever information reaches the office of the Registrar that a practitioner has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1973, which discloses such defect of a moral character as is, in the opinion of the Council sufficient to make him unfit to practice in his profession or has been found, after the due enquiry, guilty of conduct which is, in the opinion of the Council, infamous in any professional respect, the Registrar shall make an extract of such information and place the same before the Council for such action as the Council may like to take under the provisions of sub-section (5) of section 16:

Provided that the Council, shall, before passing any order under sub-section (5) of section 16, give the practitioner concerned an opportunity of being heard, if so desired by him.

**9. Surrender of Registration Certificate** .- A Registered practitioner whose name is removed from the Register by the Registrar under sub-section (5) of section 15 or by the Council under sub-section (5) of section 16 shall on receipt of an intimation of such removal forthwith surrender his Registration Certificate to the Registrar.

**10. Re-entry of name of Practitioner removed under sections 15(5) and 16(5) .-** (1)

Any practitioner whose name is either removed from the Register by the Registrar under sub-section (5) of section 15 or whose name has been removed from the Register by the Council under sub-section (5) of section 16 and who is desirous of getting his name entered or re-entered, as the case may be, under the proviso to sub-section (5) of section 15 or under sub-section (6) of section 16 make an application to the Chairman.

(2) Each such application shall be in writing stating the grounds on which the application is made and shall be accompanied by a certificate as given in Form 'E' of two Registered practitioners regarding the identity of the applicant.

**11. Publication of list of Practitioners .-** The list of practitioners referred to in sub-section (1) of section 26 shall be pasted at a conspicuous place outside the office of the Council and the fact of its having been printed and so pasted shall be given adequate publicity through such newspaper or newspapers having wide circulation in Himachal Pradesh as the Council may decide.

**12. Fee for supply of certified copy .-** (1) The fee for the supply of certified copy of any order passed by the Council or the Registrar or of any entry in the Register shall be charged at the rate of 75 paise per 100 words or fraction thereof subject to a minimum of one rupee:

Provided that if the applicant desires to have a copy urgently he shall have to pay double the amount of fees calculated as above subject to a minimum of two rupees.

(2) In case of urgent application the copy sought for shall be ready for delivery to the applicant by the close of office hours of the day following that on which the application is made.

**13. Appeals .-** (1) Every appeal, preferred to the Council under section 17 shall be addressed to the Chairman of the Council and shall be accompanied by the fee prescribed in rule 32.

(2) Every appeal shall be deemed to have been duly presented if the same is sent by Registered post, or is delivered personally or through an agent authorised in writing by the appellant, in the office of the Board.

(3) Every appeal shall be accompanied by a certified copy of the order appealed against and shall contain the following particulars :-

- (a) the date of the order against which the appeal is preferred;
- (b) the grounds of appeal briefly but clearly set out.

(4) Every appeal shall be signed by the applicant and verified in the manner laid down in the Code of Civil Procedure, 1908 for the verification of grounds of appeal.

**14. Procedure of hearing of appeals .-** (1) If the appeal is not preferred in the manner laid down in the preceding rule or is not accompanied by the prescribed fee it shall be summarily rejected.

(2) If the appeal is not rejected under sub-rule (1), the Council shall decide the same after giving the appellant and where the appeal is against the order of the Registrar passed in relation to any person other than the appellant, after giving such person an opportunity of being heard. Every decision of the Council shall be communicated to the Registrar who shall give effect to the same.

**15 Particulars to be filled in Register .-** The Registrar shall show in respect of each practitioner the following particulars in the Register:-

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- (a) registration number;
- (b) full name in case of a married woman, her maiden name and full married name;
- (c) father's name;
- (d) date of birth;
- (e) address;
- (f) place and places and period or periods of training;
- (g) nature of qualifications and dates on which these qualifications were obtained in the case of practitioners Registered in Parts A and B of the Register;
- (h) date of registration; and
- (i) remarks.

**16. Verification of pages of Register** .- Each page of the Register shall be verified by the Registrar's signatures.

**17. Appointment of Committees** .- For carrying out the purposes of the Act, the Council may appoint such committees consisting of such number of persons as it may deem fit. Each committee appointed by the Council, shall perform such functions as may be assigned to it by the Council:

Provided that nothing in this rule shall be deemed to empower a committee so appointed to exercise such functions as are specifically mentioned in the Act to be performed by the Council or any other authority.

**18. Travelling and other allowances admissible to Members** .- (1) For attending meetings of the Council or any committee thereof the official members shall be paid travelling allowance in accordance with the provisions of the Rules as applicable to them as in the case of Himachal Pradesh Government servants.

(2) Non-official members of the Council shall be allowed travelling allowance as admissible to the Himachal Pradesh Government servant of the II grade.

(3) All non-official members attending a meeting of the Council or committee shall be paid daily allowance for each day of meeting at the highest rate admissible to Himachal Pradesh Government servants of the II grade.

**19. Seal of the Council** .- The common seal referred to in sub-section (2) of section 3 shall be kept by the Registrar in his custody. It shall be affixed on each Registration Certificate which is issued under the provisions of these rules and on such other documents as the Chairman may, by order, direct.

**20. Management of property** .- The Registrar shall be responsible for the maintenance of all properties of the Council, who maintain a stock Register of its movable property.

**21. Deposit of Council's money in Bank** .- The Council shall open an account in the State Bank of India and all money received by it shall be deposited in the Bank subject to the provision of rule 22.

**22. Receipt of money on behalf of the Council** .- All money payable to the Council shall be received on behalf of the Council by the Registrar or any other employee of the Council authorised by him in writing in this behalf and shall be deposited in the Bank on the day following that on which these are received. A receipt in the form as prescribed in Appendix `A' shall be granted by the Registrar in lieu of having received the money.

**23. Operation of Council accounts** .- The account of the Council shall be operated jointly by the Registrar and the Chairman (and in the absence of the Chairman by the Registrar and the Vice-Chairman).

**24. Permanent advance** .- The Registrar shall have a permanent advance of two hundred rupees.

**25. Maintenance of accounts** .- All money received or sent on behalf of the Council shall without any reservation be brought to the accounts of Council in the general cash book to be maintained in the form prescribed in the Appendix `B' under the direct supervision of the Registrar, and in his absence under the supervision of an employee of the Council authorised by him in writing.

**26. Audit of accounts** .- The accounts of the Council shall be audited annually by the Examiner, Local Fund Accounts of the Finance Department, Himachal Pradesh.

**27. Preparation of annual statement of accounts** .- The Registrar shall in the month of July each year cause to be prepared a statement of income and expenditure of preceding financial year ending 31st March, and, draw the attention of the Council to such matters which appear to him necessary for being brought to the notice of the Council.

**28. Preparation of estimates** .- (1) The Registrar shall, in the month of October each year or on such date as the Chairman may fix, cause to be prepared an estimate of income and expenditure of the Council for the year commencing on the 1st of April of the ensuing year and shall submit the same to the Council.

(2) The estimates shall make provision for the fulfilment of liabilities of the Council and for effectually carrying out the provisions of the Act.

(3) The Council shall consider the estimates submitted to it under sub-rule (1) and may sanction the same without any alterations as it may deem fit.

**29. Preparation of supplementary estimates** .- The Council may, at any time, during the year for which any estimates have been sanctioned cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimates shall be considered by the Council in the same manner as it were original annual estimates. No expenditure shall be incurred which is not duly provided in the estimates sanctioned under sub-rule (3) of rule 28 or in a supplementary estimate.

**30. Payment of Bills** .- All the salary bills of the staff and other vouchers presented as a claim for money shall be received and examined by the Accountant. On being satisfied that the claim is in order, the bill shall be passed:- (a) by the Registrar, if the claim relates to a salary bill of the staff or is for an amount not exceeding one thousand rupees; and (b) by the Chairman, in other cases.

**31. Refund** .- Amounts received by the Council towards fees shall not be refunded under any circumstances. The amounts thus received shall remain credited to the account of the Council:

Provided that any amount paid by a practitioner in excess of prescribed fees shall be credited to the suspense account of the Council and may be refunded if claimed within a period of three years and if no claim for refund is made within the aforesaid period the amount shall be credited to the account of the Council.

**32. Fees payable to the Council** .- The following fees are prescribed to be paid to the Council :-

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- 3(1)
- (1) for the first registration in the Register under Rs. 50.00 . rule
  - (2) for change of name in the Register Rs. 10.00 under sub-rule (2) of rule 5.
  - (3) for every further qualification or status Registered under sub-rule (1) Rs. 10.00 subsequently of rule 6.
  - (4) for a duplicate Certificate of Registration under Rs. 15.00 rule 7
  - (5) for filing an appeal to the Council in accordance with rule 13 if the appeal is against the order of the Registrar passed against the applicant Rs. 10.00
  - (6) for filing an appeal in accordance with rule 13, against the orders of the Registrar passed against any person other than the appellant Rs. 40.00
  - (7) for renewal of registration under rule 3(5) Rs. 10.00 every year

together with stamp duty leviable under the Indian Stamps Act, 1889 or any other law for the time in force relating to the levy of the stamp duty.

**33. Appointment and control over the employees of the Council** .- (1) All employees appointed by the Council under sub-section (5) of section 14 shall be paid salaries and allowances as are sanctioned by the Council with the prior approval of the Government.

(2) The Registrar shall have authority and exercise control over the employees of the Council. The duties of various categories of the staff will be such as may be assigned by the Chairman and the Registrar.

**34. Leave and travelling allowance to the employees of the Council.**- The Registrar and other employees of the Council shall be granted leave and travelling allowance in accordance with rules as are applicable to the Himachal Pradesh Government Employees.

**35. Power to grant leave to Registrar** .- The Chairman shall be authorised to grant leave to the Registrar.

**36. Power to grant the leave to other employees of the Council** .- The Registrar shall be authorised to grant leave to other employees of the Council and appoint substitute in their places.

**37. Contributory Provident Fund** .- The employees of the Council shall not be entitled to pension but permanent employees will be allowed the benefit of Contributory Provident fund Rules given in Appendix 'C'.

**38. Interpretation of rules** .- In case of any interpretation or clarification of these rules the decision of the State Government shall be final.