

GOVERNMENT OF WEST BENGAL
LEGISLATIVE DEPARTMENT

West Bengal Act XXVII of 1985

**THE WEST BENGAL HOMOEOPATHIC SYSTEM
OF MEDICINE (AMENDMENT) ACT, 1985.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 16th October, 1985.]

[16th October, 1985.]

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

West Ben.
Act XXXIII
of 1963.

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

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

1. This Act may be called the West Bengal Homoeopathic System of Medicine (Amendment) Act, 1985. Short title.

2. In section 2 of the West Bengal Homoeopathic System of Medicine Act, 1963 (hereinafter referred to as the principal Act),— Amendment of section 2 of West Ben. Act XXXIII of 1963.

(a) before clause (1), the following clause shall be inserted:—

(a1) “Central Council” shall have the meaning assigned to it in the Homoeopathy Central Council Act, 1973,’;

(b) in clause (12), after the words “the Council”, the words “or a University or any other body constituted by the State Government under any law for the purpose of developing Homoeopathic system of medicine”;

(c) after clause (12), the following clause shall be inserted:—

(12a) “University” means any University in India established by law and having the Faculty of Homoeopathy and includes a University in India established by any law in which instructions, teaching, training or research in Homoeopathy System of Medicine is provided;’.

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(Amendment) Act, 1985.*

[West Ben. Act

(Sections 3, 4.)

Amendment
of section
15A.

3. In section 15A of the principal Act, for sub-section (1), the following sub-section shall be substituted:—

“(1) Notwithstanding anything contained elsewhere in this Act—

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

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

Amendment
of section
18.

4. In section 18 of the principal Act,—

(a) for clause (1), the following clause shall be substituted:—

“(1) with the prior approval of the State Government to establish institutions teaching the Homoeopathic system of medicine including DHMS course or any other diploma course recognised by the Central Council or by the State Government and to grant or refuse affiliation to such institution or to withdraw, after giving the institution an opportunity to show cause against the action proposed to be taken, such affiliation or to grant permission to conduct class in any course, recognised by the State Government:

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

(b) in clause (3), after the words “course of study”, the words “recognised by the Central Council or the State Government” shall be inserted;

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(Sections 5-8.)

- (c) clause (4) shall be omitted;
- (d) in clause (5), for the words “as would be useful to persons studying the Homoeopathic system of medicine”, the words “as are recognised by the Central Council or the State Government” shall be substituted;
- (e) clause (8) shall be omitted;
- (f) in clause (9), for the words “certificates, diplomas or degrees”, the words “certificates or diplomas” shall be substituted.

5. In section 20 of the principal Act, after sub-section (2), the following sub-section shall be inserted:—

Amendment
of section
20.

“(3) The Council shall inform the Central Council without delay of all additions to, and all other amendments in, the Register from time to time.”.

6. In section 21 of the principal Act,—

Amendment
of section
21.

- (a) sub-section (2), and the proviso thereof shall be omitted;
- (b) in sub-section (3),—
 - (i) the words “; in any other case, his name shall be entered in Part B of the Register” shall be omitted,
 - (ii) the following proviso shall be added:—

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

7. In section 32 of the principal Act, for the words beginning with “a Presidency Magistrate” and ending with “to five hundred rupees”, the words “a Metropolitan Magistrate or a Judicial Magistrate of the first class, as the case may be, with imprisonment which may extend to one year or with fine which may extend to two thousand rupees” shall be substituted.

Amendment
of section
32.

8. In section 33 of the principal Act, in sub-section (1), for the words “fifty rupees”, the words “five hundred rupees” shall be substituted.

Amendment
of section
33.

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[West Ben. Act

(Sections 9-11.)

Amendment
of section
34.

9. In section 34 of the principal Act,—

- in sub-section (1), after the words “the Council”, the words “or any University or any other statutory institution duly recognised by the State Government for the purpose” shall be inserted;
- in sub-section (2),—
 - for the words “one year” in the two places where they occur, the words “two years” shall be substituted,
 - for the words “one thousand rupees” in the two places where they occur, the words “two thousand rupees” shall be substituted.

Amendment
of section
35.

10. In section 35 of the principal Act,—

- in sub-section (1),—
 - after the words “the Council”, the words “or by any University or body established by the State Government under any law” shall be inserted,
 - for the words “by it”, the words “by the Council” shall be substituted;
- for sub-section (2), the following sub-section shall be substituted:—

“(2) Whoever contravenes the provisions of sub-section (1) shall be punishable, on the first conviction, with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both and on subsequent conviction with imprisonment which may extend to two years or with fine which may extend to two thousand rupees or with both.”.

Insertion of
new section
35A.

11. After section 35 of the principal Act, the following section shall be inserted:—

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

35A. (1) No person, association or institution other than an institution established by, or affiliated to, the Council shall use for any educational institution any name which resembles the name of an institution established by, or affiliated to, the Council or which contains the expression “Homoeopathic College” or “Homoeopathic Institution” or any abbreviation or variation of such expression in any language whatsoever.

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(Sections 12-14.)

(2) Any contravention of the provisions of sub-section (1) shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees, or with both; and if an association or institution is guilty of such contravention, every member thereof who knowingly or wilfully authorises or permits the contravention, shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees, or with both.'

12. In section 36 of the principal Act, in sub-section (2), the words "and shall forward a copy thereof to the State Government and to the Central Council" shall be added at the end.

Amendment
of section
36.

13. After sub-section (4) of section 42 of the principal Act, the following sub-section shall be inserted:—

Amendment
of section
42.

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

14. In the Schedule to the principal Act,—

Amendment
of the
Schedule.

(a) in paragraph 1, for the words "or by the Council", the words "the Council, any University or by any statutory institution recognised by the State Government" shall be substituted;

(b) in paragraph 2, the words "degree or" shall be omitted;

(c) in paragraph 3,—

(i) after the words "by any", the word "University" shall be inserted,

(ii) in the proviso, after the words "State Government", the words "or by the Central Council" shall be inserted;

(d) paragraphs 4 and 5 shall be omitted.