

Manual-3	The Rules, regulations, instructions, manuals and record, held by it or under its control; or used by its employees for discharging its functions.	Punjab Homoeopathic Practitioners Act, 1965. The State Government has framed the Punjab Homoeopathic Practitioners (General) Rules, 1973, Punjab Homoeopathic Practitioners (Recognition of Institutions) Regulations, 1974, Punjab Homoeopathic Practitioners (Election) Rules, 1975, Punjab Homoeopathic Practitioners (General) (First Amendment) Rules, 1976, Punjab Homoeopathic Practitioners (First Amendment) Regulations, 1979 and Punjab Homoeopathic Practitioners (Amendment) Bill, 1993.

**PUNJAB GOVERNMENT
LEGISLATIVE DEPARTMENT**

The Punjab Homeopathic Practitioners

Act, 1965

(Act No. 16 of 1965)

(As amended upto 31st October, 1974)

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THE PUNJAB HOMOEOPATHIC PRACTITIONERS ACT, 1965

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(2) It extends to the state of Punjab, the state of Haryana, the Union territory of Chandigarh [1965, Pb. Act 16] the Territories Transferred to the Union Territory of Himachal Pradesh under section 5 of the Punjab reorganization Act, 1966.

(3) It shall come into force on such date as the State Government may by notification appoint in this behalf.

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

- (1) “Chairman” means the chairman of the council.
- (2) “Council” means a council of Homoeopathic system of medicine, established and constituted under section 3:
- (3) “Homoeopathic System” means the Homoeopathic System of medicine founded by Dr. Hahnemann, and includes the allied system of Bio – chemistry founded by Dr. Schuster and the expression Homoeopathic and Bio–Chemical shall be constructed accordingly.
- (4) “Inspector” means an inspector appointed under sub –section (1) of section 20:

- (5) "Member" means a member of the Council; (9) "Register" means the register of practitioners maintained under section 15;
- (10) "registered practitioner" means a practitioner whose name is for the time being entered in the Register;
- (11) "Registrar" means the Registrar appointed under section 14;
- (12) "regulations" means regulations made under this Act.

PART II

Chairman;

ESTABLISHMENT, CONSTITUTION AND INCORPORATION OF COUNCIL AND REGISTRATION OF PRACTITIONERS

3. (1) The State Government may, as soon as many be, by notification establish a Council to be called, "The Council of Homoeopathic System of Medicine, for the purpose of carrying out the provisions of this Act.

(6) " P r a c

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(2) The Council shall be a body corporate with the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of property, and to contract, and may by that name sue and be sued.

oner" means a person who practices The Homeopathic System;

(7) "Prescribed" means prescribed by rules or regulations made under this Act;

(8) "Qualifying examination" means the examination held for the purpose of granting a degree, diploma or certificate conferring the right of registration under this Act.

1 Substituted by Government of India, S.O. No. 1301, Dated 28th March, 1969.

2 Substituted by Government of India, S.O. No. 1301, dated 28th March 1969.

Establishment
Constitution and
Incorporation of
Council.

. (3) The Council shall consist of eleven members [Provided that no person so elected unless he is a resident of Punjab”]

(a) three members shall be nominated by the State Government, one of them, if possible, being a person connected with such institutions' as are referred to in schedule I: and.

(b) eight members, of whom not less. than four shall be persons holding a degree. diploma or certificate in the Homoeopathic System from such institutions as are referred to in Schedule 1, shall be elected by the registered practitioners from amongst themselves.

1. Omitted by Government of India, S.O. 1301 dated 28th March 1969.
2. Amended vide amendment of Pb. Act 16 of 1965, Published in the Pb. Govt. Gazzelte (Extra-ordinary) legislative supplement on 19th Oct. 1976.

(4) The Chairman of the Council shall be nominated by the State government from amongst the members and shall hold office during the pleasure of the State Government.

(5) The eight members. mentioned in clause (b) of sub-section (3) shall in the case of [the first Council to be constituted after the commencement of the Council of Homoeopathic System of Medicine, Punjab (Reconstitution and Reorganisation) Order, 1969], be nominated by the State Government from amongst the practitioners who are eligible to be registered practitioners, and such members shall be deemed to have been duly elected under clause (b) of sub-section (3) :

Provided that not less than four of such members shall be persons holding a degree, diploma or certificate in Homoeopathic System from such institutions as are referred to in Schedule I.

(6) Every election or nomination of member and every vacancy in the office of a member shall be notified by the State Government in the Official Gazette.

Election of
members

4. The election of practitioners entitled to be members of the Council under clause (b) of sub-section (3) of section 3 shall be held at such time and place and in' such manner as may be prescribed.

Nomination of
member in default of
election.

5. If any of the members is not elected under clause (b) of sub-section (3) of section 3, the State Government may, notwithstanding anything contained in that sub-section' nominate such registered practitioner as it deems fit, and the practitioner so nominated shall for the purposes of this Part be deemed to have been duly elected under that clause.

1.Substituted for the words "first Council to be Constituted" by Government of India, S.O. 1391, dated 28th March, 1969. .

6. (1) Save as otherwise provided, the term of office of elected and nominated members shall be five years commencing from the date on which the first meeting of the Council is held after the members are elected under sub-section (3) of section 3:

Term of office

'[Provided that the term of office of members nominated to the first Council constituted after the commencement of the Council of Homoeopathic System of Medicine, Punjab (Reconstitution and Reorganisation) Order, 1969, shall be four years from the date on which the first meeting of such Council is held.]

(2) An outgoing member shall continue in office until the election or nomination of his successor as the case may be.

(3) The outgoing member shall be eligible for re-nomination or re-election.

7. (1) If a vacancy occurs in the office of a member due to death, resignation, removal or disability of such member or otherwise, it shall be filled in the same manner as is provided in section 3.

Vacancies.

(2) Any person nominated or elected to fill the vacancy shall, notwithstanding anything contained in section 6, hold office only so long as the member in whose place he is nominated or elected would have held office if the vacancy had not occurred.

8. Any member may at any time resign his office by letter Resignation to the Chairman and such resignation shall take effect from the date on which it is accepted by the Council:

1. Substituted by Punjab Act II of 1974 and shall be deemed to be substituted with effect from 5th February, 1971.

Section 6 of this Act reads as under: -

6. "Notwithstanding anything contained in this Act, anything done or any action taken by the first Council constituted. After the commencement, of the Council of Homoeopathic System Order, 1969, at any time before the commencement of the Punjab Homoeopathic Practitioners (Amendment) Act, 1974, shall be deemed to be as valid and effective as if the same had been done or taken by a Council whose term had not expired and accordingly no such action or thing shall be called into question merely on the ground that the term of the aforesaid Council had expired before the commencement of the aforesaid Act.

Provided that the Chairman may resign his office by letter addressed to the State Government and his resignation shall take effect from the date on which it is accepted by the State Government.

Disabilities for continuing as member

9. If any member during the period for which he has been nominated or elected-

(a) absents himself without such reasons, as may in the opinion of the Council, be sufficient, from three consecutive meetings of the Council, or .

(b) becomes subject to any of the disqualifications mentioned in section 10, or

(c) being a legal practitioner, appears in any suit or proceeding, civil or criminal, against the Council, or

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

Council may declare his office to be vacant:

Provided that in a case falling under clause (b), the Council shall declare the office to be vacant.

Disqualification

10. No person-

(a) who is a minor or an undischarged insolvent,
or

(b) who has been adjudicated by a competent court to be of unsound mind, or

(c) whose name has been removed from the Register, or

(d) who has been sentenced by a Court to imprisonment for an offence. which, in the opinion of the Council, involves moral turpitude or indicates such a defect of character as would render the entry or continuance of his name in the Register undesirable, the sentence not having been subsequently reversed in appeal or revision, or remitted by an order which the State Government is empowered to make in that behalf, or

(e) who has been found guilty, by a majority of two-third, of the members of the Council present and voting at the meeting thereof, of infamous conduct in any professional respect after enquiry by the Council at which an opportunity has been given to such person to be heard in his defence either personally or through a representative, or .

(f) who is a dismissed servant of the Government or any local authority,

shall be eligible for being elected or nominated a member.

11. No act done, or proceeding taken, under this Act by the Council shall be invalid merely on the ground-

Vacancies, etc. not to invalidate proceedings of council.

(a) of any vacancy or defect in the Constitution of the Council, or .

(b) of any defect or irregularity in election or nomination of a person acting as a member thereof, or

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

Time and place of meetings of council.

12. The Council shall meet at such time and place and every meeting of the Council shall be summoned in such manner as may be prescribed by regulations:

Provided that until such regulations are made it shall be lawful for the Chairman to summon every meeting of the Council at such time and place as he may deem expedient by letter addressed to each member separately.

Procedure at meetings of council

13. (1) The Chairman, and in the absence of the Chairman, a person elected by the members present *from* amongst themselves, shall preside at a meeting of the Council.

(2) All questions at a meeting of the Council shall be decided by the votes of the majority of the members present and voting and, in the case of an equality of votes, the Chairman *for* the time being may, in addition to his vote as a member of the Council, exercise a second- or a casting vote.

(3) Three members shall *form* a quorum at a meeting of the Council:

Provided that if a meeting is adjourned for want of quorum, no quorum shall be necessary at the next meeting called for transacting the same business.

Registrar.

14. (1) The Council shall, with the previous approval of the State Government, appoint a Registrar who shall receive such salary and allowances and be subject to such conditions of service as may be prescribed.

(2) The Chairman may, from time to time, grant leave to the Registrar and the Council, may appoint a person to act in his place.

(3) Any person duly appointed to act as a "Registrar shall be deemed to be the Registrar *for* all the purposes of this Act.

(4) Any order of the Council appointing, punishing or removing the Registrar from office shall not be passed without the previous approval of the State Government .

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

Provided that the number and designation of such officers and servants and their salaries and allowances shall be subject to the previous approval of the State Government.

(6) The Registrar and 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.

(7) The Registrar shall be the Secretary of the Council and shall act as Executive Officer of the Council.

15. (1) Subject to the provisions of this Act and the rules made thereunder and subject to any general or special order of the Council, it shall be the duty of the Registrar to keep the Register.

Duties of the Registrar.

(2) The Register shall be kept in such form as may be prescribed and shall contain the name, address and qualifications of every registered practitioner together with the dates on which such qualifications were acquired. The Register shall be divided into the following two parts: -

Part.A containing the names of practitioners referred to in sub-section (1) of section. 16; and

Part B containing the names of practitioners referred to in sub-section (2) of section 16.

(3) The Registrar shall keep the Register correct as far as possible and may from time to time enter

therein any material alteration in the address *or* qualifications of the practitioners. The names of the registered practitioners who die *or* whose, names are directed to be removed from the Register under sub section (3) *of* section 16 shall be removed *from* the Register.

(4) A registered practitioner shall, on payment of such fees as may be prescribed, be entitled to have entered in the Register any degrees, diplomas or certificates or other qualifications in Homoeopathy or other recognized medical degrees, diplomas or certificates which he may obtain.

(5) For the purpose of this section, the Registrar may write by registered post to any registered practitioner at the address which is entered in the Register to enquire whether he has ceased to practice or has changed his residence and, if no answer is received to such letter within six months, the Registrar may *remove* the name of such practitioner from the Register:

Provided that if the Council is satisfied. on the application of such practitioner, that he has not ceased to practice. the Council may direct that the name of such practitioner be re-entered in the Register.

Registration

16. (1) Every person, who possesses any qualification mentioned in Schedule I, shall, subject to the provisions contained in this Act and *on* payment of the prescribed fees, be entitled to have his name entered in Part A *of* the Register subject to such conditions as the Council may by regulations specify.

¹(2) Every person who has passed Matriculation or an equivalent examination of a recognised University or Board, and who, within a. period of six months from the date of commencement of the Punjab Homoeopathic Practitioners (Amendment) Act, 1974, proves to the satisfaction of the Registrar that immediately before such commencement he was not less

1 Substituted by Punjab Act No. 11 of 1974.

than twenty five years of age and had been in continuous practice as a practitioner for a period of not less than five years, shall, on payment of the prescribed fees, be entitled to have his name entered in Part B. of the Register subject to such conditions as the Council may, by regulations, specify:

Provided that a person who does not possess the educational qualifications referred to above shall also be registered by the Council with the prior approval of the State Government, on payment of the prescribed fees and subject to the aforesaid conditions, if he, within the aforesaid period of six months proves that immediately before the commencement of the Punjab Homoeopathic Practitioners (Amendment) Act, 1974. he was not less than thirty five years of age and had been in continuous practice as a practitioner for a period of not less than fifteen years.

Explanation. -For the purposes of this section, the expression "recognized University or Board" means: -

(i) any University or Board incorporated by law in any of the States of India; or

(ii) in the case of a certificate obtained as a result of an examination held before the 15th August, 1947, the Punjab, Sind or Dacca University; or

(iii) any other University or Board which is declared by the State Government to be a recognised University or Board for the purposes of this section.

(3) No person

(a) who is registered under the Punjab Medical Registration Act, 1916, or the Punjab Ayurvedic and Unani Practitioners Act, 1963, shall be eligible for registration under sub-section (1) or sub-section (2) unless and until he ceases to be registered under those Acts; or

(b) who is registered under sub-section (1) or sub-section. (2), shall continue to be a registered practitioner under this Act, if subsequent to such registration under the Punjab Medical Registration Act, 1916, or the Punjab Ayurvedic and Unani Practitioners Act, 1963.

(4) Where an application for entry in the Register is made by a person whose case is not clearly covered by sub-section (1) or sub-section (2) or by the rules or regulations made under this Act, the Registrar shall refer his application to the Council for such decision as the Council may deem fit.

(5) The Council may direct that the name of any practitioner who has been convicted of a cognizable offence as deemed in the Code of Criminal Procedure. 1898 which discloses such defect of a moral character as is, in the opinion of the Council, sufficient to make him unfit to practice his profession or who has been found, after due inquiry, guilty of conduct which is, in the opinion of the Council, infamous in any professional respect, shall be removed from the Register.

(6) The Council may, on sufficient cause being shown, also direct that the name of the practitioner so removed shall be re-entered in the Register on payment of such fees as may be prescribed.

16A(2) Amendment Act.1993

Appeal to the council from the decision of the Registrar and other powers of the Council.

17. (1) Any person aggrieved by the decision of the Registrar regarding registration of any person or any entry in the Register may appeal to the Council.

(2) Such appeal shall be filed with, and shall be heard and decided by, the Council in the manner prescribed

(3) The Council may, on its own motion or on the application of any person, after due and proper enquiry and after giving an opportunity to the person concerned of being heard, cancel or alter any entry in the

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Register if, in the opinion of the Council, such entry was fraudulently or incorrectly made.

18. Notwithstanding anything in any law for the time being in force.-

(a) the expression 'legally qualified medical practitioner', or 'duly qualified medical practitioner', or any word importing a person recognised by law as a medical practitioner or member of medical profession shall in all Acts for other provisions having the force of law in Punjab and relating to matters in List II or List III of the Seventh Schedule to the Constitution of India, includes a practitioner registered in part A of the Register;

Qualified practitioners certificate.

(b) a certificate required by any Act to be issued by any medical practitioner or medical officer shall be valid if such certificate has been signed and issued by a practitioner registered in Part A of the Register:

Provided that a certificate of illness may also be signed and issued by any practitioner registered in Part B of the Register;

(c) a practitioner registered in Part A of the Register shall be eligible to hold any appointment as a medical officer in any Homoeopathic Dispensary or Hospital supported by or receiving a grant from the State Government and treating patients according to the homoeopathic system or in any public establishment, body or institution dealing with such system.

19. Every-Register of Deaths on receiving notice of the death of a registered practitioner shall forthwith transmit by post to the Registrar a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificate and transmission as an expense of his office.

Inspection
of institution

20. (1) The Council may appoint such number of Inspectors to inspect the institution and their examinations as it may deem fit and such Inspectors shall be paid such fee as may be prescribed.

(2) Such Inspectors shall, in accordance with any general or special directions of the Council given from time to time, inspect the institutions established by or affiliated to the Council and report to the Council in regard to the courses of study pursued and training imparted at every institution which they inspect and on any other matters with regard to which the Council may require them to report.

Qualifying
examination

21. (1) The Council shall by regulations—

(a) recognise institutions as required under paragraph (2) of Schedule I;

(b) prescribe the course of training and qualifying examinations including the examinations prior to qualifying examinations;

(c) provide that Instruction and examinations shall as far as possible be given or held in the languages specified in the regulations.

(2) A qualifying examination shall be an examination in the Homoeopathic System held for the purpose of granting a diploma, degree or certificate conferring the right of registration under this Act by 1[the Council or by] any of the Institutions which on the recommendations of the Council may be specified by the State Government by notification as being authorized to hold a qualifying examination.

(3) It shall be the duty of the Council to secure the maintenance of an adequate standard of proficiency for the practice of Homoeopathic System. For the purpose of securing such a standard the Council shall have authority to call on the governing body or authorities of any institution giving instruction in the Homoeopathic System and on any examining body

1 Added: by Punjab Act No. 11 of 1974.

authorised or desirous of being authorised under sub-section (2)-¹⁷—

(a) to furnish such particulars as the Council shall require of and course of study prescribed by regulations or examination held by such body or authority or in any school or college thereof with reference to the grant of any qualifications and

(b) to permit inspectors appointed by the Council from amongst the registered practitioners in this behalf to attend and be present at all or any of the qualifying examinations.

(4) An Inspector shall not interfere with the conduct of any examination, but it shall be his duty to report to the council his opinion as to the sufficiency or insufficiency of every examination which he attends and any other matter in relation to such-examination on which the Council may require him to report.

(5) Every qualifying examination and every prior examination leading, up to it held by the bodies or institutions authorised under this section shall be inspected by the Inspector at least once in two years and more frequently if the Council so directs.

(6) The Council shall forward a copy of every such report to the body which held the examination in respect of which the said report was made and shall also forward a copy of such report, together with any observations thereon made by the said body, to the State Government:

1[21-A. Subject to the provisions .of this Act, the powers and function of the council shall be-

(a) to hold qualifying examinations and other examinations, to appoint examiners and other staff to assist them, to fix their fees, remunerations and allowances and to declare the results of the examinations;

Powers and functions of council.

¹added by Punjab Act II of 1974.

- (b) to grant degrees, diplomas, or certificates ;
- (c) to award stipends, scholarships, medals, prizes and other rewards;
- (d) to prepare, publish and prescribe text books and to publish statement of prescribed courses of study;
- (e) to found and maintain a library ;
- (f) to recommend schemes for post-graduate training and research in the Homeopathic System ;
- (g) to appoint any Committee or Board of studies as may be necessary and to lay down their constitution, duties and functions;
- (h) to exercise such other powers and perform such other functions as may be specified in this Act, or in the rules or regulation made thereunder or as the State government may by notification direct for carrying out the purposes of this Act.

Explanation. The Committee or the Board of studies referred to in clause (g) may have such person as their members as are not members of the Council.]

Removal of Institution Authorised to hold qualifying examinations

22. If it appears to the state government on the report of the Council that the courses of study and examinations prescribed by any of the institutions specified in the notification under section 21 are not such as to secure the maintenance of an adequate standard of proficiency for the practice of Homoeopathic System, it shall be lawful for the state Government by notification to direct that the said institution shall be removed from the said notification and shall not be authorised to hold a qualifying examination:

The Provided that before any direction for the removal of an institution from the said notification is made

under this section, the Council shall require the institution to take steps within such time as it thinks fit to provide that the courses of study and examinations prescribed by the institution are of an adequate standard.

23. Notwithstanding anything in any other law for the time being in force, every registered practitioner shall be exempted, if he so desires, from serving on any inquest under the Code of Criminal procedure, 1898.

Exemption from serving on inquests

24. There shall be paid to the members for attending meetings of the Council such travelling and other allowances as may be prescribed.

Allowances payable to members

25. All moneys received by the Council as fees under this Act shall be applied for the purposes of this Act in accordance with the rules made thereunder.

Fees received by the council

26. (1) The Registrar shall every five years, on or before a date to be fixed by the Council cause to be printed and published a correct list of the names and qualifications of all practitioners for the time being entered in the Register and the dates when such qualifications were acquired.

Publication of list of practioners.

(2) in any proceeding it shall be presumed that every person entered in such list is a registered practitioner and that any person not so entered is not a registered practitioner.

27. If at any time it appears to the State Government that the Council has neglected to exercise, or has exceeded or abused, any of the powers conferred upon it by or under this Act or has neglected to perform any of the duties imposed upon it by or under this Act, the State Government may, communicate the particulars 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 State Government in this behalf, the State Government may for the purpose of remedying

Control of State Government

such neglect, excess or abuse cause any of the powers and duties of the Council to be exercised and performed by such agency and for such period as the State government may think fit.

Prohibition to practise of persons not registered

28. No person, other than a practitioner registered under this Act, shall practise or hold himself out, whether directly or by implication, as practising or as being prepared to practise the Homoeopathic system.

False assumption of degrees etc. to be an offence

29. Whosoever voluntarily and falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, or certificate conferred, granted or issued by any of the institutions specified in the notification made under section 21, or that he is qualified to practise the Homoeopathic System, or that he is a registered practitioner, shall on conviction be punishable with fine which may extend to two hundred and fifty rupees for the first offence and with fine which may extend to five hundred rupees for every subsequent offence.

penalty

30. Any person who acts in contravention of the provisions of section 28 shall, on conviction, be punishable with fine which may extend to two hundred rupees.

Conferring granting or issuing degrees diplomas etc. by unauthorised person or institution

31. (1) No person, other than an association or institution recognised or authorised by the Council under this Act, shall confer, grant or issue or hold himself or itself out as entitled to confer, grant or issue any degree, diploma, certificate or other document stating or implying that the holder grantee, or recipient is qualified to practice the Homoeopathic System.

(2) Whoever contravenes the provisions of subsection (1) shall, on conviction, be punishable with fine which may extend to five hundred rupees, and if the person so contravening is an association, every member of such association who, knowingly and willfully authorises or permits the contravention, shall, on conviction, be punishable with fine which may extend to two hundred rupees.

32. (1) No court other than the court of a Judicial Magistrate of the 1st class shall. take cognizance of or try an offence under this Act.

Court competent to try offences under this act and cognizance of offences.

(2) No court shall take cognizance of any offence under this Act except on a complain in writing of an Officer empowered by the State Government 'in this behalf.

33. The State Government may by notification amend Schedule I, so as to add there to or omit there from any qualification, and thereupon such Schedule shall be deemed to have been amended accordingly.

Power to Amend Schedule I

PART III

DISPUTES REGARDING ELECTIONS

34. In this Part, unless the context otherwise requires-

Definitions

- (a) "agent" means any person appointed in writing by a candidate at an election to be his agent for the purposes of his election with the written consent of such person;
- (b) "candidate" means a person who has been or claims to have been duly nominated as a candidate at an election, and, any such person shall be deemed to, have been a candidate as from the time when, with the election in prospect, he began to hold himself out as 'a prospective candidate;
- (c) "Corrupt practice" means any of the practices specified in Schedule II;
- (d) ",costs" means all costs, charges and expenses of, or incidental to, a trial of an election petition;
- (e) "election" means an election to fill the office, of a member;
- (f) "electoral right" means the right of a person to stand or not to stand, as, or to withdraw

from being, a candidate or to vote or refrain from voting at an election;

(g) "pleader" means any person entitled to appear and plead for another in, a civil court, and includes an Advocate.

Election Petitions

35. No. election of a member shall be called in question except by an election petition presented in accordance with the provisions of this Part.

Presentation of petitions

36. (1) Any registered practitioner may within a period of thirty days from the date on which the election of any member is notified under sub-section (6) of section 3 and on furnishing the prescribed security in the prescribed manner, present on one or more of the grounds specified in sub-section (1) of section 48 to the prescribed authority an election petition in writing against the election of such member.

(2) The election petition shall be deemed to have been presented to the prescribed authority -

(a) when it is delivered to the prescribed authority.

(i) by the person making the petition or

(ii) by a person authorised in writing in this behalf by the person making the petition or

(b) when it is sent by registered post and is delivered to the prescribed authority.

Contents of petition

37. (1) An election petition.-

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and date and place of the commission of each such practice and

(c) shall be signed by the²³ petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Act No. V of 1908), for the verification of pleadings:

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

38. If the prescribed security is not furnished in the prescribed manner or the petition is not presented within the period specified in section 36, the prescribed authority shall dismiss the petition:

Procedure on receiving election petition

Provided that the Petition shall not be dismissed without giving the petitioner an opportunity of being heard.

39. Any authority empowered in this behalf by the State Government may, at any stage after notice to parties and for reasons to be recorded, withdraw any election petition pending before a prescribed authority and transfer it for trial to another prescribed authority; and upon such transfer, that prescribed authority shall proceed with the trial from the stage at which it was withdrawn:

Power to withdraw and transfer petitions

Provided that such authority may if it thinks fit recall and re-examine any of the witnesses already examined.

40. (1) Subject to the Provisions of this Act and of any rules made there under every election petition shall be tried by the prescribed authority, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure 1908 (Act No. V of 1908) to the trial of suits:

Procedure before the prescribed authority.

Provided that the prescribed authority shall have the discretion to refuse for reasons to be recorded to examine any witness or witnesses, if it is of the opinion that their evidence is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

(2) The provisions of the Indian Evidence Act, 1872 (Act No. I of 1872), shall, subject to the provisions of this Act, be deemed to apply in all respects to the trial of an election petition.

Appearance
before prescribed
authority.

41. Any appearance, application or act before the prescribed authority may be made or done by the party in person or by a pleader duly appointed to act on his behalf :

Provided that it shall be open to the prescribed authority to direct, any party to appear in person whenever the prescribed authority considers it necessary.

Powers of the
prescribed authority.

42. The prescribed authority shall have the powers which are vested in a court under the Code of Civil Procedure, 1908 (Act V of 1908) when trying a suit in respect of the following matters:-

- (a) discovery and inspection;
- (b) enforcing the attendance of witnesses and requiring the deposit of their expenses;
- (c) compelling the production of documents;
- (d) examining witnesses on oath;
- (e) granting adjournments;
- (f) reception of evidence taken on affidavit; and
- (g) issuing commissions for the examination of witnesses;

and may summon and examine *suo motu* any person. whose evidence appears to it to be material; and shall be deemed to be a Civil Court within the meaning of

sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act No. V of 1898).

Explanation:-For the purpose of enforcing the attendance of witnesses the local limits of the jurisdiction the prescribed authority shall be the limits of the State of Punjab.

43. Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence at the trial of an election petition on the ground that it is not duly stamped or registered.

Documentary evidence

44. No witness or other person shall be required to state for whom he has voted at an election.

Secrecy of voting not to be infrigent.

45. (1) No witness shall be excused from answering any question as to any matter relevant to a matter in issue in the trial of an election petition up to the ground that the answer to such question may criminate or may tend to criminate him, or that it may expose or may tend to expose him to any penalty or forfeiture:

Answering of crminating questions and certificate of indemnity.

Provided that-

(a) a witness who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the prescribed authority; and

(b) an answer given by a witness to a question put by or before the prescribed authority shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be admissible in evidence; against him in any civil or criminal proceeding.

(2) When a certificate of indemnity has been granted to any witness it may be pleaded by him in any court and shall be a full and complete defence to or upon any charge under Chapter IX-A of the Indian Penal Code (Act No. XLV of 1860), arising out of the matter to which such certificate relates, but it shall

not be deemed to relieve him from any disqualification in connection with any election imposed by, this Act or any other Law.

Expenses of witnesses.

46. The reasonable expenses incurred by any person in attending to give evidence may be allowed by the prescribed authority to such person, and shall, unless the prescribed authority otherwise directs, be deemed to be part of the costs.

Decision of the prescribed authority.

47. (1) When an election petition has not been dismissed under section 38, the prescribed authority shall inquire into the election petition and at the conclusion of the inquiry shall make an order-

- (a) dismissing the election petition; or
- (b) setting aside the election.

(2) At the time of making an order under subsection (1) the prescribed authority shall also make an order.

- (a) where any charge is made in the petition of any corrupt practice having been committed at the election, recording-
 - (i) a finding whether any corrupt practice has or has not been proved to have been committed at the election and the nature of that corrupt practice and
 - (ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that corrupt practice; and
- (b) fixing the total amount of costs payable, and specifying the persons by and to whom costs shall be paid.:

Provided that a person who is not a party to the petition, shall not be named in the order under sub – clause ii) of clause (a) unless –

- (i) he has been given notice to appear before the prescribed authority and to show

cause why he should not be so named; and

- (ii) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the prescribed authority and has given evidence against him, of calling evidence in his defence and of being heard.

48. (1) If the prescribed authority is of the opinion -

- (a) that on the date of his election the elected person was not qualified or was disqualified, to be elected under this Act; or

Grounds for setting
aside election.

- (b) that any corrupt practice has been committed by the elected person or his agent or by any other person with the consent of the elected person or his agent; or

- (c) that any nomination has been improperly rejected; or

(d) that the result of the election, in so far as it concerns the elected person, has been materially affected -

- (i) by the improper acceptance of any nomination;
or

- (ii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void or

- (iii) by any non-compliance with the provisions of this Act or of any rules made under this Act; the prescribed authority shall set aside the election of the elected person.

(2) When an election has been set aside under sub section (1), a fresh election shall be held.

Abatement of
election Petition.

49. An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

Costs and payment
thereof out of security
deposits and return of
such deposits

50. (1) Costs, including pleaders' fee shall be in the discretion of the prescribed authority.

(2) If in any order as to costs under the provisions of this Part there is a direction for payment of costs by any party to any person, such costs shall, if they have not been already paid, be paid in full, or so far as possible, out of the security deposit made by such party under this Part, or an application made in writing in that behalf within a period of one year from the date of such order to such authority as may be empowered in this behalf by the State Government by the person in whose favour the costs have been awarded.

(3) If there is any balance left of the security deposit under this Part after payment under subsection (2) of the costs referred to in that sub-section, such balance, or where no costs have been awarded or no application as aforesaid has been made within the said period of one year, the whole of the said security deposit may, on an application made in that behalf in writing to the authority referred to in subsection (2) by the person by whom the security has been deposited or if such person dies after making such deposit, by the legal representative, of such person, be returned to the said person or to his legal representatives, as the case may be.

Execution of orders as
to orders as to costs.

51. Any orders as to costs under the provisions of this Part may be produced before the principal civil court within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business and such court shall execute the order or cause the same to be executed in the same manner and by the same procedure as if it were a decree *for* the payment of money made by itself in a suit:

Provided that where any such cost or any portion thereof may be recovered by an application made under

sub-section (2) of section 50, no application shall lie under this section within a period of one year from the date of such order unless it is for the recovery of the balance of any costs which has been left unrealised after an application has been made under that sub-section owing to the insufficiency of the amount of the security deposit referred to in that sub-section.

52. The corrupt practices specified in Schedule II shall entail disqualification for membership of the Council for a period of five years counting from the date on which the finding of the prescribed authority as to such practice has been given:

Corrupt practices
entailing
disqualification.

Provided that the State Government may, for reasons to be recorded, remove the disqualification or reduce the period thereof.

PART IV

MISCELLANEOUS

53. (1) The State Government may, by notification and after previous publication, make rules to carry out all or any of the purposes of this Act.

Rules

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

(a) the time at which and the place and manner in which election shall be held under section 4;

(b) the salary, allowances and other conditions of service of the Registrar under section 14:

(c) the form of the Register and the particulars to be entered therein under section 15:

(d) the fees chargeable for registration, registration certificates, re-entries of a removed name and alteration of entries in the Register;

(e) the manner in which appeals against the decision of the Registrar shall be heard by the Council under section 17;

(f) the travelling and other allowances payable to members under section 24;

(g) the application of fees under section 25;

(h) the furtherance of any of the objects of the Council;

(i) the form of the certificate of registration mentioned therein the Part in which the registered practitioner is registered;

(j) the amount of security to be furnished and the manner in which it is to be furnished as required by sub-section (1) of section 36;

(k) the authority to whom election petitions may be presented and by whom such petitions may be inquired into and decided under Part III;

(l) the form of affidavit required to accompany the petition under sub-section (1) of section 37,

(m) any other matter which may be prescribed.

Regulations

54. (1) The Council may, with the previous sanction of the State Government, make regulations not inconsistent with this Act of the rules made under section 53 for all or any of the following matters, namely :-

(a) the time and place at which the Council shall hold its meetings under section 12;

(b) the salary, allowances and other conditions of service of officers and servants of the Council, other than the Registrar, under section 14;

(c) the conditions for registration referred to in sub-sections (1) and (2) of section 16;

(d) the course of study for training and qualifying and other examinations;

(e) the admission of students to the bodies or institutions authorised under section 21

(f) the language in which the examinations shall be conducted and instruction shall be imparted;

(g) the conditions under which students shall be admitted to the degree, diploma or certificate course and to the qualifying and prior examinations;

(h) the conditions of appointment of examiners and the conduct of examinations ; and

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

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

(3) The State Government may by notification cancel any regulation

Provided that in submitting regulations under, clauses (d) and (h) for sanction of the State Government under this section, the Council shall send a copy of its proceedings relating to the passing of such regulations and shall state the number of its members who have voted for or against such regulations or not voted in respect of such regulations:

Provided further that in sanctioning the regulations due consideration shall be given to the opinion of the members as expressed in the said proceedings.

Rules and regulations to
be laid before state
legislature

55. Every rule² made under section 53 and every regulation made under section 54 shall be laid as soon as may be after it is made before [1 the State Legislature while it is in session for a total period of ten days which may comprise in one session or in two successive sessions, and if before the expiry of the sessions in which it is so laid or the session immediately following 2 [the Legislature] agree in making any modification in the rule or regulation, as the case may be, or [the Legislature] agree that such rule or regulation should not be made, the rule or regulation 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 regulation.

1. Omitted by A.O. of 1970.

2 Substituted for the words "both houses" by *ibid*.

33
SCHEDULE I

[See sections 3(3) & (5), 16(1), 21(1)(a) and 33]

Persons who are entitled to have their names entered in Part A of the Register of Homoeopaths:-

- (1) Homoeopaths who have passed the final examinations held by the Council of the Homoeopathic System of Medicine, Punjab.
- (2) Homoeopaths who have passed an examination from a Homoeopathic Institution in the State or outside it; provided that for the purposes of examination such an institution is recognised by the Council subject to any limitations as the Council may consider proper.
- (3) Homoeopaths who have been registered by a State Council or Board of Homoeopathic System of Medicine established by law anywhere in the Indian Union by virtue of their having passed a qualifying examination from any of the recognised institutions of such Council Or Board.

SCHEDULE 1

[See sections 34(c) and 52]

The following shall be deemed to be corrupt practices for the purposes of section 52:

"(1) Bribery, that is to say:-

(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing-

(a) a person to stand or not to stand as, or to withdraw from being, a candidate at an election; or

(b) a voter to vote or refrain from voting at an election; or as a reward to -

(i) a person for having so stood or not stood, or for having withdrawn his candidature; or

(ii) a voter for having voted or refrained from voting ;

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward-

(a) by a person for standing or not standing as, or for withdrawing from being, a candidate; or

(b) by any person whomsoever for himself or any other person, for voting or refraining from voting, or inducing or attempting to induce any voter to vote or refrain from voting, or any candidate to withdraw his candidature.

Explanation.-For the purposes of this clause, the term "Gratification" is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward, but it does not include the payment of any expenses bona fide incurred at, or for the purpose of, any election.

(2) Undue influence, that is to say, any direct or indirect interference or attempts to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his agent, with the free exercise of any electoral right:

Provided that-

(a) without prejudice to the generality of the provisions of this clause, any such person as is referred to there in who-

(i) threatens any candidate or a voter or any person in whom a candidate or such voter is interested, with injury of any kind and including social ostracism and excommunication or expulsion from any caste or community;

(ii) induces or attempts to induce a candidate or a voter to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure shall be deemed to interfere with free exercise of the electoral right of such candidate or a voter within the meaning of this clause;

(b) a declaration of public policy, or a promise of publication or the mere exercise of legal right without intent to interfere with an electoral right shall not be deemed to be interference within the meaning of this clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to, religious symbols or the use of, or appeal to, national symbols,

such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(4) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(5) The publication by candidate or his agent or by any other person with the consent of a candidate or his agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate or in relation to the candidature, or withdrawal, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(6) The hiring or procuring whether on payment or otherwise or any vehicle by a candidate or his agent or by any other person with the consent of a candidate or his agent, for the conveyance of any voter (other than the candidate himself, the members of his family or his agent), to or from any polling station provided or a place fixed for the poll:

Provided that the hiring of a vehicle by a voter or by several voters at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause, if the vehicle so hired is a vehicle not propelled by mechanical power:

Provided further that the use of any public transport vehicle by any voter at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation.-In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(7) The obtaining or procuring Or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government, the Government of India or the Government of any other State or a local authority.

The Punjab Homeopathic Practitioner (Amendment) Act 1976

Punjab Act 40 of 1976

(Received the assent of the Governor of Punjab on the 5th October, 1976, and was first published for general information in the Punjab Government Gazette (Extraordinary) Legislative Supplement, the 19th October 1976).

An act to amend the Punjab Homoeopathic Practitioners Act, 1965.

Be it enacted by the Legislative of the State of Punjab in the Twenty Seventh year of the Republic of India as Follows:

- | | |
|---|---|
| 1. (i) This act may be called the Punjab Homeopathic Practitioners (Amendment) Act, 1976 | Short title and commencement |
| (ii) It shall come into force on such date as the State Government may by notification appoint | |
| 2. In section three of the Punjab Homeopathic Practitioners Act 1965 (hereinafter referred to as the principal Act) | Amendment of Section 3 of Punjab Act, 16 of 1965. |

(i) In sub – section (3) the words “residing in Punjab” Occurring between the words “eleven members” and “of whom” shall be omitted, and the following proviso shall be added in the end : -

“Provided that no person shall be so elected unless he is a resident of Punjab”

(ii) After the Sub section (5), the following sub section shall be inserted, namely: -

(5A) Notwithstanding anything contained in this act all the members holding office immediately before the date of commencement of the Punjab Homeopathic practitioners (Amendment) Act, 1976, shall on and with effect from that date cease to be members of the council in the manner laid down in sub section (5B).

(5B) All the members of the council constituted under sub – section (5A) shall be nominated by the state Government:

Provided that eight members shall be nominated from amongst such person who are registered practitioners or are eligible to be registered as such;

Provided further that out of these eight not less than four shall be persons holding a degree, diploma or certificate in Homeopathic system from any of the institutions referred to in schedule I.

(5C) The term of the members nominated to the council constituted under sub-section (5A) shall be two years from the date on which first meeting of the council is held.

(5D) The council constituted under sub – section (5A) may review any order passed by the council at any time before the commencement of the Punjab Homoeopathic practitioners (Amendment) Act, 1976:

Provided that no such order shall, as a result of review be modified or rescinded unless a reasonable opportunity of being heard has been given to the person concerned.

For statement of Objects and reasons, see Punjab Government Gazette (Extraordinary, 1976, page 1765).

Insertion of section 10 A
in Punjab Act
16 of 1965

3. After section 10 of the principal Act, the
10- following section shall be inserted namely: -

Removal of
Members.

“10-A, The State Government may, by notification
Removal any member who in its opinion, has been of
guilty of misconduct in the member guilty of
misconduct in the discharge of his duties:

Provided that before the state Government
notifies the removal of any member, the reasons for his
propo0sed removal shall be communicated to him and
he shall be given an opportunity of tendering an
explanation in writing.”

Amendment of
Section 16 of Punjab
Act 16 of 1965

4. In section 16 of the principal Act, after sub
section (2), the following sub – section shall be inserted,
namely: -

“(2A) Every person who within a period of six months
from the date of commencement of the Punjab
Homeopathic Practitioner (Amendment) Act, 1976,
Proves to the satisfaction of the Registrar that –

(i) he had passed Matriculation Examination or
Language Examination of Budhimani in Punjabi, Rattan
in Hindi, Prejna in Sanskrit, adibsin in Urdu or manshi
in Persian or an examination equivalent to or higher
than any of the aforesaid examinations, from a
recognized University or Board at any time before the
commencement of the Punjab Homeopathic
Practitioners (Amendment) Act, 1974:”

(ii) he was not less than twenty five years of age and
had been in continuous practice as a practitioner for a
Period of not less than five years on the date of
commencement of the Punjab Homeopathic
practitioners (Amendment) Act. 1974.

Shall on payment of the prescribed fees, be entitled to have his
name entered in Part – B of the Register subject to such
conditions as the council may, by regulations, specify.”

Amendment of section
54 of
Act 16
1965

5. In section 54 of the Principal act, in sub- section (1), in clause (c) for the word brackets and figure and (2)” Punjab the brackets word figures and letter” (2) and (2A)” shall of be substituted.

Amendment of
Act 16 Punjab
of 1965

6. In schedule I to the principal Act, in paragraph (2) for Schedule 1 of the words “subject to any limitations as the council may consider proper “ the words “with the prior approval of the state Government and subject to such conditions as the state Government may deem fit to impose” Shall be substituted.

**THE PUNJAB MEDICAL COUNCIL, PUNJAB NURSES REGISTRATION
COUNCIL, BOARD OF AYURVEDIC AND UNANI SYSTEMS OF MEDICINE PUNJAB &
HOMEOPATHIC SYSTEM OF MEDICINE, PUNJAB
(MISCELLANEOUS PROVISIONS) ACT, 1977
PUNJAB ACT NO. 6 OF 1977**

(Received the assent of Government of Punjab on the 20th April, 1977 and was first published for general information in the Punjab Government Gazette (Extraordinary), Legislative Supplement, dated the 3rd May, 1977)

An act to provide for the term of office of the Registrar and other employment, to fix the headquarters, and to provide for the emergency powers of the chairman of the Punjab medical Council, Punjab Nurses Registration council, the Board of Ayurvedic and Unani Systems of Medicine, Punjab and Council of Homeopathic System of Medicine, Punjab.

Be it enacted by the legislature of the state of Punjab in the Twenty Eighth year of the Republic of India as follows: -

- | | | |
|--|---|------------------------------------|
| 1. | (1) This act may be called The Punjab Medical council, Punjab Short title and Nu
Registration council, Board of Ayurvedic and Unani Systems of Medicine, Punjab
Council of Homeopathic System of Medicine, Punjab (Miscellaneous Provisions) Act, 19' | Short title
And
Commencement |
| 2. | It shall be deemed to have come into force on the 5 th January 1977. | |
| 2. | In this act, Unless there is anything repugnant in the subject or context,
Definitions | Definitions |
| | (a) "Board" means the Board of Ayurvedic and Unani System of Medicine, Punjab,
Established and constituted under the Punjab Ayurvedic and Unani Practitioners Act,
1963. | |
| | (b) "Chairman" Means the chairman of the Board of Ayurvedic and Unani Systems of
Medicine, Punjab, or the chairman of the Council of Homeopathic System of
Medicine, Punjab and includes the President of the Punjab Medical Council or the
President of the Punjab Nurses Registration Council. | |
| | (c) "Council" means the Punjab medical council established under the Punjab Medical
Registration Act, 1916, the Punjab Registration Council established under the Punjab
Nurses Registration Act, 1932 or the Council of Homeopathic System of Medicine,
Punjab, established and constituted under the Punjab Homeopathic Practitioners Act,
1965; and | |
| | (d) "Registrar" Means the Registrar of the Punjab Medical Council, the Punjab Nurses
Registration Council, the Board of Ayurvedic and Unani Systems of Medicine, or the
Council of Homeopathic System of Medicine, Punjab. | |
| Term of Office
of the Registrar
and other
employees | 3. Save with the prior approval of the State Government,
no Registrar or other employee of the council or the board, as
the case may be shall hold office after the last day of the
month in which he attains the age of fifty – eight years or such
age of superannuation as may, from time to time, be fixed by
the state Government for its employees and every such
Registrar or other employee holding office on the date of
commencement of this Act shall cease to hold office on such
commencement, if he has attained the age of fifty – eighty
years on or before such commencement. | |

For statement of objects and reasons, see Punjab Government Gazette (Extraordinary), 1977, Page 449.

Headquarters of
shall be at the Council
the Board

4. The Headquarters of the council or the board shall be at Chandigarh or such other place as behalf by the state Government in each case.

Emergency
of
Powers of the
Chairman

5. (1) In any emergency arising out of the Business of the council or the Board as the case may be, which in the opinion of the Chairman requires immediately action as he deems necessary and shall, thereafter report the action to the council or the Board as The ease may be, at it, next meeting. Every much action shall, for all intents and purposes be deemed to be the action taken by the council or the Board, as the case may be.

(2) If any question arises whether or not a particular situation is of emergency warranting action under sub- section (1) the decision of the Chairman shall be final.

Overriding
Officer

6. The provisions of this Act shall have effect notwithstanding anything contained in the Punjab Medical Registration act, 1916 the Punjab Nurses Registration Act, 1932, the Punjab Ayurvedic and Unani Practitioners Act, 1963, and the Punjab Homeopathic Practitioners Act, 1965, or any rule, regulation or bye – law framed under any of these Acts.

Repeal and
Saving

7. (1) the Punjab medical Council, Punjab Nurses

Registration Council, Board of Ayurvedic and Unani Systems of Medicine, Punjab and The Council of Homeopathic System of Medicine Punjab (Miscellaneous Provisions) Ordinance 1976 (Punjab Ordinance No. 1 of 1977) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

**PUNJAB GOVERNMENT GAZETTE
EXTRAORDINARY**

Published by Authority

CHANDIGARH, MONDAY, JANUARY 30, 1995
(MAGHA 10, 1916 SAKA)

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Part – 1
GOVERNMENT OF PUNJAB
DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS
PUNJAB
NOTIFICATION
The 30th January, 1995

No. 1- leg. / 95 – the following Act of the legislature of the state of Punjab received the assent of the President of India on the 2nd December, 1994j, and is hereby published for general information :-

THE PUNJAB HOMOEOPATHIC PRACTITIONERS

(AMENDMENT) Act, 1993
(Punjab Act No. 1 of 1995)
An ACT

Further to amend the Punjab homoeopathic practitioners act, 1965.

Be it enacted by the legislature of the state of Punjab in the forty – fourth year of the Republic of India as follows: -

1. This act may be called the Punjab Homoeopathic Practitioners (Amendment) Act, 1993.

Shot title

2. In the Punjab Homoeopathic Practitioners Act, 1965, after section 16, the following section shall be inserted, namely: -

Insertion of
Section 16-A
In Punjab Act
16 of 1965.

“16 – A, Renewal of registration – (1) Every registered practitioner shall, on payment of such fees, as may be prescribed, get his registration renewed within three months from the date of starting of Punjab Homeopathic Practitioners (Amendment) Act, 1993, and thereafter, he shall get his registration renewed, after every five years period, within a period of one month of the expiry of the five years’ period.”

(2) If the registered practitioner fails to get his registration renewed within the period specified in sub – section (I),

PUNJAB GOVT. GAZ. (EXTRA.) JAN. 30, 1995
(MAGHA 10, 1916 SAKA)

His name shall thereafter stand removed from the Register:

Provided that the Registrar may, on payment of such additional fee as may be prescribed entertain an application for the renewal of registration even after the expiry of the period specified for renewal in sub-section (I), but not later than two months after the expiry of the period referred to above, if he is satisfied that the applicant was prevented by sufficient cause from renewal of registration within time.”

BAKSHISH KAUR

Secretary to government of Punjab,
Department of Legal and Legislative
Affairs

[Published in the Punjab Government Gazette, Legislative Supplement
Dated 24 August, 1973]

HEALTH AND FAMILY PLANNING DEPARTMENT

Notification

The 16th July, 1973

No. G.S. R. 75/ P.A. 16/ 65/ S. 53 / 73 – with reference to Punjab Government notification No. G.S.R. 14/ P.A. 16/65/S. 53/73, dated the 13th February, 1973, as published in Punjab Government Gazette dated 23rd February, 1973, and in exercise of the powers conferred by section 53 of the Punjab Homoeopathic Practitioners Act, 1965, and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules namely: -

RULES

- | | |
|---|--|
| <p>1. (i) These rules may be called the Punjab Homoeopathic practitioners (General) Rules, 1973.
(ii) They shall come into force on the date of this publication in the official gazette.</p> | <p>Short title and commencement</p> |
| <p>2. In these rules, unless the context otherwise requires</p> <p>(a) "Act" Means the Punjab Homoeopathic practitioners Act, 1965;
(b) "from" means the forms appended to these rules;
(c) "Section" means a section of the Act.</p> | <p>Definitions</p> |
| <p>3. (1) Every person entitled to have his name entered in part "A" of the register under sub – Section (1) of section 16 or in part "B" of the register under sub – section (2) of the aforesaid section shall, if he is so desirous make an application to the Registrar in form "A" along with a fee of fifty rupees. He shall also furnish, along with his application, such documents as may be necessary to establish his claim for being registered in part "A" or part "B" of the register, as the case may be.</p> <p>(2) The Registrar, may after examining the application, require the applicant to furnish such other information or documents and within such time as he may specify.</p> <p>(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 part "B" of the Register, as the case may be, he shall enter his name accordingly but if he is not so satisfied he shall refer the application to the council for such decision as the council may deem fit.</p> | <p>Registration of practitioners section 16 read with Section 53 (2) (i) and (m)</p> |

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

- (4) A practitioner whose name is entered in the register under sub section (1) or sub – section (2) of section 16 shall be issued a Registration. Certificate in form “B” on payment of of a fee of five rupees and the applicant whose name is rejected shall be sent an intimation of rejection by registered post.7

Whose name is rejected shall be sent
an nomination of rejection by tereed post.

Change of Address
to be intimated to
the registrar
section 15 (3) and
16 read with
section 53 (2) (a)

4. (1) Every registered practitioner shall intimated the register any change in his address and shall also promptly answer all such enquires as may be made from him by the registrar in regard thereto in order that his correct address may at all times be maintained in the register.

(2) A registered practitioner who changes his name shall immediately inform the registrar about his changed name and satisfy the register that he has already notified the fact of change of his name in a newspaper having wide circulation in the area in which he carried on his business and published in the regional language of that area. The registrar shall, on being so satisfied, correct the register accordingly. He shall also, on being required to do so, by the registered Practitioner, make necessary correction in the registration certification.

Entries in register
regarding further
qualifications Section
15 (4) read with
section 53 (2) (m)

5. (1) A Registered Practitioner who obtains any further degrees, diplomas, certificates or other qualifications in homoeopathy, recognized by the council and is desirous of getting the name entered in the register , shall twenty rupees. He shall also furnish along with his application the original degrees, diplomas or certificates, as the case may, on the basis of which the entry in the register is sought.

(2) If the registrar, on receipt of application under sub – rule (1) and after making such further enquiry as he may deem proper, is satisfied that the applicant is entitled to have entered in the register, the degrees, diplomas or certificate, as the case may be, obtained by him, he shall do so, if he is not satisfied, he will reject the application.

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

(3) the applicant whose application is not rejected may get his registration certificate amended from the registrar on the basis of entries made in the register under sub – rule (2).

Issue of
duplicate
registration
certificates
section 16 and
53 (ii)

6. If a registration certificate is lost. Destroyed or mutilated, the registrar shall, on being satisfied about the same, issue a duplicate registration certificate on the application of the practitioner in whose favour the certificate which has been lost, destroyed or mutilated was issued. A fee of ten rupees shall be paid by the registered Practitioner for the issue of duplicate registration certificate

Removal of
registration
section 16
and 53

7. 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, 1998, 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, 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, in famous 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.

8. 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.

9. (1) Any 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 and who is desirous of getting his name reentered under the proviso to sub – section (5) of section 15 or as the case may be under sub – section (6) of section 16, may make an application addressed to the chairman.

(2) Each such applicant shall be in writing stating the grounds, on which the applicant is made and shall also be accompanied by a certificate of two certificate practitioner regarding the identity of the applicant.

10.(1) The list of practitioners referred to in sub – section (I) of section 26 shall be posted at a conspicuous place outside the office of the council and the fact of its having been printed and so posted shall be given adequate publicity in such newspaper or newspapers having wide circulation in the state of Punjab, as the council may decide.

(2) In the case of practitioners registered in part “B” of the Register the list shall, instead of indicating the qualification of the practitioner, indicate the system in which he is carrying on his practice.

11. (1) Every appeal preferred to the council under section 17 of the Act shall be addressed to the chairman.

(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 authorized in writing by the appellant, in the office of the council.

(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 the appeal briefly but clearly set out.

12 If the appeal is not preferred with manner laid down in the preceding rule it shall be summarily rejected.

(12.A) 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 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.

13. (1) The register shall be divided into the following two parts.

(a) Part A containing the names of practitioners referred to in sub section of section 16 : and

Surrender of registration certificate section 16 and 53.

RE-entry of name of practitioner section 15 (5), 16(5) and 53(2) (d) and (m)

Publication of list of practitioners, section 16. and 53 (I)

Appeals section 17 (1) and 53 (2)(c)

Procedure for hearing appeals section 17 and 53 (2) (a).

Form of register section 15 (2) and 53 (2) (c).

(b) Part – B containing the names of practitioners referred to in sub section (2) of section 16.

Particulars to be filled in register section 15 (2) and section 53 (2)(c).

14. (1) the Register shall show in respect of each practitioner the following particulars: -
- (a) Registration Number ;
 - (b) Full name, in the case of married women her maiden name and full married name;
 - (c) Father's Name ;
 - (d) Date of Birth ;
 - (e) address;
 - (f) Place or places and period or periods of training;
 - (g) Nature of qualifications and dates on which those qualifications were obtained in the case of practitioners in part "A" of the register;
 - (h) System in which practicing in the case of practitioners registered in Part "B" of the register.
 - (i) Date of registration
 - (j) Remarks.

Varification section 5(2) and 3(2)(c)

15. Each page of the register shall verified by the registrar's signatures.

Seal of the council section(2)and 3(1) a

16. 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 provision of these rules or on such other documents as the chairman may by order direct.

Allowed payable is the member

17. Each member shall be entitled to get an allowance of thirty rupee per day for attending a meeting or the council which shall be paid in addition to the travelling allowance admissible to him under these rules.

Travelling allowed admissible to members section 24 53(7) (8)

18. For attending meeting of the council the official member shall be paid travelling allowance in accordance with the provisions of the Punjab travelling allowance rules, as amended from time to time. Non – Official members will be allowed travelling allowance at first class railway fare but the allowances for incidental expenses will be paid to them at half they second class fare and if the line by which they travel does not provide second class accommodation, 10 paise per for every 4 kilometer or fraction thereof.

19. The council shall open an account in the State Bank of India or any other nationalized Bank and all money received by it shall be deposited in the State Bank, subject to the provision of rules. 21.

20. The members of the council shall be entitled to draw the following rates of the mileage allowance for travels by road for various kinds of conveyances.

Travelling allowance by road admissible to members. Section 24 and 53 (2)(f)

Motor car	Motor Cycle/ Scooter	Other means of conveyance	Single seat in a bus or taxi
0.45 P Per Kilometer	0.15 P Per Kilometer	0.25 P Per Kilometer	0.15 P Per Kilometer

Provided that the members of the council shall have to obtain previous approval of the chairman for undertaking journeys by motor Car / Scooter/ Motor Cycle

Provided further that members traveling by bus on routes declared shortest by the state Government shall be entitled to draw T.A. at the rates mentioned in column No. 4 of the above statement.

21. All moneys payable to the council shall be received on behalf of the council by the Registrar or any other employees of the council authorized by him in writing in this behalf and shall be deposited in the State Bank of India or the day following that on which these are received:

Receipt of money on behalf of council section 25 and 53 Stet

Provided that the Registrar may keep with him an amount not exceeding two hundred rupees as impressed money.

22. All moneys received or spent on behalf of the council shall, without any reservation be brought to the account of the council in the General Cash Book to be maintained in form "C" under the direct supervisor of the Registrar and in his absence under the supervision of an employee of the council authorized by him in writing.

Maintenance of cash book section 53 (I)

23. (1) the Registrar shall in the month of July each year cause to be prepared statement of the income and expenditure of the preceding financial year ending 31st March and draw the attention of the council to such matter as appear to him to be necessary for being brought to the notice of the council .

(2) The statement referred to in Sub – rule (1) shall be caused to be prepared by the Registrar under the direction of the committee appointed by the council for this purpose.

Preparation of statement of income and expenditure section 25 and 53 (I)

24. (1) the registrar, shall in the month of October each year or on such date as the chairman may fix cause to be prepared in estimate of the income and expenditure of council for the year commencing on the 1st of April, of the next ensuing year and shall submit the same to the council.

Preparation of estimate section 25 and 53 (I)

(2) the estimates shall make provision for the fulfillment of the liabilities of the council and for effectively carrying out the purposes of the Act.

(3) The council shall consider the estimate submitted to it under sub rule (1) and may sanction the same without any alteration or subject to such action as it may deem fit.

Preparation of
supplementary
Estimate
Section 25
(53)(I)

25. The council may at any time during the financial year for which any estimate has 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 if it were an original annual estimate. NO. expenditure shall be incurred which is not duly provided in the estimate sanctioned under sub – rule (3)of rule 24 or in a supplementary estimate.

Payment bills
Section 25 of
23(I)

26. A bill or other voucher presented as a claim for money shall be received and examined by the registrar. If the claim be for an amount not exceeding one hundred rupees and the bill is in order, he shall pay the amount out of permanent advance. If the claim be for any amount exceeding one hundred rupees payment shall not be made until it has been examined and passed by the chairman.

Funds Section 25
53 (I)

27. Amounts received by the council to wards fees shall not be refunded under any circumstances. The amount thus received shall remain credited to accounts of the council:

Provided that any amount paid by a practitioner in excess of the prescribed fee 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.

Operation of
columns
Accounts section
25 53 (I)

28. The account of the council shall be operated by the registrar and the chairman and in the absence of the chairman by the registrar and the superintendent to avoid delay for the payment of salaries and expenditure to unforeseen nature to the staff.

(Application for registration under section 16 of the Punjab Homeopathic practitioners Act. 1965)

To
 The Registrar,
 Council of Homeopathic System of Medicine, Punjab,
 Chandigarh.

Sir,
 I am to request you to please register my name as a Homoeopathic Practitioner in Part A /B of the Register maintained under the Punjab Homeopathic Practitioners Act, 1965, Necessary particulars concerning my case are given below for information and record.

Dated 19....
 Signature of Applicant

PARTICULARS OF THE APPLICANT

Note: All cuttings in the application form must be signed by the applicant himself.

1. Name of the applicant
 (in Block letters)
2. (a) married name, if any
 (to be filled in block letters by
 married women only)
3. Father's/ Husband's name
4. Place where practising / Will Practise
 Village / Mohalla
 Post office Tehsil
 Police Station District
 State
5. Date of Birth

- 6. (a) System in which practising
- (b) Academic qualification

7. (a) Name and address of recognised Faculty/Board/University where Studied
- (b) Period of study in the Institution Mentioned above.
- (c) Name of the examination Passed
- (d) year in which passed
8. If studied privately, intimate: -
- (a) Name and address of the institution
- (b) Period of study
9. Period of practice (from to)
10. If registered / Enlisted with any state council / Board
- (a) Registration / Enlistment Number(enclose copy of certificate)
- (b) Name of State Council/ Board
11. (a) fifty rupees for making entry in the register, and five rupees for the issue of Registration Certificate have been sent, vide Money Order/ Bank Draft/I.P.O. / No. dated
- (b) In case the fee is paid in cash, please give official receipt No. dated

Notes 1. The registration fee may be sent by money order/ Bank draft/ Indian Postal order or may be given in cash to the registrar.

2. The diploma/ degree of the recognised institution may be sent along with this application.

3. Strike out the columns/words which are not applicable.

.....
(Signature of the applicant)

Dated19....

AFFIDAVIT

I son/ daughter of Shri
 Resident of Village/ Mohalla
 Post Office Police station
 Tehsil District
 and practising / to practise at village mohallaPost Office
 Police Station
 Tehsil District State

Solemnly declare as follows: -

- (a) That I have not been convicted and sentenced by a Criminal Court to imprisonment for any offence involving a moral turpitude.
- (b) That I have not been adjudicated by a competent court to be of unsound mind.
- (c) That my name has not been removed from the Register of Practitioners maintained by any state council/ Board or Parishad for professional misconduct.
- (d) That I have gone through the Punjab Homoeopathic practitioners Act, 1965 and rules framed thereunder and I promise to abide by the provisions of the said Act and rules.
- (e) That I am not registered under the Punjab Medical a Registration Act, 1916, or Punjab Ayurvedic and Unani Parctitioners Act, 1963, in the State of Punjab.

I solemnly declare and affirm that the contents given in my application or registration and in paras (a) to (e) above are true and correct to the best of my knowledge and belief. I further declare on oath that nothing relevant has been concealed.

Dated19.....

 (Signature of the Applicant)

Note : - The affidavit is to be attested by an oath commissioner or a magistrate, First class.

Attested :

Signature of the attesting authority
 Name in full block letters
 Designation
 Place
 Date

APPENDIX "B"

[(see rule No. 3 (4)]

No.

Registration Certificate
(Seal) of
Council of Homoeopathic System of Medicine, Punjab

I certify that Shri Son/ daughter
Of Shri. has been registered in
part Of the register maintained under the Punjab Homoeopathic Practitioners
Act, 1965, as Homowopathic Practitioner on at
Chandigarh.

Qualifications

Date of Birth

Address

- Notes :** - 1. This certificate entitles the holder to practice Homoeopathic System of
Medicine within the State of Punjab only.
2. This certificate remains evidence of registration only until the publication
of printed register for the year 19.....

REGISTRAR

Place of common seal

IMPORTANT NOTICE

Every registered practitioner should be careful to send to the registrar immediate notice of any change in his name or address as required under rule 4 and also answer all inquiries that may be sent to him by the Registrar in regard thereto, in order that his correct address may be duly inserted in the Register. Otherwise under section 15 (5) of the Punjab Homoeopathic Practitioners Act, 1965 (Act No. 16 of 1965), the name of such practitioner is liable to be removed from the register.

APPENDIX "C"

(see Rule No. 22)

Council of Homoeopathic System of Medicine, Punjab, Chandigarh.

GENERAL CASH BOOK**INCOME**

Month	Date	Folio No. of Classified Abstract Register	Departmental Major, Minor and detailed Heads and sub heads of Account	Particulars of receipt and names of the Persons from whom received.
1	2	3	4	5

No. of Office Receipt And Date	Amount	Daily Total	<u>Remittance to Bank</u>	
			No. and date of Bank Receipt	Amount
6	7	8	9	10

EXPENDITURE

Months	Date	Folio No. of classified Abstract Register	Departmental Major, Minor and Sub – heads and Detailed Sub- heads of Accounts	Particulars of charge and name of payee
11	12	13	14	15

No and date of voucher	No and date of cheque	Amount	Daily Total
16	17	18	19

SS. PARMAR.

Commissioner for Health and
Secretary to Government, Punjab
Health and Local Government Departments

10962CS (P) – Govt. Press, Chd.

(Published in the Punjab Government Gazette, Legislative

Supplement, dated the 28th march, 1975)

PUNJAB GOVERNMENT
HEALTH AND FAMILY PLANNING DEPARTMENT
Notification

The 19th march, 1975

No. G.S. R. 32/P.A. 16/65/S. 53/75 – In exercise of the powers conferred by section 53 of the Punjab Homoeopathic Practitioners Act 1965 the Governor of Punjab is pleased to make the following rules, namely:-

Short title and commencement	1. (i) These rules may be called the Punjab Homoeopathic Practitioners (Election) Rules, 1975 as amended by the Punjab Homeopathic practitioners (Elections) (First Amendment) Rules, 1979.
Definitions	<p>(ii) They shall come into force at once.</p> <p>In these rules, unless the context otherwise requires,-</p> <p>(a) “Act” means the Punjab Homoeopathic Practitioners Act, 1965.</p> <p>(b) “Form” means a form appended to these rules,</p> <p>(c) “constituency” means a class or circle for the representation of which a member or members is or are to be or has or have been elected under these rules;</p> <p>(d) “elector” means a registered practitioner residing in the State of Punjab whose name is entered in the Register;</p> <p>(e) “Government” means the government of the state of Punjab;</p> <p>(f) “Returning officer” means the Registrar or any other person authorised by the chairman to act as returning officer;</p> <p>(g) “Section” means a Section of the Act;</p> <p>(h) words and expression used but not defined in these rules shall have the meaning assigned to them in the Act. .</p>
Notification about election section 4 and 53 (2) (a)	(3) whenever election under clause (b) of sub – section (3) of section 3 becomes necessary, the Chairman shall issue a notice upon the elector to elect a member or members by a date to be specified in the notice.
Demarcation of constituencies and preparation of electoral rolls . Section 4 and 53 (2) (a)	(4) (1) For the purpose of rule 2 (c), the state of Punjab shall be divided into territorial constituencies in such manner that the ratio between the electors of each constituency and the number of seats allotted to that constituency shall, as far as practicable, be the same throughout the state.

Punjab Govt. (Extra) July 21, 1979 (Ajadha 30, 1901 Saka)

(2) The electoral rolls shall be prepared for each constituency by the Registrar from the Register. It shall contain the name father's name, address and registration number of every elector qualified to vote for the election of a member of the Council for such constituency.

Publication of draft electoral roll section 4 and 53 (2) (a)

(5) The Returning officer shall publish in the manner stated in rule 7, the electoral roll along with a notice inviting any objection relating to entries in or omission from electoral roll which may be sent to the Returning officer at such place, time or date as may be specified in the notice.

Final Publication of electoral roll. Section 4 and 53 (2)(a)

(6) The Returning officer shall, soon after the objections have been heard and decided, but not later than ten days after the date fixed for hearing of objections, publish in the manner laid down in rule 7, the final electoral roll and shall cause it to be printed for supply on payment of the fee specified by the Government from time to time to such persons as may apply for the same.

Method of Publication

(7) Any order, notification of electoral roll required to be published for general information under these rules shall be published by placing the same at conspicuous place outside the office of --

(a) The deputy commissioner, Tehsildars and Sub – Divisional officers (civil) in the state.

(b) The Registrar of the council.

Election Programme Sections 4 and 53 (2) (a)

(8) (1) As soon as may be after the issue of a notice under rule 3, the Returning officer shall frame the election programme.

(2) The election programme shall specify the date or dates on, by or within which-

(i) The nomination paper shall be presented;

(ii) The list of nomination paper shall be posted;

(iii) The nomination papers shall be scrutinised;

(iv) a candidate may withdraw his candidature;

(v) the list of valid nomination papers shall be posted;

(vi) the poll shall be held;

(vii) the ballot papers shall be counted ; and

(viii) the result of election shall be declared.

Amendment variation or notification of election There of programme section 4 and 53 (2) (a)

(9) The Chairman may by an order in writing stating reasons there of amend, vary or modify election programme at any time.

(2) The Returning officer shall endorse on each nomination paper his decisions accepting or rejecting it, and if he rejects it, he shall record in writing a brief statement of his reasons for so rejecting it.

Withdrawal of candidature

14. Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning officer before the expiry of the time allowed for the withdrawal of nomination papers and no person who has thus withdrawn his candidature shall be allowed to cancel his withdrawal or to be renominated as a candidate for the same election in the same constituency.

Dist. of nomination to be posted section 4 and 53 (2)(a)

15. (1) The Returning officer shall on the expiry of the time fixed for withdrawal of nomination papers prepare and publish by posting outside his office, in alphabetical order, a list (in gurmukhi script) of the names of all the validly nominated candidates for each constituency in form II (hereinafter called the contesting candidates) and shall except where action is taken under rule 17, cause their names to be entered in the ballot paper I form III.

(2) The Returning officer shall inform by registered Post every candidate who has been validly nominated.

Death of a candidate before election sections 4 and 53 (2) (a)

16. If a candidate who has been validly nominated dies and a report of his death is received by the Returning Officer before the issue of ballot papers to the electors, all proceedings with reference to the election of a member in the constituency in which he was a candidate shall be commenced afresh in all respects as for a fresh election:

Provided that no fresh nomination shall be necessary in the case of a candidate whose name is entered in the list of validly nominated candidates published under rule 15.

Section 4 and 53 (2) (a) Candidates deemed to be elected if their number is equal or less than the number of vacancies .

17. (1) If the number of contesting candidates is equal to the number of the persons to be elected for the constituency the returning officer shall declare all such candidates duly elected.

(2) If the number of contesting candidates is less than the numbers of persons to be elected from the constituency the Returning Officer, shall declare all such candidates duly elected and shall forward a list of such persons to the government through the Chairman together with a report. Specifying the number of unfilled seats. The Chairman shall also take action to fill up the remaining vacancies.

Poll to be taken if number of candidates is greater than number of vacancies

18. If the number of candidates validly nominated in any constituency is greater than the number of members to be elected for such constituency, a poll shall be taken on the date or dates specified in rules 8 in this behalf for election:

Provided that, unless the chairman otherwise directs, no such order shall be deemed to invalidate any proceedings taken before the date of order.

Section 4 and 53
(2) (a)

10. Publication of order under rule 9. – Every election programme framed under rule 8 and every order made under rule 9 shall be published in the manner prescribed under rule 7.

Nomination of
candidates Section
4 and 53 (2) (a)

11. (i) Any registered practitioner whose name appears in the electoral roll published under rule 6 and who is not disqualified under the Act. May be nominated as a candidate for election to the council

Provided that the nomination papers complete in all respects are delivered by the person nominated or by his person or seconder to the Returning officer on the date, time and place fixed under rule.

(ii) the nomination of each candidate shall be made on a separate nomination paper in form 1 and must be subscribed by the candidate himself as assenting to the nomination and by two persons as proposer and seconder whose names are included in the electoral roll published under rule 6.

(iii) A list of nomination papers received under Sub – rule (i) shall be prepared in alphabetical order by the Returning Officer and shall be posted by him outside his office.

Deposits to be
made

12. (1) Each person filling a nomination paper under rule 11, shall at or before the time of delivery of the nomination paper, deposit or cause to be deposited with the Registrar a sum of rupees fifty in cash or by money order and enclose with the nomination papers the cash receipt issued by the registrar or the money order receipt as the case may be * and such a candidate shall not be deemed to have been duly nominated.

(2) if a candidate withdraws his candidature within the time specified in rule 13, or if the nomination of any such candidate is rejected the deposit made under sub – rule (1) shall be returned to the persons by whom it was made, and if any candidate dies before the commencement of the poll, any such deposit, if not made by him shall be returned to his legal representatives and if not made by the candidate shall be returned to the person by whom it was made.

(3) if a candidate is not elected and the number of votes polled by him does not exceed one third of the total number of Votes polled the deposit made under sub – rule (1) shall be forfeited to the council.

(4) if the deposit is not forfeited under sub – rule (3) it shall be returned to the candidate or to the person, who made the deposit, as the case may be as soon as may be, after the declaration of the result of election in the Gazette.

Scrutiny of
Nomination
And de cesium
Of objections.

13. (1) On the date fixed for the scrutiny of nomination the Returning Officer shall examine the nomination papers of all candidates presented to him under rule 11 and shall decide all objections made to any nomination after such enquiry, if any, as he may deem necessary.

Returning
officer to send
ballot papers.
Section 4 and
53 (2)(a)

19. (1) The Returning Officer shall, as soon as may be after the publication of the list of valid nominations under rule 15 send under Registered post or deliver personally if requested for to each elector a ballot paper in form III and shall enter on the counterfoil of each such ballot paper the name of the elector towhom the ballot paper is sent or delivered and his serial number in the electoral roll.

(2) alongwith the ballot paper the returning officer shall also send –

(a) a cover addressed to himself in form IV, and

(b) an envelope with the number of ballot paper, entered on its face. The returning officer shall have the number of the ballot paper entered at the left hand bottom corner of the envelop in from V.

(3) The Ballot papers together with the cover and envelope shall be sent to the address of elector as shown in the electoral roll.

(4) After all the ballot papers have been issued under this rule, the Returning Officer shall seal up the packet of the counter foils of all such ballot papers and record on it the description of its contents and the election to which it refers.

(5) No election shall be invalidated by reasons that an elector had not received his ballot paper provided that the ballot paper has been issued to him in accordance with these rules.

Ballot Paper to
be returned
after recording
votes thereon.
Section 4 and
53 (2) (a)

20 (1) Every elector on receiving his ballot paper sent or delivered under rule 18, if he desires to vote at the election, shall record his vote thereon and sign the declaration in accordance with instructions set out on the ballot paper.

(2) The elector shall place the ballot paper in the envelope close envelope and enclose it in the cover and send the cover by Registered Post or through messenger to the returning officer in accordance with the aforesaid instructions so as to reach him before 5 p.m. on the date fixed in this behalf under rule 8. Any cover which is not received by the Rejecting offices before 5 Per on these date so fixed shall be rejected. All such rejected covers

Issue of
undelivered
And fresh
Ballot papers

shall be kept in a separate sealed packet by the Returning Officer, and a list thereof shall be prepared.

21. (1) When a ballot paper and other connected papers sent to elector by post under rule 19 are, for any reason returned undelivered, the returning officer may, if the elector applied reissue them to him personally.

(2) An elector who has not received the ballot and other connected papers sent to him by post or who has lost them or in whose case the papers before their return to the Returning Officer have been inadvertently spoiled, may transmit a declaration to that effect signed by himself and request the Returning Officer to send him fresh papers and if the papers have been spoiled, The spoiled papers shall be returned to the Returning Officer who shall cancel them on receipt. In every case in which fresh papers are issued, a mark shall be placed against the number relating to the elector's name in the electoral roll to denote that fresh papers have been issued, and The original papers have been cancelled.

Manner of recording sections 4 and 53 (2) (a)

22. (1) Each elector in a constituency shall have the right to vote for as many candidates as there are seats to be filled for that constituency. The votes shall be non – transferable.

23. Date and time of receipt of envelope to be recorded. On receipt by registered post of the cover containing the declaration paper and the envelope containing the ballot paper, the Returning Officer shall endorse on the cover the date and hour of receipt.

Section 4 and 53 (2) (a)

12. In the sid rules, for rule 24, the following rule shall be substituted, namely:-

“24. Opening of covers and scrutiny of declaration papers, opening of envelopes and scrutiny of ballot papers : -

(1) On the date fixed under rule 8 for the counting of ballot papers, the Returning Officer shall commence the opening of covers, at 10.00a.m.

(2) Any candidate may be present in person or may send a representative duly authorised by him to watch the process of counting, starting from the opening of covers.

(3) As each cover is opened, the returning officer shall first scrutinise the declaration from VI contained therein.

(4) If the said declaration is not found, or has not been duly signed and attested the envelope in form V shall not be opened, and after making an appropriate endorsement thereon, the returning officer shall reject the ballot paper therein contained.

(5) The Returning Officer shall thereafter open one after another, the envelopes in form v in respect of which the declaration in form vi has been found to be in order shall scrutinise each ballot paper and decide the validity of the vote recorded thereon. He shall separate the ballot papers

which he declares to be valid from those which he rejects endorsing on the later the word “rejected” and the grounds for such rejection.

Sections 4
and 53 (2) (a)

13. In the said rules, for rule 26, the following rule shall be substituted, namely: -

“26. Procedure to be followed at the counting of votes

(1) The returning officer shall cause to be counted the valid votes given to each contesting candidate.

(2) the returning officer shall, as far as practicable, proceed continuously with the counting and shall, during any intervals when the counting has to be suspended, keep the ballot papers and all other papers relating to the election sealed with his own seal and the seals of such candidates or their representatives who may desire to affix their seals representatives who may desire to affix their seals and take sufficient precautions for their safe custody during such intervals.

(3) After the counting is completed the Returning Officer may, on his own motion or at the request of any candidate or his representative, recount the votes.

Declaration of
result Section 4
and 53 (2) (a)

27. (1) when the counting or the recounting of votes, as the case may be, has been completed for a constituency the Returning Officer shall forthwith draw up a list of candidates in the order of highest votes polled by each and shall declare the result of the successful candidates in the order according to the number of seats to be filled up.

(2) when an equality of votes is found to exist among any candidates and there is difficulty in declaring the result The determination of these contesting candidates or candidates who shall be deemed to have been elected shall be made by lot to be drawn by the Returning Officer in the presence of such contesting candidates or their agents.

(3) The returning officer as soon as the result is declare shall inform the successful candidate by letter of his having been elected to the council and shall also send a copy of the letter to the Chairman and the Government.

Sealing and
preservation
of election
material
section 4 and
53 (2) (a)

28. Upon the completion of the counting and after the result has been declared, the Returning Officer shall seal up the voting papers and all other documents relating to the election and shall retain the same with him for a period of six months or till the decision of the election petition, if any, whichever is later.

Authority to
whom election
petition may be
presented
Section 4 and 53
(2) (a)

29. The election petition accompanied by a receipt of the deposit of rupees one hundred in the office of the council shall be presented to the Chairman which shall be forwarded by him to the Election Tribunal appointed by the state Government.

Form of
affidavit.
Sections 37 and
53 (2) (a)

30 Where any corrupt practice is alleged, the petitioner shall submit along with the election petition an affidavit in form VII in support of the allegation of such corrupt practice and the particulars thereof, which shall be attested by a judicial magistrate of the First class or an Executive Magistrate.

FORM 1 (Sec Rule 11)

NOMINATION PAPER CONSTITUENCY _____

Election of members to the council of Homoeopathic System of Medicine, Punjab.

Particulars about the candidate nominated: -

1. Name of the constituency.
2. Name of the candidate (in block letters)
3. Registration certificate No.
4. Father's Name
5. Date of Birth
6. Sex (male/female)
7. Qualifications, if an, of the candidate as entered in the Register.
8. Address
9. Signature of Proposer.
10. Registration Number of the Proposer.
11. Address of the Proposer
12. Signature of the Secunder.
13. Registration Number of the Secunder.
14. Address of the Secunder.

DECLARATION BY THE CANDIDATE

I hereby declare that I agree to this nomination My name exists in the electoral roll of the constituency at serial No. _____ Page no. _____.

Security of fifty rupees has been deposited by me, vide receipt No. _____ dated _____ which is attached herewith.

Signature of the candidate

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

Signature of returning officer.

INSTRUCTIONS

1. Nomination papers which are not received by the Returning Officer before _____ will be invalid.
2. The name of the candidate should be as it appears in the electoral roll.
3. receipt to be given to candidate.
4. Received nomination paper of Shri _____ the contesting candidate from the proposer/seconded/ the authorised agent of the contesting candidate at _____ (place) dated and hour.

Signature of the Returning Office

FORM II

(see rule 150)

list of validly nominated candidates for each constituency.

Name of the constituency. _____.

Serial No.	Name of the candidate	Registration number	Address of the candidate
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			

10.

FORM III

(see rules 15 and 19)

COUCIL OF HOMOEOPATHIC SYSTEM OF MEDICINE PUNJAB.**CHANDIGARH.****FRONT OF BALLOT PAPER**

1. Name of the constituency _____.
2. Serial No. of ballot paper _____.
3. No. of elector on the Electoral Register _____.
4. Name of the elector _____.
5. Date of Despatch _____.
6. Initial of the Dispatching Officer _____.

COUNTER FOIL

Name of the candidate	Part of the register in which registered	Space for making (x) on the ballot paper
1	2	3
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		

10.

On the back of the ballot paper the number of the elector on the electoral roll to whom it is set should be noted.

Serial No. _____

INSTRUCTIONS

1. The number of the contesting candidates for the constituency for which the elector which the elector may vote is _____.
2. Out of _____ candidates to be returned _____ must be persons holding a diploma or degree in homoeopathic system of Medicine.
3. The candidate whose names are marked X are holding a certificate, diploma or degree in the Homoeopathic System.
4. You shall vote by placing the mark X opposite the name or names of the candidates whom you prefer. If you do not want to use all your votes (in case where more than one vote is allowed) you need not do so, but more than one vote may not be given to any one candidate.
5. The ballot paper shall be invalid, if _____.
 - (a) The mark x is placed opposite the names of more candidates than those which are to be elected or
 - (b) The declaration is not properly signed by the elector or
 - (c) it does not bear the initials of the Returning Officer, or
 - (d) No vote is recorded thereon, or
 - (e) A voter signs his name or writes a word or makes any mark on it by which it becomes recognizable as his ballot paper, or
 - (f) The number of the votes recorded thereon exceeds the number of vacancies to be filled in, or
 - (g) It does not conform to the Punjab Homoeopathic Practitioners (Election) Rules, 1975, or
 - (h) it is void for uncertainty of one or more votes exercised.

Provided that when more than one vote can be given on the same ballot 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 and not the whole ballot paper shall be invalid on that account.

6. You should sign the declaration in form vi (enclosed) and write your number on the electoral roll and the place of your residence on it, in the presence of the attesting officer who shall be a Gazetted Officer, a Sarpanch, president of municipal committee. He shall

attest only the elector's signature but not his vote which should not be recorded in his presence. You should return this declaration alongwith the ballot papers, which should be put into the envelope. Without such signature, entry and attestation on the declaration form the ballot paper shall be invalid.

7. In case you fill in more than one ballot papers, the first one of such ballot paper received by the Returning Officer shall, if otherwise in order, be valid, and if the Returning Officer is unable to determine which of such ballot papers was first received by him all such ballot papers shall in invalid.
8. The ballot paper shall be seat to the returning office b registered post or handed over to him personally, Ballot papers which are not received b the Returning Officer before the _____ day _____, 198 shall be rejected.

FORM IV

(see rule 19 (2))

Cover

To

The Returning Officer (Election),
Council of Homoeopathic System of Medicine
Punjab, Show Room No. 57, Sector 26,
Chandigarh.

FORM V

(see rule 19 (2))

ENVELOPE

To

The Returning Officer (Election),
Council of Homoeopathic System of Medicine
Punjab, Show Room No. 57, Sector 26,
Chandigarh.

Serial No. _____.

FORM VI

(see instruction No. 6. in form III)

I hereby declare that my name appears in the Electoral Roll vide entry No.. _____

Signature of Elector

Certified that the above Elector has signed the declaration in my presence.

Signature of the attested
Officer.

Name of the officer
Designation & emulate address of the Attesting officer.

Residence

FORM VII

(see rule 30)
AFFIDAVIT

I, (mention her name of practitioner) son/daughter of Shri _____
Age _____ years resident of _____

(mention here complete address)

make solemn affirmation on oath as under: -

(i) That the respondent has been guilty of the corrupt practice (s) (mention here one or more orrupt practices and particulars thereof.)

(ii) that the particulars stated in the para Nos. _____ are true to my knowledge.

Signature of Deponent

VERIFICATION

Verification that the contents of the paras stated above are true and correct to the best of my knowledge and belief and nothing has bee concealed.

Signature of Deponent

Solemnly affirmed/sworn by shri/shrimati/_____ at _____
this _____ day of _____ 193, before me

Name of the attesting
Magistrate
Date and place of
Attesting with seal of the office

United republic of tanzania (formerly tanganike and Zanzi – bar) with the intention of permanently setting in India: provided that a candidate belonging to categories (c), (d), (e) and (f) shall be a person in whose favour a certificate of eligibility has been given by the Government of India and if he belongs to category (f), the certificate of eligibility will be issued for a period of one year, after which such a candidate will be retained in service subject to his having ecquired Indian citizenship.

(2) A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or inter view conducted by the council or other recruiting authority of the council and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government of India.

(3) No person shall be recruited to the service by direct appointment, unless he produces a certificate of character from the principal academic officer of the university, college, school, or institution last attended, if any and similar certificates from two responsible persons, not being his relatives who are well acquainted with him in his private life and are unconnected with his university, college, school or institution.

11. No person:-

‘Disqualification
For
appointment.’

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service.

Provided that the council may, if satisfied that such a marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this regulation.

12. (I) No person shall be recruited to the service by direct appointment if he is less than seventeen years or more than twenty seven years of age on such date as may be specified by the council while inviting applications or such recruitment.

‘Age’

(2) In the case of candidates belonging to scheduled castes, scheduled Tribes and Backward Classes, the upper age limit shall be such as may be fixed by the Punjab Government from time to time in respect of recruitment to services under the Government.

13. All appointment to the posts in the service shall be made by the council.

‘Appointing
Authority’

14. No person shall be appointed to a post in the service by direct appointment unless he possesses the educational qualification specified in column NO. 5 of appendix “A” in respect of that post.

Qualifications
For
Appointment

15. (I) All appointments to the service shall be made in the following manner, namely: 'Method of Appointment'
-
- (a) In the case of Head Assistant: -
- (i) By promotion from amongst accountants and assistants who have an experience of working on either or both of these post for minimum period of five years or.
- (ii) By transfer form Government, Semi –m Government or
- (iii) By direct appointment
- (c) In the case of assistants
- (i) By promotion form amongst the clerks who have an experience as clerks for a minimum period of five years; or
- (ii) By transfer from Government, Semi- stet, or
- (iii) By direct appointment
- (d) In the case of stenographers -
- (i) By promotion from amongst the steno – typists who have an experience of working on the post of steno – typist for a minimum period of two years ; or
- (ii) By transfer form Government, Semi – Government offices; or
- (iii) By direct recruitment
- (e) In the case of cashier, clerks, store – keepers -
- (i) By direct appointment ;or
- (ii) By transfer from Government, Semi – Government officers:
- (f) In the case of Daftri, peon or chowkidar – cum sweeper -
- (i) By direct appointment
- 2) All appointment to the posts by promotion shall be made on the basis of seniority – cum-merit and no member shall have any right for promotion on the basis of seniority alone.

- (3) IN the case of posts for which recruitment by promotion is provided in these regulations, 50 % of the total number of such posts shall be filled up by promotion and 50 % by other modes of recruitment.
16. The members of the service shall be entitled to such scales of pay and allowance as may be authorised by Government from time to time for its own employees of the same class. The scales of pay admissible at present are given in appendix “A” to these regulations. ‘Salary of the members of services’
17. In respect of leave and all other matters not expressly provided for in these regulations, the employees of the council shall be Governed by Punjab Civil Service Rules, Volume I , part I, as may be applicable to government servants of the same status. Leave & other Conditions of Service
18. The employees of the council will be required to subscribe towards The provident fund in accordance insert of the council as specified in appendix “B” to these regulations. PROVIDENT FUND
19. The employees of the council shall be entitled to the benefit of Medical reimbursement of all the medical charges incurred upon them or any member of their family in accordance with the rules framed by the government for its own employees of the same status. Benefits of Medical Reimbursement.
20. Every employee of council shall be entitled to a gratuity equal to one month’s salary last drawn by him at the time of his retirement for each complete year of service under the council: Gratuity

Provided that if an employee, who is subscribed to the fund, dies during his service, his family shall be paid as gratuity such sum as shall when added to the amount of contribution made by the council towards his fund and the interest thereon be equal to-

- (a) ‘two months’ emoluments of the employee, if his death occurs during the first year of service;
- (b) ‘six months’ emoluments of the employee, if his death occurs after one year’s service, but before the completion of 5 years service ; and
- (c) ‘twelve months’ emoluments of the employee, if his death occurs after five years service.

Note : (1) the term “emoluments” for the purposes of this regulation means emoluments as defined in rule 6.19 (a) of Punjab Civil service Rules, Volume II.

Note: - (2) the term “family” for the purpose of this regulation means-

- (a) In case of male employee, the wife and children of such employee and widow and widows and children of the deceased son of the employee, and would also

include either or both of parents residing with and wholly dependent upon the employee.

(b) In the case of female employee, the husband and children of such employee and widow and widows and children of the deceased son of the employer and would also include either or both of parents residing with and wholly dependant upon the employee.

Method of
appointment

21. The Council shall pay compensatory allowance to its employees at the rate as may be applicable to Punjab Government servants of the same status from time to time.

Compensatory
Allowance.

22. The employees will also be entitled to such other benefits as may be sanctioned by the Council from time to time in addition to the above, with the prior approval of the Punjab Government.

Other
Benefits

23. The Employees of the Council shall retire on reaching the age of fifty five years, provided that an extension for a period up to three years but not exceeding one year at a time may be allowed by the council in special cases.

Age of
Retirement

24. For journeys undertaking by the employees of the Council within or outside the State of Punjab with the permission of the Registrar or the Chairman, the employees will be paid T.A. and D.A. in accordance with the Punjab Civil service Rules, Vol. III (Travelling Allowances Rules) as may be applicable to the Government employees of the same status.

T A and
D A

25. The duties of the staff shall be assigned by the Registrar.

Assignment
of
duties

26. The employees of the Council may be allotted such residential quarters as may be available by the council according to their status on payment of rent prescribed for Punjab Government employees. In the alternative, the employees will be paid house rent allowance at the rates admissible to Punjab Government employees.

Allotment of
Residential
Accommodation
of The Staff.

27. When the council is of the opinion that it is necessary or expedient to do so, it may, by order, for reasons to be recorded in writing, relax any of the provision of these regulations with respect to any class or category of persons.

Power &
relax

28. (1) Persons appointed to a post in the service shall remain on probation for a period of two years, if recruited by direct appointment and one year to if recruited otherwise.

Probation of
Persons
Appointed to
servise

Provided that –

(a) Any period, after such appointment, spent non deputation on a corresponding or a higher post shall count towards the period of probation.

(b) in the case of an appointment by transfer, any period of work in equivalent or higher rank, prior to appointment to the service may, in the discretion of the Council, be allowed to count towards the period of probation : and

(c) any period of officiating appointment to the service shall be reckoned as period spent on probation, but no person who has so officiated shall, on the completion of the prescribed period of probation, be entitled to be confirmed, unless he is appointed against a permanent vacancy.

- (2) If, in the opinion of the Council the work or conduct of a person during the period of probation is not satisfactory , it may -
- (a) if such person is recruited by direct appointment, dispense with his services, or revert him to a post on which he held lien prior to his appointment to the service by direct appointment ; and
- (b) if such person is recruited otherwise :-
- (i) revert him to his former post ; or
- (ii) deal with him in such other manner as the terms and conditions of the previous appointment permit.
- (3) On the completion of the period of probation of a person, the Council may-
- (a) If his work or conduct has, in its opinion, been satisfactory, -
- (i) Confirm such person from the date of his appointment, if appointed against a temporary vacancy ; or
- (ii) Confirm such person from the date from which a permanent vacancy occurs, if appointed against a temporary vacancy ; or
- (iii) Declare that he has completed his probation satisfactorily, if there is no permanent vacancy : or
- (b) If his work or conduct has not been in its opinion, satisfactory, -
- (i) Dispense with his services, if appointed by direct appointment or with him in such other manner as the terms and conditions of his previous appointment may permit ; or
- (ii) Extend his period of probation and thereafter pass such orders as it could have passed on the expiry of his first period of probation

Provided that the total period of probation, including extension if any shall not exceed these years.

29. The seniority inter se of members of the service shall be determined separately for each of the sections shown in appendix "A" by the length of continuous service on a post in that very section:

Seniority of
Members in
Service.

provided that in the case of members recruited by direct appointment, the order of merit determined by the council or other recruiting authority, as the case may be, shall not be disturbed in fixing the seniority:

(A) If appointed other wise, severt him if his former post, or deal
 Provided further that in the case of two members appointed on the same date, their seniority shall be determined as follows: -

- (a) a member recruited by direct appointment shall be senior to a member recruited otherwise;
- (b) a member appointed by promotion shall be senior to member appointed by transfer;
- (c) In the case of members appointed by promotion or transfer, seniority shall be determined according to the seniority of such members in the appointments from which they were promoted or transferred; and
- (d) In the case of members appointed by transfer from different cadres, their seniority shall be determined according to pay, preference being given to a member who was drawing a higher rate of pay in his previous appointment, and if the rate of pay drawn are also the same, then by their length of service in those appointments; and if the length of such service is also the same, an older member shall be senior to a younger member.

Note (1) This rule shall not apply to members appointed on purely provisional basis pending their passing the qualifying test.

Note (2) In the case of members whose period of probation is extended under regulation 28, the date of appointment for the purpose of this rule shall be deemed to have been deferred to the extent the period of probation is extended.

30. (i) In matters relating to discipline, punishment and appeals, members of the service shall be governed by the Punjab Civil Services (Punishment and Appeal) rules, 1970 as amended from time to time.

(ii) the authority, empowered to impose penalties and appellate authority there under in respect of the members of the service shall be as specified in Appendix 'B' to these regulations.

31. Every member of the Service shall get himself vaccinated or re- vaccinated as and when the Council so directs by a special or general order.

32. Every member of the Service, unless he has already done so, shall be required to take oath of allegiance to India and to the constitution of India as by law established.

APPENDIX “A”
COUNCIL OF HOMOEOPATHIC SYSTEM OF MEDICINE PUNJAB
Annexure No. 1 (see regulation No. 9 and 14)

Serial No.	Designation of Post	No. of posts	Scale of pay	Prescribed qualifications
1.	Head assistand	One	300-25-500/25-550	(i) Graduate with two years experience as accountant or stenographer
2.	Accountant	One	225-15-360/20-500	(i) B. com. With five years experience (ii) security of Rs. 500
3.	Assistants	Two	160-10-280/15-400	(i) Matric (ii) Knowledge of Punjabi, Hindi upto matric standard
4.	Stenographer	One	160-10-280/15-400	(i) Matric (ii) Knowledge of Punjabi, Hindi upto Matric Standard
5.	Cashier	One	160-10-280/15-400	(i) Matric (ii) Knowledge of Punjabi and Hindi upto Matric Standard. (iii) Security of Rs. 500
6.	Clerks	Four	110-4-130/5-180/6-210/8-250	(i) Music (ii) Knowledge of Punjabi, Hindi upto matric standard (iii) Speed of type – writing @ 30 W.P.M. both in English and Punjabi
7.	Daftiri	One	75-3-90/3-105	(i) Knowledge of reading and writing both Punjabi and Hindi (ii) Must have knowledge of book binding.
8.	Peons	Two	70-2-80/3-95`	(i) Reading and writing knowledge of Punjabi and Hindi (ii) Experienced hands to be preferred
9.	Chowkidar cum – sweeper	One	70-2-80/3-95	(Reading and writing knowledge of Punjab and Hindi)
10.	Mali (Part time)	One	Rs. 35 P.m. or such pay as may be fixed by government form time to time for part time employees working for two hours daily	Nil

Appendix – “B”

(see regulation 30)

Serial No.	Designation of the official	Nature of penalty/ or order	Authority empowered penalty or pass order
1.	All members of the service of the council	<p>(i) Censure;</p> <p>(ii) withholding of his promotions;</p> <p>(iii) Recovery from his pay of the whole or part of any pecuniary loss caused by him to Council by negligence or breach of orders;</p> <p>(iv) withholding of increments of pay;</p> <p>(v) reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the council's employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;</p> <p>(vi) reduction to a lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the Council's employee to the time scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions of restoration to the grad or post or service from which the council's employee was reduced and his seniority and pay on such restoration to that grade, post or service:</p> <p>(vii) compulsory retirement:</p> <p>(viii) Removal from service which shall not be disqualification for future employment under the council.</p> <p>(ix) dismissal from service which shall ordinarily be a disqualification for future employment under the council.</p>	<p style="text-align: center;">Appellate Authority</p> <hr/> <p style="text-align: center;">Council Govern ment</p>

APPENDIX NO. C
PROVIDENT FUND REGULATIONS
(See regulation No. 18)

1. (a) 'Interest ' means the interest accrued on the balance of a subscriber to the Provident Fund Calculated as if such balance were a deposit in the savings Bank;

(b) "Salary" means monthly salary and includes special pay, if any, but does not include traveling allowance. Conveyance allowance or other such allowance.

(c) "Saving Bank" means the Post Office Saving Bank, State Bank of India or a subsidiary of the State Bank of India.

(d) "servant" includes every servant of the council who holds a substantive or temporary post under the council;

(e) "subscriber" means a servant who is required or permitted to subscribe to the Provident Fund by the Council .

(f) "Fixed Deposit Account" means & fixed Deposit Account in any branch of the state Bank of India, State Bank of Patiala, or any other Bank in India functioning as a subsidiary to the State Bank of India or functioning under the supervision or control of Reserve Bank of India.

2. Every servant whose salary is not less than Rs. 70 Per mensem appointed or Promoted on or after the date on which the council may, by a resolution, decide to establish and maintain a provident Fund Account, shall be required to subscribe to such Provident Fund at the rate of 10 percent of the salary. Any servant appointed or promoted to such office before the date of resolution may subscribe to such fund, if the Council, so permits: Provided that the Council may allow any servant appointed or promoted to an office of which salary is less than servant rupees a month, to subscribe to the Provident Fund in accordance with these regulations.

Servant who
Shall or may
Contribute &
The provident
Fund

3. (i) Every subscription to a Provident Fund shall be recovered by means of a deduction of the amount of such subscription from each salary bill of the subscriber:

Recover of
Subscription

Provided that in calculating the deduction to be made, fraction of a rupee shall be ignored.

(ii) Notwithstanding anything contained in these regulations no servant shall be permitted to subscribe to the Provident Fund while he is absent on earned leave except during the first 120 days of the leave.

4. The council shall contribute to the Provident Fund of each subscriber an amount equal to the amount of his subscription:

Council
Contribution
To the
Provident
Fund

(a) if a subscriber, who is required or permitted to subscribe to a Provident Fund for the first time on or after the date on which he started subscribing to warding the Provident Fund, resigns from the service of the council except on account of illness or any other cause which the Council may consider to be sufficient ,he shall-

(i) be entitled to half the contribution made to his provident fund by the Council and the interest accrued thereon if he has completed five years of service.

(ii) not be entitled to get any subscription made to his provident fund by the Council or interest thereon if he has not completed five years service;

(b) if a subscriber is dismissed from service, the council may with hold the whole or any part of the contribution made to his Provident Fund by the council and the interest there on.

5. (i) The council shall maintain a provident fund ledger in form P.F.I. appended to these regulations in which separate portion shall be assigned to each subscriber and the amount of such subscription the amount of the council's contribution and the monthly balance on which interest is to be calculated shall be entered therein each month.

Ledger
Accounts of
Subscription

(ii) the amount of interest accrued on the balance at the credit of a subscriber shall be calculate at the end of each year or when the account is closed to the nearest paise on the lowest balance excluding the fraction of a rupee at the credit of the subscriber between the close of the fourth day and the last day of each month.

(iii) At the end of the each year the council shall furnish cash subscriber with a statement in form P – F –2 appended to these regulations, showing the balance at his credit at the beginning of the year, the amounts added there to by way of subscriptions and contributions and the interest accrued during the year and the balance at the credit of his account at the end of the year.

6. (i) The council shall open an account to be called the Council of Homoeopathic System of Medicine, Punjab, employees Provident Fund Account with the post Office or State Bank of India or State Bank of Patiala or any of its subsidiary Bank . As soon as may be at the beginning of each. all subscription and contribution recoveries made under the provisions of these regulations shall be paid into such account.

Payment of
Subscription
Contribution
To be

(ii) Before a cheque is drawn of subscription and contributions, a bill shall be prepared on the Councils' voucher form and submitted with the relevant salary and establishment bill for signature to the authorized officer of the Council. The council shall make the payment of the subscriptions and contributions on a single bill by way of single cheque.

7. No. sum shall be withdrawn from the Provident Fund Account except-

(a) Under the provisions of sub – regulation (I) of regulation 8 and 9 for the purpose of making an advance to a subscriber , or ;

(b) under the provisions of regulation 10 when a subscriber's account is to be closed for payment to the subscriber or his heirs.
Month and & possible before the fourth day of each month, the account of

8. (i) with the sanction of the Council, any subscriber may up to the limit of the amount shown at the credit of his account in column 6 of the Provident Fund Ledger, be granted as advance from the provident Fund of the amount not exceeding three times the amount of his salary for either of the following purposes: -

(a) to pay expenses incurred in connection with illness of the subscriber or member of his family ; or member of his family ; or

(b) to pay expenses in connection with marriage, funeral or other ceremonies which by the religion of the subscriber, it is incumbent upon him to perform and in connection with which it is obligatory that the expenditure shall be incurred: provided that no such advance shall be sanctioned unless the pecuniary circumstances of the subscriber are such that the indulgence is, in the opinion of the Council, absolutely necessary.

(ii) The amount of advance shall be repayable in not more than twenty four equal installment as may be fixed by the Council when sanctioning the advance and such installments shall be recovered in the manner provided in regulation 3.

(iii) The amount of advance shall be recorded in column 5 of the Provident Fund Ledger and a note shall be made in column 8 of the Provident Fund Ledger as regards the number of installments by which the advance is recoverable. Each month the amount of advance, as recovered, shall be shown in red ink in column No. 2 of the ledger and in column 7 shall be entered the amount of balance of the advance outstanding. The amount of the interest last calculated on the monthly outstanding balance shall be recovered from the subscriber in the month, following which the last installment of the advance is recovered which shall be added to the interest calculated on the monthly balances shown in column 6 at the end of the years.

(iv) if under the provisions of clause (a) or clause (b) of the proviso to regulations 4, the whole or any portion of the council's contributions is to be withheld when a subscriber's account is closed and if such account is closed, any portion of an advance made to such subscriber is still outstanding the amount of the advance outstanding plus the amount of the interest last calculated on the monthly outstanding balances of the advance shall be added to the amount shown at the credit of the account in column 6 for the purpose of calculating the Council's share of the total credit of the account.

9. (a) The amount of subscriptions with interest thereon outstanding to the credit of subscriber in the fund may be withdrawn to meet payments towards a policy of life insurance.

Payment
Towards
Insurance

(c) The Policy shall be -

(i) Such as is legally assignable to the chairman;

(ii) one affected by the subscriber himself on his own life.

(c) The Chairman shall not make any payments on behalf of the subscriber to the insurance company nor shall he takes steps to keep the policy alive. The Chairman can demand and scrutinize at any time, the premium receipts showing that such payments have actually been made to the insurance company. In the event of subscriber not furnishing the same, the Chairman shall make the necessary deductions from the subscriber's pay for deposits in his fund.

Note : (1) when a subscriber proposes to convert his policy into paid up, it is necessary to see that the paid up value of the policy is not less than the amount of premia diverted from the fund. If the paid up value is less than the total of sums withdrawn from the funds for premium payments, the subscriber shall forthwith be required to pay the difference into the fund. If, however, a subscriber proposes to have a new policy in place of the paid up one, the new policy shall be assigned to the Chairman.

(ii) when a subscriber proposes to surrender the policy he should pay the surrender value of the policy into his fund account and if the surrender value be less than the total of the sums diverted from the funds for premium payments, he should also pay the difference into the fund.

(d) If a policy assigned to the Chairman matures before the subscriber quits the service, the subscriber shall pay to the fund the whole or any amount withdrawn (with interest accrued thereon) from the fund for premium payments.

(e) The following procedure shall be observed with regard to assignment of Life Insurance Policies.

(i) The assigned policy shall be delivered to the Chairman within three months of withdrawal of any sum for the purpose of making premium payments and it shall be accompanied by a certificate from the subscriber to the effect that no prior assignment of the policy exists. The Chairman shall also satisfy independently of the fact by direct reference to the Insurance Company.

(ii) The notice of the assignment of policy shall be given by the subscriber to the Insurance Company and acknowledgement of the notice of the Insurance Company shall be sent by the subscriber to the Chairman within three months of the date of assignment.

(iii) The chairman may reassign the policy to the subscriber for the purpose mentioned in Notes (i) and (ii) under clauses (c) and (d) above subject to the conditions mentioned therein.

(iv) The assignment of a policy under this regulation shall be endorsed on the policy and shall be in the following form: -

“I hereby assign unto the Chairman of the Council of Homoeopathic System of Medicine, Punjab, the policy of assurances security for payment of all sums which under clause (a) of regulation 9, I may hereafter become liable to pay to the Council’s Provident Fund.”

10. (i) when a subscriber dies, the amount shown to the credit of his account in column 6 of the Provident Fund Account Ledger plus interest.

With draws
On eloping
Of Account

Accrued to date shall be withdrawn from the Savings Bank and payment of such amount shall be made.

(a) To his widow or widows or children, if any, in such proportions as during his life – time he may have declared it to be payable. If he has made no such declaration.

(b) as to one moiety to his widow or in equal shares to his widow or widows and as to the other moiety in equal shares to his children or if he has left only a widow or widows to such widow or widows in equal shares and if he has left only children, to such children in equal shares and failing both widows and children.

(c) To his legal heirs.

EXPLANATIONS

For the purpose of sub – clause (i) subscriber’s posthumous child shall be considered to be a member of his family at the time of his death and if born alive shall be treated in the same way as a surviving child born before the subscriber’s death.

(ii) subject to the provisions of regulation 7 when a subscriber ceases to be a servant of the council, the amount shown in the credit of his account in column 6 of the Provident Fund Ledger plus interest accrued to date shall be withdrawn and paid to him;

Provided that -

(a) if he is transferred otherwise than temporarily to the service of another local body which maintains a Provident Fund or when having been transferred temporarily from the service of another local body he reverts to such service, the amount withdrawn shall be paid to such other local body; and

(b) if he is transferred temporarily to the service of another local body the amount shown to the credit of his account in column 6 of the Provident Fund Ledger shall not be withdrawn but shall remain to the credit of his accounts.

(3) Notwithstanding anything contained in sub – regulation (i) or sub – regulation (2) no amount shall be withdrawn for payment to a subscriber or his heirs under the provisions of these sub – regulations unless such payment can be made immediately:

Provided that if such payment cannot be made within one year, if the amount at the credit of the subscriber’s Provident Fund Account is rupees ten or less, or within three years, if such amount is more than ten rupees the Council shall withdraw such amount and credit it to the current account of its own.

(4) when an account is closed under provisions of this regulation a line shall be drawn in red ink across the page below the last entry in the Provident Fund Ledger Account and the number and date of the voucher with which the amount at the credit of the account is deposited in the Savings Bank shall be recorded below the line.

11. Notwithstanding anything contained in Regulation 10, if any sum is due from a subscriber to the Council at the time when the account is closed the Council may deduct the amount of such sum before making the payment under regulation 10.

Recovery of
Arrears

**COUNCIL OF HOMOEOPATHIC SYSTEM OF MEDICINE, PUNJAB, CHANDIGARH.
FROM P.F.I.**

(See regulations 5 and 6)

Provident fund ledger

No. of account					Name of subscriber		
Year	Deposit Sibs- Creation	contribution	total	withdrawals	Monthly Balance on which Interest Is to be Calculated	Monthly Balance of Withdrawals of which lose of interest is to be calculated	Remarks
1	2	3	4	5	6	7	8
Opening Balance							
April, 19							
May 19							
June 19							
July, 19							
August, 19							
September, 19							
October, 19							
November, 19							
December, 19							
January, 19							
February, 19							
March, 19							

COUNCIL OF HOMOEOPATHIC SYSTEM OF MEDICINE, PUNJAB CHANDIGARH.
Form P.F. 2
 (See regulation 5)

Name of subscriber _____ Comminatory Provident fund

Balance at the credit of the account on 31st March, 19.

Subscriptions and contributions received during the year

Interest accrued.

Amount of interest on balance of advance

Total

Amount of interest outstanding

Balance as it stood on 31st march, 197

Any representation with regard to the correctness of the account which subscribed may wish to make should be made in writing within one month from the date noted below to the registrar.

Dated _____

Accountant

Registrar.

GOVERNMENT OF PUNJAB
DEPARTMENT OF HEALTH AND FAMILY WELFARE
Notification

The 24th May, 1979

No. G.S.R.69/P.A.16/65/54/Amd. (1)/79.-In exercise of the powers conferred by section 54 of the Punjab Homoeopathic Practitioners Act, 1965 (Act No. 16 of 1965) and all other powers enabling it in this behalf, the Council of Homoeopathic System of Medicine, Punjab, with the previous sanction of the State Government, hereby, makes the following regulations to amend the Punjab Homoeopathic Practitioners Regulations, 1974, namely :

1. These Regulations may be called the Punjab Homoeopathic Practitioners (First Amendment) Regulations, 1979.

2. . In the Punjab Homoeopathic Practitioners Regulations, 1974 (hereinafter referred to as the said regulations), Regulation No.7 shall be substituted by the following:

"7. The examination fee and other fee for each examination conducted by the Council shall be as specified in Appendix "D" to these regulations."

Examination
Fee.

3. In regulation 8 of the said regulation, the words "as may be applicable, under the rules and regulations of Punjabi University" shall be substituted by the words, "as may be prescribed in education regulations and syllabi by the Central Council of Homoeopathy from time to time and as is specified in appendix "D" to these regulations".

4. In proviso to regulation No.9 of the said regulations in line I, the word "effect" shall be substituted by the word "affect" and the word inherent" occurring in line 2 between the words "the" and "right" shall be deleted.

5. (i) In regulation No. 10, sub-regulation No.1 of the said regulations, the sub-part (b) shall be deleted.

(ii) In regulation No. 10, the following sub-regulation No. (4) shall be added after the sub-regulation No. (3):-

"(4) No person shall be allowed to join the service of the Council unless he produces a medical certificate of fitness issued by a competent authority, as may be prescribed by the State Government in this behalf, from time to time for its own employees of the same status."

6. In the beginning of the regulation No. 12 (1) of the said regulations, the words "subject to the provisions contained in para (2) of this regulation," shall be added and the word "No" shall be substituted by the word "no".

7. In the said regulations, regulation No. 15(I) shall be substituted by the following

"15(1) All appointments to the service shall be made in the following manner, namely:-

Method of
appointment

(a) In the case of Superintendent-

(i) By promotion from amongst the Head Assistants who-

(1) are B.A. or B. Com. with two years experience;

OR

(2) who are matriculates and have experience of five years;

(b) In the case of Head Assistant-

(i) By promotion from Accountant-

(1) who are B.A. or B. Com. and have experience of working as Accountant for a minimum period of two years;

OR

(2) who are Matriculates and have experience of working as Accountant for a minimum period of five years; or

(ij) By transfer from Government, Semi-Government offices;

or

(iii) By direct appointment,

(c) In the case of Accountant 89

(i) By promotion from amongst the Assistants, Stenographers and Cashiers :-

(1) who possess qualification of B.A. or B. Com. and have experience of working on either or both or all of these posts for a minimum period of two years;

OR

(2) who are Matriculates and have experience of working on either or both or of all these: posts for a minimum period of five years; or

(ii) By transfer from Government, Semi. Government offices;

or

(iii) by direct appointment.

(d) In the case of Assistants and Cashiers-

(i) By promotion from amongst the Clerks:-

(1) who are Graduates and have experience as Clerk for a minimum period of two years;

OR

(2) who are Matriculates and have an experience as Clerks for a minimum period of five years; or

(ii) By transfer from Government, Semi-Government offices;

or

(iii) By direct appointment

(e) In the case of Stenographer-

(i) By promotion from amongst the steno – typists having speed in Short hand @ 100 V.P.M. and type 40 V.P.M. both in English and Punjabi :-

(1) who are Graduates and have an experience of working on the post of Steno-typist for a minimum period of two years; .

OR

(2) who are Matriculates and have an experience of working on the post of Steno-typist for a minimum period of five years;

OR

(ii) By transfer from Government, Semi-Government offices,

or

(iii) By direct appointments.

(f) In the case of Steno typist.-

(i) By promotion from amongst the Clerks having speed in short hand @ 80 P.W.M. and type speed @ 30 W.P.M.

(1) who are Graduates and have an experience of working as Clerk for a minimum period of two years; or

(2) who are Matriculates and have an experience of working as Clerk for a minimum period of five years; or

(ii) By transfer form Government or Semi-Government offices; or

(iii) by direct appointment.

(g) In the case of Clerks

(i) By promotion from Daftri who is Matriculate and have experience of working as Daftri for a minimum period of two years;

or

(ii) By transfer form Government. Semi-Government offices;

OR

(iii) By direct appointment.

(h) In the case of Daftri-

By promotion from amongst the Peons who are Matriculate and have knowledge of Book binding.

(i) In the case of Peon or' Chowkidar-cum-Sweeper

By direct appointment.

8. In the said regulations, Appendix A shall be substituted by the new enclosed Appendix A.

9. In regulation 16 of the said regulations, the word "class" occurring after the word "same" shall be substituted by the word "status".

10. In regulation No. 19 of the said regulations, after the word "Government" occurring between the words "the" and "for" the words "from time to time" shall be added.

11. Regulation No. 23 of the said regulations shall be substituted by the following new regulations:

"23-(1) The employees of the Council shall retire on attaining the age of fifty-eight years.

(2) The Council, shall if it is of the opinion that it is in public interest to do so, have the absolute right by giving an employee prior 3 months notice in writing, to retire that employee on the date on which he completes twenty-five years of qualifying service or attains fifty years of age or on any date there after to be specified in the notice. Any employee may after giving at least three months previous notice in writing to the Council, retire from service on the date on which he completes twenty-five years of qualifying service or attains fifty years of age or any date thereafter to be specified in the notice:

Provided that no employee under suspension shall retire from service except with the specific approval of the Council.

12. In regulation No. 26 of the said regulations, the words "by the council" occurring between the words "available" and "according" shall be deleted and the same shall be inserted between the words "allotted" and "such".

Age of
retirement.

13. Regulation No. 27 shall be renumbered as Regulation No. 32 and the existing regulations Nos. 28, 29, 30, 31 and 32 shall be renumbered 27, 28, 29, 30 and 31, respectively and the words "with the previous approval of the State Government" shall be inserted in between the words "relax" and "any"

14. In appendix "C", regulation No.4 part (b) of the said regulations the words "after affording him an opportunity for showing cause against The proposed payment to be withheld" shall be added at the end of this part "C" in regulation No.8 (i) (a) the following shall be

15. In appendix 'C' in regulation No 8 (i) (a) following shall be added:-

Note.-"Family" for the purpose of this regulation shall mean :(a)

In the case of male subscriber, his wife and children and the widow

Widows or widows and children of his deceased son, if any.

(b) the case of female subscriber, her husband and children and

In the widow or widows and children of her deceased son, if any;

16 (a) In appendix "c" in regulation No.9 of the said regulation-

(i) In part (a), the words "outstanding" occurring between the words

"thereon" and "to" shall be substituted by the word "standing".

(ii) In part (c) the words "Life Insurance Corporation" shall be substituted for the words "Insurance Company" wherever occurring.

17. (a) Regulation No.9 note (ii) of the said regulations shall be substituted by the Regulation No. 9A(i) as a separate regulation at the end of regulation No.9 (e).

(b) In regulation No. 9A in sub-part (ii), the following provision shall be added at the end -

"Provided that the subscriber shall not be required to refund or deposit any amount or its portion he had contributed towards payment of premium to the Life Insurance Corporation from his own pocket, in the Provident Fund."

18. In appendix "c" the regulation No. 10 (i) shall be substituted by the following new regulation:

With
drawals,
closing of
account

"10(i) When a subscriber dies, the amount shown to the credit of his account in column No.6 of the Provident Fund Account ledger plus interest accrued to date shall be withdrawn from the Saving Bank and payment of such amount shall be made-

(a) If the deceased had during his/her lifetime made a valid declaration with regard to its payment -

- (i) To his widow or widows, or husband as the case may be, and
- (ii) To his child or children if there be more than one; in such proportions as the deceased may have declared it to be payable;

(b) If the deceased had during his/her lifetime made no valid declaration regard to its payment

- (i) (1) One moiety to the widow, or widows of the deceased in equal shares, or the husband of the deceased as the case may be; and
- (2) The other moiety to his child or children if there be more than one in equal shares; or
- (ii) (1) To the widow or widows of the deceased in equal share or to the husband as the case may be, if the deceased left no child.
- (2) to the child or children in equal shares if the deceased left no widow or husband as the case may be;
- (c) to his legal heirs in all other cases.

19. (a) In appendix C, in regulation No. 10 of the said regulations part (ii) and (3) and (4) shall be renumbered and read as (3), (4) and (5) respectively.

(b) In appendix 'C' in the explanation to regulation No. 10 of the said regulations, the words "Sub-Clause (i)" shall be substituted by the words, figures and brackets "Sub-Regulation (1)".

(c) In appendix "C" in the regulation No. 10, in sub-regulation No. (3) the words figures and brackets, "sub-regulation (i)" shall be substituted by the words, figures and brackets "sub-regulation (1)".

20. The existing appendix "D" shall be substituted by the new appendix "D" as appended to these regulations.

APPENDIX "A"
COUNCIL OF HOMOEOPATHIC SYSTEM OF MEDICINE, PUNJAB
Annexure No.1 (See regulation No.9 and 14)

Serial No.1	Designation of Post 2	No. of Post 3	Scale of pay 4	Prescribed qualification 5
1	Superintendent	One	Rs. 300-25-500/25-550	(i) Graduate with two years experience as Head Assistant (ii) Knowledge of Punjabi upto Matric standard
2.	Head Assistant	One	Rs. 225-15-360/20-500	(i) B. Com. with two years' experience as Accountant. (ii) Knowledge of Punjabi upto , Matric standard. (Hi) Security of Rs. 1000.
3.	Accountant	One	Rs. 160-10-280/15-400	(i) Graduate with two years, experience as Assist-nt. (ii) Knowledge of Punjabl up to Matric standard.
4.	Assistants	Three	Rs. 160-10-280/15-400	(i) Graduate with two years, experience as Stenographer. (ii) Knowledge of Punjabi upto Matric standard (iii) Speed in shorthand at the rate of 100 W.P.M and Typespeedof40 W.P.M both in English and Punjabi
5.	Stenographer	One	Rs. 160-10-280/15-400	(i) Graduate with two years' experience as Cashier. (ii) Knowledge of Punjabi uplo Matric standard
6.	Cashier	One	Rs. 110-4-130/5-180/6-210/8-250 plus Rs. 25 PM (fixed) Steno typist allowance	(i) Graduate. (ii) KnowlDge of Punjabi upto Matric standard. (iii) Speed in shorthand at the rate of 80 W.P.M. and type at the rate of 30 W.P.M. both in English and Punjabi
7.	Steno-typist	One	Rs. 110-4-130/5-180/6-210/8-250	(i) Graduate (ii) KnowlDge of Punjabi upto Matric standard. (iii) Speed in shorthand at the rate of 80 W.P.M. and type at the rate of 30 W.P.M. both in English and Punjabi
8.	Clerks	Seven	Rs. 75-3-90/3-105	(i) Graduate (ii) Knowledge of Punjab upto Matric Standard.
9.	Daftri	One	Rs. 70-2-80/3-95	(i) Matric (ii) Must have knowledge of Book Binding.
10.	Peons	three	Rs. 70-2-80/3-96	(I) Reading and writing know ledge of Punjab! (iii) Experience hands to be prefer red.
11.	Chowkidar-cum Sweeper	One	Rs. 35 P.M. or such pay as may be fixed by Government from time to time for part-time employees working for two hours daily.	(i) Reading and Writing know. ledge of Punjabi (ii) Experience hands to be preferred.
12.	Mali (Part Time)	One		

1. EXAMINATIONS:

(i) Date for Admission Forms

The last date by which admission form alongwith a passport size photograph (in case of male candidates only) and fee must reach The Registrar, shall be as follows:

Without Late Fee

5th April for May/June Examination.
 5th August for September/October Examination.

With Late Fee or Rs. 15/

15th April for May/June Examination.
 15th August for September/October, Examination.

The Council may change the above dates if it may deem proper. Provided that after the expiry of the above date with late fee of Rs. 15/- admission form of a candidate may be accepted upto 15 days before the commencement of the examination on payment of an extra late fee @ Rs. 5/- per day. No admission form and fee shall thereafter accepted except as other wise decided by the Council.

(ii) Fees to be charged

The amount of admission fee to be paid by a candidate shall be as follows :

(a) DHMS (Intermediate (Part I or Part II) Examination

One or More than one subject Rs. 60 .00

(b) DHMS (Final Part I) Examination

One or More than one subject Rs. 80 .00

(c) DHMS (Final Part II) Examination

One subject or More than one subject Rs. 100.00

If a candidate has to appear in both Part I or II of Intermediate or to pay Final D.H.M.S. examination he shall have to pay the requisite fee for each examination.

(iii) Other Fees:

(i) Detailed Marks Fee (Compulsory) .. Rs. 10.00

(ii) Council Enrolment Fee .. Rs. 10.00

A candidate who fails to present himself/herself for the examination shall not be entitled to refund of the examination fee or to have it kept in deposit for a subsequent examination except in exceptional cases where the Chairman may consider fit to keep the fee deposited for a subsequent examination.

2. (a) The rates for payment to paper setters, Examiners, shall be as detailed below:

Name of the Examination	For setting each question Paper	For marking per answer book	For practical and Viva voca examination per candidate	Minimum Fee
Final DHMS (Part II)	Rs. 50/-	Rs.1.00	Rs.1.25	Rs. 50.00
Final DHMS (Part 1)	Rs. 50/-	Rs. 1.00	Rs.1.25	Rs. 50.00
Intermediate DHMS	Rs 50/-	Rs. 1.00	Rs. 1.25	Rs. 50.00

(b) The Rates for Superintendent of Examination and other staff shall be given as below :

1. Superintendent	Rs. 30/- per day plus Rs. 30/- both for preparation and winding up the centre.
2. Supervisors	.. Rs. 10/- per day
3. Centre-Clerk-Typist 4. Daftri	Rs. 8/- per day .. Rs. 4/- per day
5. Waterman/Water Women	Rs. 3/- per session (Containers and glass tumblers would be supplied by the College) Rs. 3/- per day
6. Sweeper	Rs. 3/- per day
7. Chowkidar	.. Rs. 1/- per plan subject to maximum of
8. Typing of plans	Rs. 5/- for centre upto 100 candidates Rs. 10/- for centre of 100-200 candidates Rs. 15/- for centre of above 200 candidates.
9. Arrangements of Seats	.. Rs. 10 for 200 candidates and Rs. 15/- for more than 200 candidates. This also includes removal of seats from the hall/room
10. Stationery to be paid.. to Superintendent of examination Centre	Rs. 0.75 per working day (for centre upto 100 candidates). Rs. 0.90/- per working day (for centre upto 300 candidates). Rs. 1/- per working day (for centre upto 300 candidates). Rs. 1 015/- per working day (for centre with more than 300 candidates.) <i>Plus</i> Rs. 8,00 for the whole examination for other stationery articles i. e. nibs, writing, paper, Pen, Ink, Pins, lead Pencil, Pen Hold, Copying Pencil etc.

Note.-I. Conveyance charges.-The centre Superintendent will be paid on the following flat rates :

(i) up to 15 sessions	.. Rs. 20/
(ii) 16-30	.. Rs. 40/
(iii) 31-50 Sessions	.. Rs.70/
(iv) above 50 sessions	.. Rs. 80/

If the distance from the residence to the centre exceeds 5 k.m. only two journeys per day, irrespective of the number of sessions, shall be allowed Tonga or rickshaw charges should only be claimed when the conveyance is actually used and is admissible. It cannot be claimed as a matter of right Centre Superintendents, who use their motorcycles/scooters shall be paid conveyance charges at the rate of 0 .25 paise per k.m.

Note.-Advances to Superintendent:-A reasonable amount of advance will be paid to the Superintendents to meet contingent expenses at their centres. The Superintendent must take receipts of advances, if any, given to any member of supervisory staff and produce receipt in case of need.

3. Moderation of Results

(1) Before the results are declared, the result alongwith a statement of percentage of passes in the whole examination and in each subject, for the current and the preceding year shall be submitted to the Chairman by the Registrar.

(2) The Chairman shall order publication of ~~the~~ results. If on scrutiny of the figures, the Chairman considers that there has been distinct fall in the pass percentage in the whole examination in a particular subject, he may refer the matter to the Board of Studies for a specific modification of the results or to take any other action he considers necessary before ordering the publication of the results. The Board of Studies may get the result improved by giving some special additional grace marks if it is satisfied that pass percentage is low.

4. Publication of results

(1) For calculating pass marks for each examination, if a fraction is half or more it shall be rounded off to the next higher figure. If a fraction is less than one-half, it shall be ignored.

(2) The Registrar shall publish the results of the examinations. The lists of students taking the examination, showing in the case of successful (candidates, the marks obtained by them, shall be simultaneously communicated to the institutions presenting the candidates.

(3) Failure statements of the examinees, showing the subject or subjects, in which they have failed to obtain the prescribed minimum number of marks, shall be prepared and communicated to the institutions concerned within 30days of the publication of results.

5. Rectification of Results

(1) The Council shall have the power to quash the result of a candidate after it has been declared if-

- (i) he is disqualified for using unfair means in the examination; or
- (ii) a mistake is discovered in the result; or
- (iii) he is found in-eligible to appear in the examination; or
- (iv) for any other reason considered valid for the purpose

(2) A candidate shall be entitled, to have his answer books retotalled on payment of a fee of Rs. 15 per paper He shall also be entitled to see his answer books to ensure that these pertained to him, on payment of inspection fee of Rs. 15 per paper subject to the following conditions :-

- (i) Application for retotaling is submitted to the Registrar within 30 days of the date on which the result is declared by the Council;
- (ii) Retotaling will be done only to see that the marks awarded for various answers have been correctly added and that all the answer have been assessed by the examiner.

(3) If any mistake is discovered as a result of rechecking of an answer book (s) as provided in (i) above, the Chairman shall rectify the result. In such cases the fee and the inspection fee, if paid, shall be refunded.

(4) The Council shall have the power to quash the result already declared if it is satisfied that there has been grave irregularity in preparation of result or otherwise and also order the result to be modified.

6. Enrolment of Students

(1) The Registrar shall maintain a Register of students studying for the Council examinations? The Register shall contain, in respect of each student the name in full, the name of father, institution entered, date of admission, date of leaving the institution, every pass or failure in a Council examination with roll number, any University/Council scholarship, medal or prize won by the student, any diploma or punishment awarded and every diploma or degree taken by him.

(2) All students enrolled under the preceding regulation shall be called "Students of the Council".

(c) The Principal of every college, admitted to the privileges of the Council shall forward to the Registrar within one month of the date of admission, .the names of the students together with their enrolment fees.

If a student is struck off the rolls of the institutions or is rusticated or expelled, the fact shall immediately be reported to the Registrar for record in the Register of the students.

(4) Where an enrolled student has joined or re-joined an institution the Principal shall communicate to the Registrar the student's enrolment number.

(5) On enrolment the student shall be informed through his Principal, of the number under which his name has been entered in the register, and that number shall be quoted in all subsequent reports concerning the student and in all applications by that student for admission to Council's examination

(6) An un-enrolled student who joins a college shall pay to the Council through his/college enrolment fee of rupees ten. No further fee for enrolment shall be charged unless the student's name is for any reason other than legitimate migration struck off the rolls of the college in which case he shall pay Rs. 10 to have his name entered in the Council Register.

(7) All applications for admission to Council examinations shall be scrutinized in reference to the Council register, and the Registrar may refuse the application of a candidate about whom complete particulars have not been reported and request him to forward through his Principal, a complete statement of the particulars.

(8) An enrolled student is entitled to get a certified copy of all the entries against his name on payment of rupees five.

(9) A person applying for change of his name in the Register shall submit his application to the Registrar.

The application shall be accompanied by -

(i) A fee of Rs. 10;

(ii) An affidavit relating to his present and proposed names duly sworn in the presence of a Magistrate by his parent or guardian in case he is minor or by himself in case he is major; and

(iii) cutting from the newspaper in which the proposed change of name has been advertised.

(10) The change in name, when allowed, shall be recorded in the register of students, with his original name as alias.

7. Migration of Students Migration from one College to another:

(1) No student who has joined one college shall be admitted to another college during the same course unless the Principals of the colleges concerned agree and the sanction of the Registrar is obtained on the application form submitted by the student, alongwith a fee of Rs. 10.

(2) The Registrar may allow migration in special cases not covered by these regulations.

(3) The Principal of the College from which a student seeks migration shall issue a College Leaving Certificate within one month of sanction for migration being notified by the Registrar.

(4) The migrating student must join the new college within fifteen days of the sanction of Migration. Otherwise his migration will automatically be cancelled unless the period is for sufficient cause extended by the Chairman.

(5) If a student changes his mind after putting in his application for migration he must inform the college concerned and also the Registrar immediately. '

(6) No transfer certificate shall be issued unless the student has been enrolled in the Register of Students maintained by the Council.

(7) The college from which a student seeks migration is entitled to charge the tuition fees for the month in which the migration is sanctioned by the Council and the college to which the student migrates shall not charge fees for that month.

8. Migration of Students form other Councils to ~~the~~ Council Teaching
Colleges Admitted to the Privileges of this Council

(1) Except when authorised by the Council migration of a candidate from a Homoeopathic College which has not been Recognised by the Central Council of Homoeopathy shall not be permitted.

(2) The migrating student must have;

(i) Passed the Intermediate Examination:

Provided that as far as possible migration shall be allowed only in such cases where the candidates seeking migration had secured nearly the same numbers of marks in the lower-qualifying examinations for admission to the Intermediate course, as had been obtained by the last candidate admitted on merit, but in no cases migration would be allowed, where the person seeking migration did not fulfill the original minimum eligibility requirement laid down for the first year of the course.

(ii) Obtained the permission of the Principal of the College concerned as well as the Council from which he wants to migrate.

(3) The migrating student must join the new college within 15 days of the sanction of migration by the Council. Otherwise his migration will automatically be cancelled unless the period is for sufficient cause extended by the Registrar.

(4) Migration will be allowed only if a seat in the particular batch of admission is available.

9. General

(1) Any student studying in a Homoeopathic College not admitted to the privilege of the Council whose standards and examinations are recognised as equivalent to the standards and examinations of this Council shall be eligible to migrate to other college in the same class, provided the Principals of the respective colleges and the Registrars of the respective Councils agree to such a migration. The migration will be allowed only after the student has passed the DHMS Intermediate examination subject, to the fulfillment of conditions provided in the regulations relating to Migration of Students.

10. Examination Fees

(1) (a) The Registrar may, considering the circumstances of the cases, sanction remission of late fee.

(b) The chairman may, considering the circumstance of the case sanction the remission of extra late fee or both late fee as well as extra late fee.

(c) For the purpose of calculating late fee/extra late fee, the date of remittance of money by the candidate from the post office bank shall be taken as the date of receipt thereof by the Council.

(2) The admission form and fee of candidate whose result is declared after the expiry of the last date fixed for the submission of forms and fees to the Council office be accepted within ten days of the publication of the result without charging any late/extra fee. The period of 10 days shall be counted from the date of publication of result in the College. The date of publication in the college will be considered by adding three days on 'which the result was actually declared by the Council irrespective of the fact that whether the result was actually published on that date or not.

(3) Admission forms and fee received after the expiry of last date fixed for the submission of forms and fees, in respect of candidates whose results are declared late, shall be accepted without charging any late fee within ten days of the declaration of the result; with late fee of Rs. 15 Within another ten days; and with other late fees thereafter.

(4) A candidate who fails to present himself for examination shall not be entitled to refund of the fee or to have it kept in deposit for a subsequent examination provided that

(i) If a candidate dies before the commencement of the examination, the fee shall be refundable to his legal heirs;

(ii) If a candidate is declared ineligible to appear in the examination, he shall be entitled to refund of fee.

(iii) If a woman candidate is unable to appear in the examination for a maternity reasons, her fee may be held over to the next examination provided that the application supported by a medical certificate, for crediting the fee for the examination is made to the Registrar within three months of the termination of the examination concerned.

The application for refund of the fee should be made within three months of the candidate having been declared ineligible for the examination.

11. Grace Marks

(1)(i) A candidate who fails in one or more papers/subjects and/or aggregate may be given grace marks upto one per cent of the total aggregate marks (including the theory, oral and practical) to his best advantage in order to declare him to have passed the examination.

(ii) A candidate who fails in one/more subjects may be given grace marks upto one per cent in each subject separately in order to declare him/her eligible for earning exemption in a subject or subjects for placing him/her in a compartment.

(iii) A candidate who gets exemption in certain subjects and reappears in a subject/subjects may be given grace marks, upto one percent of marks in each subject separately in which he/she reappears in order to declare him/ her to have passed the examination and/or who with this benefit becomes eligible for earning exemption in a subject or subjects or for placing him/her in a compartment.

(iv) The number of grace marks awarded to a candidate in the written and/or clinical parts of the examination be also counted for purposes of making up the minimum aggregate in order to enable him to pass the subject/examination. The grace marks so given would not be actually added to the aggregate.

(v) The grace marks awarded to a candidate in any subject(s) under Regulations relating to the grace marks in the various examinations shall not count towards aggregate of marks obtained by him in the examination.

12. Punishment for false statement

The Registrar shall have the power to disqualify a person if he is found guilty of obtaining' or attempting to obtain a certificate or diploma to which he is not entitled for such period as he may consider necessary Such cases shall be reported to the Council.

13. Withdrawal of Admission Forms and Refund of Fees

(1) An admission form once submitted may be withdrawn by a Principal only under the following' conditions :

(i) When a candidate has been sent up provisionally for shortage of attendance and that shortage has not been made up or con. donned in accordance with the Regulations, Provided that the final report in respect of shortage cases shall be sent so as to reach the Council office at least 10 days before the Commencement of the examination. Provided further that no request for restoration of candidature received during 5 days preceding the commencement of the examination shall be entertained. Admission form of a candidate who has completed the required percentage of lectures calculated on the basis of lectures delivered up to one month before the date of examinations cannot be withdrawn.

- (ii) When a candidate's name has been struck off the rolls of the institution for non-payment of college/dues, provided such action has been taken before the commencement of the examination.
 - (iii) When a candidate has been rusticated or expelled or his character certificate has been withdrawn for misconduct before the commencement of the examination.
- (2) Refund of examination fees shall be allowed only if ;
- (i) The Principal intimates to the Council office at least a week before the commencement of the examination withdrawing the admission form of the candidate sent up provisionally for shortage in attendance.
 - (ii) The Principal intimates to the Council office at least a week before the commencement of the examination that the candidate subsequent to submission of his admission form has fallen short of lectures and is, therefore, ineligible to take the examination.
- (3) Refund shall not be allowed:
- (i) When a candidate's name is withdrawn for non-payment of college dues; and
 - (ii) When a candidate's name is withdrawn on account of his rustication or expulsion from college/Department or withdrawing character certificate for misconduct.

14. Principal of Colleges to act as Controller of Examination Centres to maintain discipline

(1) Unless otherwise decided by the Council Principals of the colleges who are required to be in station in connection with the Council examination to maintain discipline outside the Examination Centres located in their colleges shall be paid Rs. 200 for the Annual Examination of the Council, and if the number of Examination Centres at the college is more than one the Principal concerned shall be paid an additional remuneration at the rate of Rs. 100 per centre subject to overall maximum limit of Rs. 400. For the supplementary Examination the Principal of the college where the Centre is located, shall be paid Rs. 100 and if the number of Examination Centres is more than one, the Principal shall be paid an additional remuneration at the rate of Rs. 50 per cent subject to overall maximum limit of Rs. 200. The Principal of a college shall act as Inspector of Examination Centre(s) of his college. He/She would inspect the centre at least four times in the Annual Examinations and twice in the Supplementary Examinations and shall send his/her reports in this behalf to the Registrar during the examination days.

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