

Bill No. XXIV of 2015

THE ELECTRO HOMOEOPATHY SYSTEM OF MEDICINE
(RECOGNITION) BILL, 2015

A

BILL

to provide for recognition and regulation of the Electro Homoeopathy system of medicine in the country and to constitute a Central Council for the purpose and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Electro Homoeopathy System of Medicine (Recognition) Act, 2015.

Short title,
extent and
commence-
ment.

5 (2) It extends to whole of India.

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

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

Definitions.

10 (a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Central Council" means the Council set up under section 7 of the Act;

(c) "Central Register" means the Register of Practitioners maintained under sub-section (1) of section 10;

(d) "Electro Homoeopathy" means the systems of medicine founded by Dr. Count Cesare Mattei of Italy in the nineteenth century based on treatment of diseases by medicines made by the method of Spagyric Cohobation (repeated distillation) by which the life force of the plants are collected in the form of micro, macro and trace elements of the herbs; 5

(e) "Prescribed" means prescribed by rules made under this Act; and

(f) "State Register" means the Register of Practitioners maintained by a State Government under sub-section (3) of section 10. 10

Central Government to grant recognition to Electro Homoeopathy System of medicine.
Permission of Central Government for introduction of electro-homoeopathy as a course in educational institutions.

3. The Central Government shall, by notification, within two months of the coming into force of this Act, grant recognition to the Electro Homoeopathy System of medicine to be practiced within the country.

4. (1) After the recognition being granted to electro homoeopathy system of medicines, any university, Board or other medical institutions may apply to the Central Government for permission to introduce a structured course in the electro homoeopathy system. 15

(2) No university, Board or other medical institution shall open the course of study in the system, except with the previous permission of the Central Government.

(3) The Central Government, shall before according permission, refer the application to the Central Council set up under section 7 for its recommendations. 20

(4) On receipt of the application from the Central Government, the Central Council may obtain such particulars as may be considered, necessary by it, from the applicant and, thereafter, make its recommendations to the Central Government.

(5) The Central Government may, after considering the application together with the recommendations of the Central Council made under sub-section (4) and after obtaining, such other particulars as may be considered necessary by it from the applicant, either approve, with such conditions as may be considered necessary or disapprove the application and any such approval shall constitute a permission under sub-section (2): 25

Provided that no application shall be disapproved by the Central Government except after giving the applicant a reasonable opportunity of being heard. 30

(6) Nothing in this section shall prevent any applicant whose application has been disapproved by the Central Government from submitting a fresh application which shall be considered by it afresh.

(7) Where, within a period of one year from the submission of the application under sub-section, no order is communicated to the applicant, the permission of the Central Government required under sub-clause (2) shall be deemed to have been granted. 35

Factors requisite to grant of permission by the Central Government.

5. The Central Government while granting permission or otherwise shall take into account, whether,—

(a) the university, Board or other medical institutions seeking to open a course in the electro homoeopathy system is in a position to offer the minimum standard of medical education prescribed by the Central Council under section 10(i); 40

(b) any arrangement has been made or programme drawn to impart proper training to students likely to attend such course of study or training by persons having the recognized medical qualifications; 45

(c) necessary facilities in respect of staff, equipment etc., are there to ensure the proper conducting of the course or training;

(d) there is requirement of manpower in the field of practice of electro homoeopathy medicine in the medical institutions; and

5 (e) there is any other factors prescribed by the Central Govt.

6. (1) On recognition being granted. Any university, Board or other medical institutions permitted to conduct courses of the Electro homoeopathy system of medicine, may grant such medical qualifications by awarding a degree in such manners as may be prescribed.

Recognition
of medical
qualification
in Electro
Homoeopathy.

10 (2) Any university, Board or other medical institutions which opens a course in Electro homoeopathy without obtaining permission under sub-section (b) of section 4 shall not be eligible to grant medical qualifications under sub-section (i).

(3) Medical qualifications granted by medical institutions outside India may be recognized on a recommendation from the Central Council.

15 (4) Every university, Board or other medical institution in India which grants a recognized medical qualification shall furnish such information as the Central Council may from time to time require.

20 (5) The Central Council shall appoint such number of medical inspectors as it may deem necessary to attend any examination held by any university, Board or other medical institution for the purpose of recommending to the Central Government recognition of medical qualifications granted by the university, board or medical institution.

(6) If the Central Council finds on the basis of a report by the medical inspector that the examination and the courses of study conducted by the university, Board or other medical institutions do not conform to the standard prescribed by the Central Council, the Council shall make a recommendations to that effect to the Central Government.

25 (7) The Central Government may upon receipt of such recommendation send it to the appropriate Government which shall forward the same to the university, board or medical institution for submitting its explanation within a stipulated time.

30 (8) After considering such explanations together with the recommendation of the appropriate Government, the Central Government may notify the withdrawal of recognition granted to that university, board or the medical institution.

7. (1) The Central Government shall, by notification in the Official Gazette constitute for the purpose of this Act a Central Council consisting of the following members, namely:—

Constitution
of Central
Council etc.

35 (a) Three members representing the Practitioners of Electro Homoeopathy whose names are entered in the State Register of Electro Homoeopathy under section 10 (3) to be elected from among themselves from states having such Register in such manner as may be prescribed.

(b) Five members to be nominated by the Central Government from amongst persons having special knowledge or practical experience in respect of Electro Homoeopathy:

40 Provided that, until members, are elected under sub-section 1(a), the Central Government shall nominate such number of members as may be determined by it, being persons actively practicing Electro Homoeopathy.

(2) The President of the Central Council shall be elected by members of the Central Council from amongst themselves in such manner as may be prescribed.

45 (3) Election to the Central Council shall be conducted by the Central Government in accordance with such rules as may be prescribed.

(4) All disputes relating to any election to the Central Council shall be referred to the Central Government whose decision shall be final.

Duties and functions of the Central Council.

8. (1) It shall be the duty of the Central Council to prescribe the standards of Medical Education in the Electro Homoeopathy system.

(2) The Central Council shall consider whether a university, Board or Medical Institution is in a position to conduct courses in the Electro Homoeopathic System of Medicine and recommend accordingly.

5

(3) Any reference made to the Central Council by the Central Government shall be dealt with promptly by the Council.

(4) The Central Council shall meet at least once a year at such time and place as may be appointed by the Central Council.

(5) One third of the total number of members of the Central Council shall form a quorum in a meeting and all decisions therein shall be decided by a majority of the members present and voting.

10

(6) The Central Council shall prescribe the conditions of eligibility for a practitioner to be enrolled in the State Register of Electro Homoeopathy under sections 12 (3).

Term of office of the President and Members of the Council.

9. (1) The term of office of the President shall be five years from the date of his election:

15

Provided that he may continue in office till his successor assumes office.

(2) A member of the Central Council shall hold office for a period of five years from the date of his election or nomination as the case may be.

(3) A member shall be deemed to have vacated his seat, if,

(a) he has remained absent without prior approval of the President from three consecutive meetings of the central council; or.

20

(b) he ceases to be enrolled in the state Register of Electro Homoeopathy for any reason whatsoever.

(4) A member of the Central Council shall be eligible for re-nomination.

(5) The Central Council shall appoint a Registrar who shall also act as secretary and employ such other persons as it deemes necessary to carry out the purposes of this Act.

25

(6) The Central Council shall, with the previous sanction of the Central Government, fix remuneration and allowances to be paid to the President and members and determine the conditions of service of the Registrar and the employees.

The Central and State Registers of Electro Homoeopathy.

10. (1) The Central Council shall cause to be maintained in the prescribed manner, a register of practitioners to be known as the Central Register of Electro Homoeopathy which shall contain the names of all persons who are for the time being enrolled on a State Register to be maintained by the State Government under sub-section 3 or any other law in force in that State.

30

(2) It shall be the duty of the Registrar of the Central Council to keep and maintain the Central Register of Electro Homoeopathy for the purposes of this Act and from time to time revise the register and publish it in the Gazette of India in such manner as may be prescribed.

35

(3) Each State Government shall maintain in the prescribed manner, a Register of practitioner in that State to be known as State Register of Electro Homoeopathy which shall contain the names of all eligible practitioners of that system.

(4) The Registrar of the Central Council may on receipt of the report of registration of a person in a State Register or on an application made in the prescribed manner by any person, enter his name in the Central Register:

40

Provided that the Registrar is satisfied that the person concerned is eligible under this Act for such registration.

(5) Every person whose name is for the time being borne on the Central Register of Electro Homoeopathy shall be entitled to practice Electro Homoeopathy in any part of India.

45

(6) The Central Council may prescribe standards of professional conduct and a code of ethics for the practitioners of Electro Homoeopathy.

(7) If the name of any practitioner is removed from the State Register for any reason prescribed in a state law in force, the Central Council shall direct the removal of the name of such person from the Central Register.

11. (1) The Central Council shall furnish such reports, copies of minutes abstracts of its accounts and other information to the Central Government as may be prescribed.

Miscellaneous provisions.

(2) (a) If the Central Government has reason to believe that the Central Council is not complying with any of the provisions of this Act, it may refer the matter to a commission of Inquiry consisting of three persons, two of whom shall be Judges of a High Court to be appointed by the Central Government and one person shall be appointed by the Central Council and such Commission shall inquire into the complaint in a summary manner and report its finds to the Central Government.

(b) If the charge of non-compliance is established on such inquiry the commission shall recommend the remedies which in its opinion are necessary.

(3) The Central Government may require the Central Council to adopt the remedies recommended by the Commissions and if, the Central Council fails to comply with any such requirement, the Central Government may take such steps as may be considered necessary to give effect to the recommendations of the Commission.

(4) A commission of inquiry shall have power to administer oath to enforce the attendance of witnesses and the production of documents and shall have all such other necessary powers for the purpose of any enquiry conducted by it as are exercised by a civil court under the Code of Civil Procedure, 1908.

5 of 1908.

12. No suit prosecution or other legal proceedings shall lie against the Government or the Central Council for anything in good faith done or intended to be done under this Act.

Prosecution action taken in good faith.

13. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act.

Power to make rules.

(2) Without prejudice to the generally of provision of sub-section (1) such rules may provide for,—

(a) the factors other than those mentioned in sub-section (1) to (4) of section 4 for granting permission to open a course in Electro Homoeopathy.

(b) the manner of election of the President of the Central Council.

(c) the management of the property of the Central Council and the maintenance and audit of its accounts.

(d) the resignation of members of the council.

(e) the powers and duties of the President.

(f) the manner of election of members to the Central Council.

(g) the conduct of professional examination, qualification of examiners and the conditions of admission to such examinations.

(3) The Central Council may, with the previous sanction of the Central Government make by notification in the Official Gazette, regulations to carry out the purposes of this Act and without prejudice to the generality of this Power, such regulations may provide for,—

(a) the form of application and the particulars to be attached there to seeking approval of the course in Electro Homoeopathy.

(b) minimum standards of medical education in respect of Electro Homoeopathy.

(c) the educational qualifications and other requirements of employees to be recruited the Central Council.

(d) medical qualifications which will be granted by the university/Board or other medical institutions.

5

(e) the manner of maintaining the Central Register.

(f) procedure for conducting meetings of the Central Council.

(g) the powers of the Registrar of the Central Council.

(h) Remuneration for the President and members of the Central Council.

(i) Any other matter in respect of which regulations are required to be made.

10

The Central Government shall cuase every rule and regulation made under this Act.

(4) Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one sessions or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation both Houses agree that the 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.

15

20

STATEMENT OF OBJECTS AND REASONS

Electro Homoeopathy is a system of medicine based on the extraction of plants' medical values by means of separation and reunification principle with the help of repeated distillation process. In Scientific term it is called "SPAGYRICAL COHOBATION".

The founder of this system, Dr. Count Cesare Mattei (1809—1896), who lived in Italy, discovered that the permanent cure for various ailments which afflict human beings lies in plants. Through long years of painstaking research, he perfected the methods of reextracting the ever present medical values of plants and tried those medicines on patients. The trials were very successful which proved the soundness of his basic assumptions namely the plants contain great medicinal values which, if extracted, through a new process of repeated distillation could cure most of the ailments. Thus Electro Homoeopathy was born.

This system of treatment is presently being practiced in 19 states in India. The efficacy of this system is borne out by the fact that more than 10 lakhs patients are receiving treatment daily in different parts of India. Similarly, around 1 lakh doctors are using this system as experts and around 5 lakh persons are qualified in this system.

However, due to the non-recognition of this system of medicine by the Government its formal practice, research study, granting of qualifications and other related activities are not possible at present. Even though some states have allowed the practice of this system of medicine in the absence of a legal framework for its recognition it cannot make any progress. It is a time-tested system based on plants' medicinal values whose benefits have reached millions of people. It is, therefore the duty of the Government to recognize this system and help the ailing public get its benefits.

This Bill seeks to confer recognition on this important system of medicine.

Hence, this Bill.

E.M. SUDARSANA NATCHIAPPAN

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for Constitution of a Central Council. Clause 9 provides for appointment of Registrar and person for carrying out the purposes of this Act.

This Bill, therefore if enacted, will entail expenditure from the consolidated fund of India. The approximate expenditure both recurring and non-recurring may be of Rs. ten crore respectively.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill gives power to the Central Government for making rules and regulations by notification in the Official Gazette for carrying out the purposes of the Bill. The rules and regulation will relate to matters of details only.

The Delegation of legislative power is of normal character.

RAJYA SABHA

A

BILL

to provide for recognition and regulation of the education, profession and practice in
Electro Homoeopathy and for that purpose to constitute a Central Council and for
matters connected therewith and incidental thereto.

(Dr. E.M. Sudarsana Natchiappan, M.P.)