

The Board and Court of Examiners of Homoeopathic and Biochemic Systems of Medicines Rules, 1965

No. BHP. 1162-Unification - In exercise of the powers conferred by clauses (b) and (c) of sub-section (2) of section 33 of the Bombay Homoeopathic and Biochemic Practitioners' Act, 1959 (Born. XII of 1960), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules the same having been previously published as required by sub-section (1) of the said section 33, namely:-

Part I — Preliminary

1. **Short title.** - These rules may be called the Board and Court of Examiners of Homoeopathic and Biochemic Systems of Medicine Rules, 1965.
2. **Definitions.** - In these rules, unless the context otherwise requires, -
 - a) "Act" means the Bombay Homoeopathic and Biochemic Practitioners" Act, 1959;
 - b) "Presiding authority" means the President or the Chairman or any other member for the time being presiding at the meeting;
 - c) "Section" means the section of this Act.

Part II — Meetings of The Board and the Court.

3. **Ordinary meetings.** - The Board and the Court shall ordinarily meet for the transaction of business in the first week of each of the months of March and September in each year. The exact date, hour and place of such meetings decided by the President or, as the case may be, the Chairman.
4. **Extraordinary meetings.** - The President or the Chairman may, whenever he thinks fit, and shall, upon a written requisition of not less than one-third of the members of the Board or the Court, convene an extraordinary meetings of the Board or the Court, as the case may be.
5. **Notice of meetings.** -
 - 1) All meetings of the Board and the Court shall be called by the Registrar by a notice addressed and sent to each of the respective members not less than thirty clear days before the date fixed for an extraordinary meeting.
 - 2) The notice shall —
 - (i) state the date, hour and place of the proposed meeting;

- (ii) declare the purpose of the meeting i. e. whether it is general business or any (named) special business;
 - (iii) in the case of an extraordinary meeting, be accompanied by a copy of the agenda for the proposed extraordinary meeting. The agenda shall be prepared by the Registrar under the instructions of the President or, as the case may be, the Chairman.
 - (iv) In the case of inquiry under section 23, be accompanied by copies of the relevant documents and evidence.
- 3) Not less than ten clear days before the date fixed for an ordinary meeting, the Registrar shall send to the respective members a copy of the agenda for the meeting. The agenda shall be prepared by the Registrar under the instructions of the President or, as the case may be, the Chairman.
- 4) At any meeting which is convened for special business, no other business than that specified in the notice shall be transacted, unless the Board, or as the case may be, the Court, by a resolution at the meeting agrees to consider any further business.

6. Motions for insertion in agenda. –

- 1) Notice of any motion to be inserted in the agenda for an ordinary meeting of the Board or the Court shall be in writing, shall be signed by the member giving it and by another member who is willing to second the motion and shall be sent, so as to reach the Registrar not less than twenty days before the date fixed for the meeting. All such notices shall be placed by the Registrar before the President or, as the case may be, the Chairman for deciding the admissibility of the motions.
- 2) A motion shall not be admissible —
- a) if the notice thereof has not been signed by the proposer and the seconder; or
 - b) if the matter to which it relates is not within the scope of the functions of the Board or the Court, as the case may be, or
 - c) if it raises substantially the same question as a motion or amendment which has been moved and either decided or withdrawn with the leave of the Board or the Court, as the case may be, within a period of six months immediately before the date of the meeting at which it is proposed to move the new motion; or
 - d) unless it is clearly and precisely expressed and raises substantially only one definite issue; or
 - e) if it contains arguments, inferences, ironical expressions or defamatory statements.
- 3) The President or as the case may be, the Chairman shall disallow any motion which in his opinion is inadmissible under sub-rule (2);

Provided that, if a motion can be rendered admissible by an amendment the President or, as the case may be, Chairman may admit the motion in an amended form.

- 4) When the President or the Chairman disallows or amends a motion, the Registrar shall inform the member, who gave notice of the motion, of the order of disallowance or, as the case may be, of the form in which the motion has been admitted.

7. Amendments to motions. –

- 1) Any member who desires to move an amendment to any motion included in the agenda shall send to the registrar a notice in writing, of such amendment so as to reach the Registrar not less than two clear days before the date fixed for the meeting. All such notices shall be placed by the Registrar before the President or, as the case may be, the Chairman, for deciding the admissibility of the amendments.
- 2) No amendment shall be admitted by the President or the Chairman,-
 - a) if it is not relevant to, or within the scope of, the motion to which it is proposed;
 - b) if it were a substantive motion, it would have been inadmissible under sub-rule (2) of rule 6;
 - c) if it has merely the effect of a negative vote; or
 - d) if, in the opinion of the President or the Chairman, it is frivolous.
- 3) After an amendment has been admitted, the Registrar shall cause a copy of such amendment to be made available for the use of every member at the meetings.

Part III - Conduct of Business At Meetings

8. Discretionary power of presiding authority to allow motions or amendments without notice.- Notwithstanding anything contained in rules 6 and 7, the presiding authority may in his discretion allow any member to move at a meeting —

- a) any motion which in the opinion of the presiding authority is of an urgent nature, and of which no notice has been given or the notice given has not reached the Registrar in time for inclusion in the agenda under rule 6;
- b) any amendment to a motion which in the opinion of the presiding authority is of an urgent nature and of which no notice has been given or the notice given was received so late that the Registrar was unable to make available to the member copies of the amendment;

Provided that such motion or amendment is not inadmissible under sub-rule (2) of rule 6 or sub-rule (2) of rule 7, as the case may be.

9. Manner of taking votes. –

- 1) Every matter to be determined by the Board or the Court shall be determined on a motion moved at the meeting of the Board or, as the case may be the Court by a member and put to the Board or, as the case may be, the Court by the presiding authority.
- 2) Votes shall be taken by voices, show of hands or division as the presiding authority may direct;

Provided that, votes shall be taken by division or by ballot, if any, member so desires.

- 3) The presiding authority shall determine the method of taking votes by division.
- 4) The result of the votes shall be announced by the presiding authority.

10. Motions identical in purport.-

- 1) When motions identical in purport stand in the names of two or more members they shall be arranged by the Registrar in the order in which the notices in respect of such motions under subrule (1) of rule 6 were received by him, and the member whose notices stands first in the order of priority shall be called upon to move his motion. If such member moves his motion other motion or motion identical in purport shall not be moved.
- 2) When any member so called upon to move his motion is absent, or does not wish to move the same, his motion shall be deemed to have been withdrawn and the member whose name appears next in the order of priority, shall be called upon to move his motion and the same procedure shall be followed, if necessary, till the last member in the order of priority is called upon to move his motion.

11. Motion shall be seconded. – Every motion shall be seconded and, if not seconded, shall be deemed to have been withdrawn.

12. Amendments to motions shall be seconded. – After a motion is moved and seconded, amendments, if any, to the motion admitted under rule 7 or allowed under rule 8 may be moved in their serial order. Every amendment shall be seconded and if not seconded, shall be deemed to have been withdrawn.

13. Withdrawal of motion or amendment. – A member who has moved a motion or an amendment to a motion may withdraw the same by leave of the Board or the Court, as the case may be:

Provided that, such motion or amendment shall not be allowed to be withdrawn, if any, other member objects to the withdrawal thereof.

14. Adjournment of business and closure. –

- 1) When any motion of amendment. is under debate, no proposal with reference thereto shall be made other than-
 - a) an amendment of the motion or of the amendment, as the case may be;
 - b) a proposal for the adjournment of the debate on the motion or amendment or both either to a specified time or sine die;
 - c) a motion for the closure, namely, a motion that the question be now put.
- 2) Unless the presiding authority is of opinion, that a proposal of the nature referred to in clause (b) of sub-rule (1) is such as, if allowed to be moved will infringe the right of a reasonable debate or is made for the purpose of securing the adjournment of the meeting, he shall, without further debate, put it to the Board or the Court, as the case may be.
- 3) Unless the presiding authority is of opinion that a motion for the closure is an abuse of the right of reasonable debate, he shall forthwith put a motion that the question be now put and if that motion is carried, the substantive motion or amendment under debate shall be put forthwith:

Provided that, the presiding authority shall allow the mover of the substantive motion to exercise his right of reply before the substantive motion under debate is put.

15. Right of speech and reply and duration of speech. –

- 1) When a motion has been moved and seconded, members other than the mover and seconder may speak on the motion in such order as the presiding authority may direct:

Provided that, the seconder may, with the permission of the presiding authority confine himself to seconding the motion and speak thereon at any subsequent stage of the debate before the final reply.

- 2) No member, other than the mover who shall be entitled to a final right of reply, shall speak more than once on any motion except with the permission of the presiding authority, and for the purpose of making an explanation or putting a question to the member addressing the Board, or the Court:

Provided that, a member who has spoken on a motion may speak again on an amendment subsequently moved to the motion.

- 3) No member shall, save with the permission of the presiding authority, speak for more than ten minutes:

Provided that, the mover of a motion when moving the same may speak for twenty minutes.

- 4) A speech shall be strictly relevant and confined to the subjectmatter of the motion on which it is made.

16. Member to rise and then speak. –

- 1) A member desiring to make any observations on any matter before the Board or the Court shall rise in his seat, and, if called upon by the presiding authority address his remarks to that authority. If he is not called upon by that authority, he shall resume his seat:

Provided that, a member disabled by sickness or infirmity may be permitted to address the meeting sitting.

- 2) If at any time the presiding authority rises, any member speaking shall immediately resume his seat.

17. Limitations on speech. – No member shall be heard except upon the business before the Board or the Court or with the special permission of the presiding authority in personal explanation in connection with some previous debate.

18. Putting the question, order of amendments and motion. –

- 1) When a motion has been moved and seconded, or when two or more such amendments are moved, the presiding authority shall, before taking the sense of the Board or the Court thereon, state or read to the Board or, as the case may be, the Court, the terms of the original motion and the amendment or amendments proposed.
- 2) The presiding authority shall first put to vote the amendment or amendments, if any, to a motion in such order as it deems fit and then the motion in its original form if no amendment thereto is carried and in an amended form, if any amendment or amendments thereto are carried.

19. Division of motion. – When any motion involving several points has been discussed, it shall be in the discretion of the presiding officer authority to divide the motion and put each or any point separately to the vote as he may think fit.

20. Adjournment of the meeting. –

- 1) The presiding authority may, at any time for reasons to be recorded in writing, adjourn the meeting to any future day or to any hour of the same day.
- 2) Whenever a meeting is adjourned to a future day, the Registrar shall, if possible, send notice of the adjournment to every member who was not present at such meeting.
- 3) When a meeting has been adjourned to a future day, the President or the Chairman may change such day to any other day, and the Registrar shall send written notice of the change to each member.
- 4) At a meeting adjourned to a future day any motion standing over from the previous day shall unless the President or, as the case may be, the Chairman, otherwise directs, take precedence over new matter.

21. Points of order. –

- 1) The presiding authority shall decide all points of order which may arise and his decision shall be final.
- 2) No discussion on any point of order shall be allowed, except with the consent of the presiding authority.

22. Circulation of proposition in lieu of meeting. – The President or as the case may be, the Chairman, if he is of the opinion that the proposition is of a non-controversial nature or a decision thereon, is required to be taken immediately and the time available is too short even for calling an extraordinary meeting, may instead of convening a meeting, circulate by hand delivery or by registered post, a written proposition with the reasons for such propositions for the observations and votes of the members of the Board or, as the case may be, the Court. The President, or as the case may be, the Chairman, shall in the written proposition, also record his reasons, why the proposition has been circulated, and a meeting has not been convened.

Part IV — Minutes

23. Minutes of meeting. –

- 1) All meetings of Board and the Court shall be attended by the Registrar who shall maintain the minutes of all the proceedings of the meetings of the Board and the Court. The minutes shall be authenticated, after confirmation, by the signature of the presiding authority.

2) The minutes of each meeting shall contain such motions and amendments as have been moved and adopted, or negatived with the names of the mover and the seconder, but without any observation made by any member at the meeting.

24. Copies minutes to be sent to members. – A copy of the minutes of each meeting of the Board and the Court shall be sent by Registrar to each member of the Board and the Court as the case may be, within sixty days of the meeting and a copy of the minutes shall also be sent to the State Government.

25. Confirmation of minutes of meeting. – The minutes of a meeting shall be placed for confirmation in the next succeeding meeting of the Board, or as the case may be, the Court.

26. Volumes of minutes of meeting. – The minutes of the meetings of the Board and the Court shall, as soon as is practicable after their confirmation, be made up in sheets and consequently paged for insertion in separate volumes, which shall be permanently preserved.

Part V — Fees For Attending Meeting And Travelling Allowances

27. Fees for attendance at meeting. –

1) Every member of the Board or the Court (including the President or the Chairman) shall be entitled to a fee of rupees fifteen for each day of attendance at the meeting of the Board or the Court or a sub-committee appointed under sub-section (9) of section 20.

2) Every member of the appellate authority constituted under subsection (10) of section 20 shall also be entitled to a fee of rupees fifteen for each day of attendance at the meeting of such authority.

3) A member (including the President or the Chairman) who, on the same day, attend meetings of any two or more of the bodies referred to in sub-rule (1) or (2) shall be entitled to separate fees for attendance at all such meeting.

28. Travelling allowance for attending meeting. – There shall be paid to the members of the Board and the Court (including the President and Chairman) and the members of the appellate authority (including the Chairman) traveling allowances for journeys undertaken for attending the meetings of the Board, the Court, the subcommittee or, as the case may be, the appellate authority, referred to in the last preceding rule, as follows:-

(i) Members who are Government servants may draw the traveling and halting allowances which they may be entitled for traveling on official duties according to their grades under the Bombay Civil Services Rules, 1959.

- (ii) Non-official members shall draw traveling allowance according to rule 1 (1) (b) in section I of Appendix XLI1-A to the Bombay Civil Services Rules, 1959.

29. Travelling Allowance to President or Chairman. – Where the President or the Chairman, ordinarily resides outside Greater- Bombay and is required by the Board or the Court of Examiners, as the case may be, to attend an administrative work at the office of the Board or the Court of Examiners, as the case may be, in Greater Bombay, he shall be paid traveling expenses in connection with any journey so undertaken in accordance with clause (ii) of rule 28;

@ [* * * * *]

@ Deleted by Notification No. BHP. 1163/42992-Unification-I, dated 2-5-1968.

* * * * *

BOMBAY HIGH COURT JUDGES' LIBRARY