

**THE CENTRAL PROVINCES AND BERAR REGULATION OF  
COUCHING ACT, 1944.**

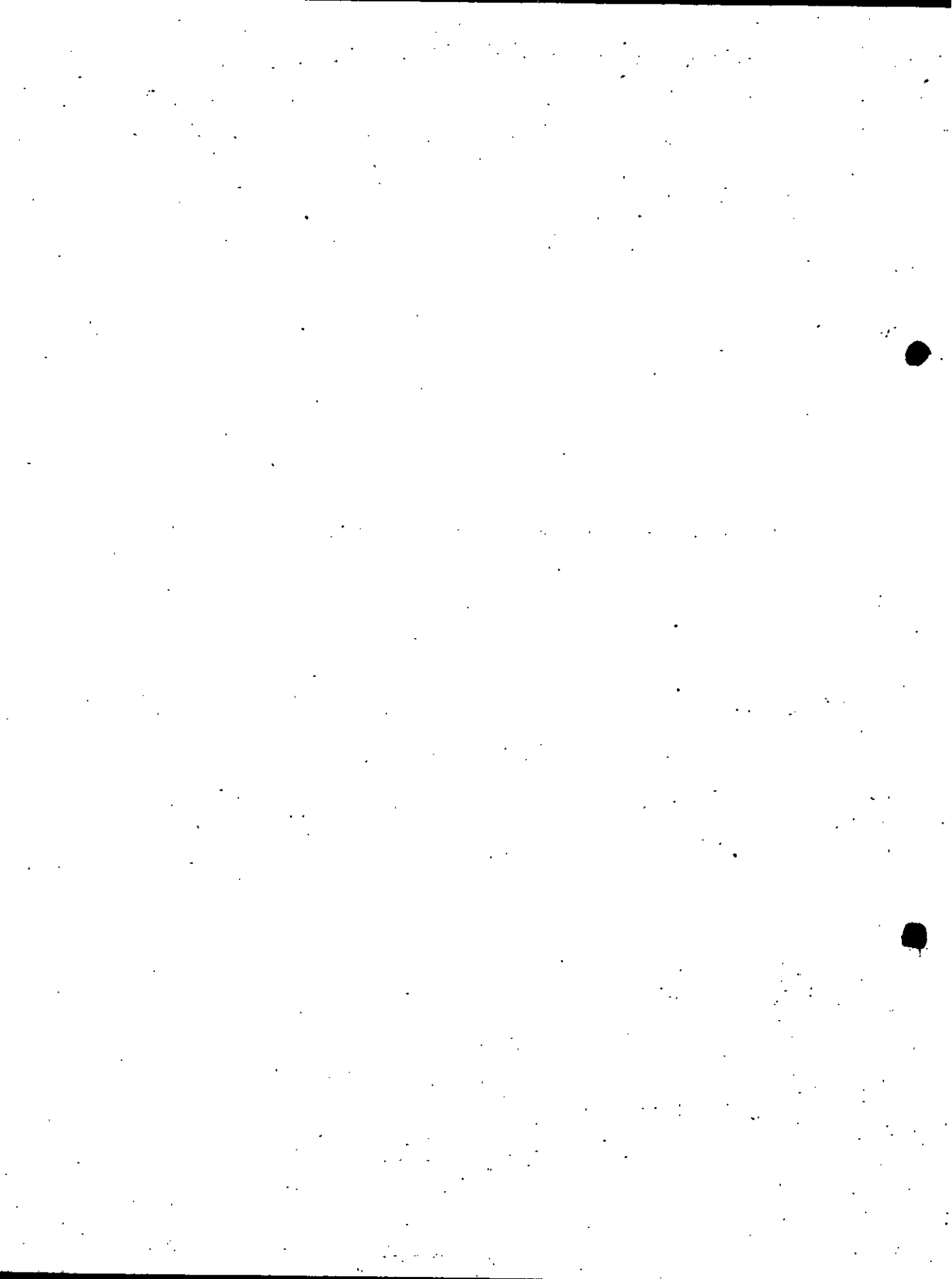
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**CENTRAL PROVINCES AND BERAR ACT No. II OF 1944<sup>1†</sup>**

**[THE CENTRAL PROVINCES AND BERAR REGULATION OF  
COUCHING ACT, 1944].§**

Received the assent of the Governor on the 26th March 1944 ; assent first published in the *Central Provinces and Berar Gazette* on the 31st March 1944.]

Amended by Mah. 10 of 1963.

**An Act to prevent couching by unqualified persons:**

WHEREAS it is expedient to prevent couching by unqualified persons ; Preamble.

¶[It is hereby enacted as follows :—]

1. ¶[(1)] This Act may be cited as the Central Provinces and Berar Regulation Short title  
'and extent].  
of Couching Act, 1944.

¶(2) It extends to the whole of ¶[the State of Maharashtra.]

2. In this Act, the expression "registered practitioner" ¶[means a person Meaning of  
registered  
practitioner.  
registered under—

- (a) the Bombay Medical Act, 1912 ;
- (b) the Central Provinces and Berar Medical Registration Act, 1916 ;
- (c) the Medical Registration Act (of 1348 Faslī) ;
- (d) the Indian Medical Council Act, 1956 ; or
- (e) any other law for the time being in force in the State, which regulates the registration and practice of practitioners, and who possesses such qualifications for the practice of surgery as the State Government may, for the purposes of this Act by notification in the *Official Gazette*, recognise.]

Rom.  
VI of  
1912.  
D. P.  
and  
Berar  
I of  
1916.  
Hyd. I  
of 1348  
Faslī.  
CII of  
1956.

3. ¶[Notwithstanding anything contained in any other law, whoever, not being a registered practitioner, or not possessing qualifications entitling him to be a registered practitioner,] couches or attempts to couch or agrees or offers by physical means or interference with the eye to give vision to a person suffering from cataract, with or without that person's consent, shall, on conviction, be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to one thousand rupees or with both. Penalty for  
unlawful  
couching.

<sup>1</sup> For Statement of Objects and Reasons, see *Central Provinces and Berar Gazette*, dated the 2nd April 1943, Part II, page 8.

<sup>†</sup> The whole Act has been continued after 26th April 1948, vide provisions of Central Provinces and Berar Act XLVIII of 1947, s. 2(1).

§ This Act was extended to, and shall be in force in the whole of the State of Maharashtra (vide s. 2 of Mah. 10 of 1963).

<sup>2</sup> These words were substituted for the portion beginning with the words "And whereas" and ending with the words "the following Act :—" by Mah. 10 of 1963, s. 3.

<sup>3</sup> Section 1 was renumbered as sub-section (1) and sub-section (2) was inserted by the Bombay (Vidarbha Region) Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

<sup>4</sup> These words were substituted for the words "the Vidarbha Region" by Mah. 10 of 1963, s. 4(a).

<sup>5</sup> These words were inserted, *ibid.*, s. 4(b)

<sup>6</sup> This portion was substituted for the portion beginning with the words "shall have" and ending with the word and figures "Act, 1916," *ibid.*, s. 5.

<sup>7</sup> This portion was substituted for the portion beginning with the words "Whoever" and ending with the word and figures "Act, 1916," *ibid.*, s. 6.

Penalty for  
abatement of  
offence.

4. Whoever abets the commission of an offence under this Act shall, on conviction, be punishable with the punishment provided for the offence in section 3.

Offence to be  
cognizable,  
bailable and  
compound-  
able.

5. Notwithstanding anything contained in the Code of Criminal Procedure, v of 1898, an offence punishable under this Act shall be cognizable and bailable and may 1898. be compounded with the permission of the Court.

Jurisdiction  
of  
Magistrates.

6. (1) No Magistrate having powers inferior <sup>1</sup>[to that of a Presidency Magistrate or a Magistrate of the first class] shall try any offence punishable under this Act.

Cognizance  
of offences.

(2) A Magistrate may take cognizance of an offence under this Act—

(a) on a report of a police officer ;

(b) on information of any other person ;

(c) upon his own knowledge or suspicion that such offence has been committed :

Provided that no cognizance shall be taken where the offence alleged was committed more than six months previously.

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<sup>1</sup> These words were substituted for the words " to that of the second class " by Mah. 10 of 1963, s. 7.