

[Authoritative English Text of this Department notification No. HFW-B (A)2 2/2001-IV, dated 4-1-2012 required under clause (3) of article 348 of the Constitution of India]

GOVERNMENT OF HIMACHAL PRADESH
HEALTH AND FAMILY WELFARE DEPARTMENT

NOTIFICATION

Whereas the draft rules titled as the Himachal Pradesh Medical Council (General) rules, 00 were published in the Rajpatra, Himachal Pradesh (Extra-Ordinary) on 19-9-2007. Vide notification of even number dated 16-8-2007. For inviting objections and suggestions from person likely to be affected thereby as required under section-31 of the Himachal Pradesh Medical Council. Act, 2003, within a period of 30 days from the date of publications

And, whereas no objection/suggestion has been received in this behalf from the general Public during the stipulated period;

Now, therefore, in exercise of the powers conferred by section-31 of the Himachal Pradesh Medical Council Act, 2003, the Governor of Himachal Pradesh is pleased to make the following rules, namely:-

DRAFT RULES

PART-I

PRELIMINARY

1. **Short title**-These rules may be called the Himachal Pradesh Medical Council (General) Rules, 2011.
2. **Definitions.**-(1) In these rules, unless there is anything repugnant in the subject or Context;-
 - (a) "Act means the Himachal Pradesh Medical Council Act, 2003 (Act No. 16 of 2003);
 - (b) "Appendix" means an appendix appended to these rules;
 - (c) Complainant means any person who makes a complaint under the Act;
 - (d) "Complaint" means any allegation in writing made by a complainant addressed to the Registrar or President regarding any disqualification incurred by a medical practitioner under section 7;
 - (e)"Form means a Form appended to these rules;
 - (f) "Person" shall include any Company or body corporate or association or body individuals; whether incorporated or not or artificial juridical person,

(g) "Prescribed Fees" means the fees prescribed by the State Govt. under the Himachal Pradesh Medical Council (Fee) Rules, 2011 or under any other provisions of the Act;

(h) "section means a section of the Act; and

(i) "State Government" means the Government of Himachal Pradesh.

(2) All other words and expressions used herein but not defined in these Rules shall have the meanings respectively as assigned to them in the Act.

PART-II

HEADQUARTER, CORPORATE SEAL APPOINTMENT OF MEMBERS AND CONDUCT OF BUSINESS OF THE COUNCIL

3. Headquarter.-The office of the Council shall situate in India Gandhi Medical College and Hospital at Shimla, or at such other place as the Government may fix.

4. Corporate Seal.- (1) The Common seal of the Council shall be kept in a box having Two different locks and the key of one lock shall be in the custody of the President and the key of the other lock in the custody of the Registrar.

(2) The seal shall be affixed on each registration certificate which is issued under these rules and on such other documents as the Council, or when, the Council is not sitting the Executive Committee, may direct, but its use by the said Committee shall be limited to such acts as may be, necessary to carry into effect the power delegated to it by the Council.

5. Register of members.- A book in Form-I shall be kept, containing the names of the members of the Council, the electorates they represent, the date of appointment of each member, the terms for which he was elected /nominated and the dates of death, resignation or retirement of each member, and Such book shall be regularly kept up so as to show the period at which each of the bodies that has power to appoint may proceed to make a new appointment and the same particulars shall be kept with regard to members appointed by the State Government.

6. Calling of meetings.- (1) The Council shall meet, at least twice in a calendar year, on Such date, time and place as may be fixed by the President:

Provided that the President—

(a) may call a special meeting at any time on ten days' clear notice to deal with any urgent business requiring the attention of the Council; and

(b) shall call a special meeting on fifteen days notice, if he receives a notice in writing signed by not less than 1/3 members and stating the purposes of the meeting and the business which Council is required to transact under the provisions of the Act.

(2) At the special meeting called by the President only the business for which the meeting has been called shall be transacted, unless the Council by a resolution to transact any other business.

7. Notice for calling the meeting.- (1) All the members shall be given thirty clear days' Notice for ordinary meeting and fifteen days' notice for a special meeting by the Registrar. Every notice shall specify the date, time, place and agenda of the meeting and it shall also be posted at the Office of the Council.

(2) A member, who wishes to move any motion for including any business For Transaction not included in agenda, shall give notice thereof to the Registrar not less than twenty clear days before the date fixed for the meeting.

(3) The Registrar shall not less than ten clear days before the date fixed for a special meeting, with the notice of meeting issue a complete agenda paper showing the business to be transacted in the said meeting.

(4) A member who wishes to move an amendment to any item included in the agenda shall give notice to the Registrar not less than three clear days before the dated fixed for the meeting.

(5) The Registrar shall, if the time permits cause a list of all the amendments in respect of which notice has been given under sub-rule (5) to be made available for the use of every member:

(6) The President and the Registrar shall discuss and decide whether or not, to include Such notice/motion in the agenda and where such notice/motion is disallowed, the reason for doing so shall also be communicated to the member sending the notice/motion.

8. Non-admissibility of motion.-(1) A motion shall not be admissible –

(a) if the matter to which it relates is not within the scope of the functions of the Council;

(b) if not raised substantially, the same question as a motion or amendment which has been moved or withdrawn with the leave of the Council within one year of the date of the meeting at which it is designed to be moved:

Provided that such a motion may be admitted at a special meeting of the Council convened for the purpose on the requisition of not less than two-thirds of the members of the Council:

Provided further that nothing in these rules shall prohibit further discussion O any matter referred to the Council by the State Government in exercise of any 01 functions under the Act.

(c) Unless it is clearly and precisely expressed and raises substantially one definite issue; and

(d) if it contains inferences, ironical expressions or defamatory statements.

(2) The President may disallow any motion which in his opinion is inadmissible under sub-rule (1):

Provided that if the motion can be rendered admissible by amendment, the President may admit it in an amended form

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

9. Attendance at the meeting.- At each meeting, an attendance register shall be in the meeting room and every member present shall sign against his name in the register.

10. President and the quorum of the meeting.- (1) Every meeting of the Council shall be presided over by the President or if he is absent by the Vice-President or, if both President and a Vice-President are absent by a presiding officer to be elected by the members from amongst themselves.

(2) All the references referred to the President shall be read as referring to the person 10r the time being presiding over the meeting.

(3) Eight members of the Council including the President, present in the meeting shall constitute a quorum-

Provided that in case of a meeting adjourned for want of quorum, no quorum shall be required in the next meeting to be convened on the same issue.

11. Adjournment of meeting for want of quorum.-If, at the time appointed for a Meeting a quorum is not present, meeting shall not commence until a quorum is present and if quorum is not present on the expiration of 30 minutes from the time appointed for the meeting or during the course of any meeting, the meeting shall stand adjourned to such future time and date as the President may appoint.

12. Decision by voting.- (1) Every matter to be discussed and decided by the Council in the meeting shall be moved by a member in the shape of a motion and the President shall put it to the Council for voting.

(2) Votes shall be taken by show of hands or by division or by ballot, as the President may direct

Provided that votes shall be taken by ballot if three or more members so desire and ask for It:

Provided further that if voting has been by show of hands, a division shall be taken if a Member asks for it.

(3) The President shall determine the methods of taking votes by division.

(4) The result of the vote shall be announced by the President and shall not be liable to be challenged by any member.

(5) In the event of equality of votes the President shall have a second or a casting vote.

(6) During the meeting, the President may, at any time, make any objection or suggestion or give information to elucidate any point to help the members in the discussion.

13. Minutes of the Council.- (1) The proceedings of the meetings for the Council shall be preserved by the Registrar on a file, in the form of typed/printed minutes which shall be authenticated, after confirmation, by the President.

Copies of the minutes of each meeting shall be submitted to the President by the Registrar within fifteen days of the meeting and attested by him and a copy each shall be sent to each member within thirty days of the meeting by the Registrar.

(3) The minutes of the 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 Record of observations made by any member at the meeting

(4) If any objection regarding the correctness of the minutes is received within thirty days of the dispatch of minutes by the Registrar, such objections together with the minutes as recorded and attested shall be put before the next meeting of the Council for confirmation. At this meeting no question shall be raised except as to the correctness of the minutes of the meeting:

Provided that if no objection regarding a decision taken by the Council at a meeting is received within thirty days from the date of dispatch by the Registrar, in relation to the minutes of the particular meeting such decision may, if expedient be put into effect before the confirmation of the minutes at the next meeting

Provided further that the President may direct that action be taken on a decision of the Council before the expiry of the period of thirty days.

(5) The minutes of the council shall as soon as practicable after their confirmation be made up in sheets and consecutively pagged for insertion in the volume which shall be permanently preserved

(6) A report shall be kept of the observations and that of the discussions at the meeting of the Council in an accurate manner for the use of the members of the Council. The detailed proceedings of the meeting shall be treated as Confidential', and be kept in the office and shall be open to members for inspection. A copy of the proceedings in whole or in part shall be supplied to any member who applies for it. Such copy shall be marked 'Confidential' and be supplied on the payment of a sum fixed by the President which shall not exceed the cost of copying. No copy of proceedings held in camera shall be supplied, but such proceedings can be inspected by the members.

PART-III

POWERS AND DUTIES OF THE PRESIDENT AND VICE-PRESIDENT

14. Powers and duties of the President.- The President shall exercise such powers and perform such duties as are contained in the provisions of the Act, rules and standing orders of the Council. He shall do such acts as he considers necessary in the furtherance of the objects for which The Council is established.

15. Powers and duties of the Vice-President.- If the office of the President is vacant or the President for any reasons is unable to exercise the powers or perform the duties of his office the Vice-President shall act in his place and shall exercise the powers and perform the duties of the President.

PART-IV

EXECUTIVE COMMITTEE

16. Constitution of the Executive Committee.- (1) The Executive Committee shall consist of the President ex-officio member and four members elected by the Council in its first Meeting from amongst themselves as under:

- (a) One member to be elected from amongst members nominated under clause (a) of sub-section (3) of section 3 of the Act;
- (b) One member to be elected from amongst members elected under clause (b) of sub-section (3) of section 3 of the Act;
- (c) One member to be elected from amongst members elected under clause (c) of sub-section (3) of section 3 of the Act, and
- (d) One member to be elected from amongst the ex-officio members under clauses (d),(e)and (f) of sub-section (3) of section 3 of the Act.

(2) The President of the Council shall be the ex-officio Chairman of the Executive Committee

The Registrar shall be the Secretary of the Executive Committee.

17. Term of members of Executive Committee and manner of filling up of casual vacancies.- (1). The term of the members of the Executive Committee shall be co-terminus with their membership in the Council.

(2) A casual vacancy in the office of the Chairman or member of the Committee shall be filled up by election:

Provided that such vacancy in the office of an elected member occurring within six months prior to the date of which the term of the office of all the members is to expire, shall not be filled.

18. Quorum.- Three members of the Executive Committee, including the President shall form a quorum.

19. Functions.-(1) The Executive Committee shall have powers to discharge the functions of the Council within the frame work of the Act and the rules in accordance with the general policy and principles laid down by the Council.

(2) In particular, and without prejudice to the generality of the foregoing powers, the Executive Committee shall exercise the following powers, duties and functions namely:

- (a) Superintendence of the publication or the Himachal Pradesh State Medical Registrar, which shall be prepared by the Registrar;
- (b) Drafting of business (other than motions and amendments notified by the members) and submit recommendations thereon;

- (c) Obtaining from medical practitioners such information as may be necessary to facilitate the requirements of the Act;
- (d) Consider and prepare report upon any objections that may seem to require the attention of the Council;
- (e) Examining and reporting on the petitions presented to the Council and referred to the Executive Committee.
- (f) Grant leave to the Registrar under sub-section (2) of section 14 of the Act;
- (g) Consider the reports/recommendations made by the Disciplinary Committee constituted under section 21 of the Act;
- (h) consideration the complaints against registered medical practitioner's for breach of the professional conduct and submit its report thereon to the Council; and
- (i) Reporting to the Council on all applications for registration which are not covered under the schedule of the Himachal Pradesh Medical Council:-

20. Meetings of the Executive Committee. - (1) The Executive Committee shall meet on Such date, time and place as may be fixed by the President. The President may however if he thinks fit, upon a written requisition by not less than three members, call an extraordinary meeting of the Executive Committee on short notice.

- (2) The President and the Registrar shall discuss and decide the agenda of the Meeting.

21. Notice of the meeting.-The Registrar shall give to all members of the Executive Committee seven clear days' notice in the case of an ordinary meeting and three clear days' notice in the case of an extraordinary meeting specifying therein the place, date and time of the meeting and also stating whether the meeting is an ordinary meeting or a special meeting and the business to be transacted therein

22. Attendance at the meeting.-At each meeting an attendance register shall be placed in the meeting room and every member present shall sign against his name in the register.

23. Business to be transacted at the meeting.- (1) Every meeting or the Executive Committee shall be presided over by the President and if he is absent presiding officer of the meeting shall be elected by the members from amongst themselves.

- (2) In the ordinary or extraordinary meeting no business other than that specified in the Notice calling such meeting shall be transacted:

Provided that the presiding officer may permit any business to be discussed which is of Urgent nature and which was not entered in the notice of the meeting.

- (3) All questions at a meeting of the Executive Committee shall be decided by a majority Of the members present and in the event of an equality of votes the presiding officer shall have second or casting vote.

24. Decisions by Circulation.- (1) When the matter is so urgent that its decision cannot awaited till the holding of the next meeting of the Executive Committee, the same shall be decided by circulating it to all the members of the Executive Committee.

(2) When the matter is so urgent that even reference to the members of the Executive Committee by circulation shall defeat its object, the President may exercise the powers of the Council:

Provided that in such cases the action taken by the President shall be required to be ratified by the Executive Committee at its next meeting.

25. Participation of a member other than a member of the Executive Committee.- The President may invite a member of the Council, not being a member of the Executive Committee to attend any meeting of the Executive Committee for any particular item of the agenda, Any member so invited shall be free to participate in the discussion, relating to that item but shall have no right to vote.

26. Minutes of meetings.- (1) A copy of the minutes of each meeting shall be drafted by The Registrar and submitted to the President within ten days from the date on which the meeting was held for his countersignatures after which these shall be sent to each member of the Executive Committee within twenty days from the date on which meeting was held. In case no corrections/suggestions are received from the members within fifteen days from the date of despatch of the minutes of the meeting by the Registrar, the decision recorded therein shall be given effect to.

(2) The minutes shall be sent to the members of the Council after confirmation by the Executive Committee at the next meeting.

Provided that the President, may, if necessary, direct that the action be taken on a decision of the Executive Committee before the expiry of the said period of fifteen days mentioned above

PART-V

TRAVELLING AND OTHER ALLOWANCES ADMISSIBLE TO MEMBERS OF THE COUNCIL AND THE EXECUTIVE COMMITTEE

27. Travelling and other allowances to members of the Council and the Executive Committee.-

(1) For attending the meeting of the Council or the Executive Committee, the official members shall be paid travelling allowance /daily allowances in accordance with the Provisions of the rules as are applicable to them.

(2) Non-official members of the Council shall be allowed travelling allowance as admissible to the highest Grade-I Officers of the State Government.

(3) All non-official members of the Council and the Executive Committee shall be entitled to get a fee of Rs. 500/- (rupees five hundred) only per day for attending a meeting of the Council or the Executive Committee which shall be paid in addition to the travelling allowance as admissible to them under sub-rule (2) of this rule.

PART-VI

INQUIRIES

PROCEDURE TO BE FOLLOWED IN INQUIRIES

28. Complaints to be addressed to the Registrar.-A complaint by a person or body charging the registered practitioner with an infamous conduct in professional respect shall be made in writing addressed to the Registrar which shall state the grounds of complaint and be accompanied by one or more declarations as to the facts of the case.

29 Contents of declaration.- (1) Every declaration shall state the description and true place of abode of the declarant and where a fact stated in declaration is not with personal Knowledge of the declarant, the source of information and grounds for the belief of the declarant and its truth shall be accurately and fully stated.

(2) The declarations which are made in contravention of this rule shall not be accepted as evidence.

30. Suspension of registration of mentally or physically disabled person.- (1) If at any Time it is made to appear by an affidavit that a person registered under the Act, has become mentally or physically disabled to the extent that the continued practising of such person is contrary to the public welfare, the Executive Committee may hold inquiry into the facts submitted and may order the suspension of the registered medical practitioner for a specified period from carrying on his profession or practice in medicine.

(2) The registration of a person who seeks retirement from the service on medical grounds shall be temporarily cancelled for a period of three years:

Provided that he/she may be registered again after a period of three years if declared fit for

Practice by the Council.

31. Guilty conduct person has applied for registration or when registration has Already been rejected.- Whenever information is received by the Registrar that a medical practitioner, who is an applicant for registration or whose name has already been rejected for registration, has been guilty of conduct which prima-facie constitutes infamous conduct in professional respect, the Registrar shall make abstract of such information under intimation to the President.

32. Conviction for a cognizable offence.- Whenever information reaches the office of the Council that a registered practitioner has been charged with a cognizable offence or has been under the censure of any judicial or other competent authority in relation to his professional character or has been guilty of conduct which prima-face constitutes infamous conduct in a professional respect, the Registrar shall make an abstract or information and shall submit the same to the President.

33. Penalty /removals from the register. - Every person registered under the Act who has been found after inquiry by the Executive Committee to have been guilty of improper conduct which when regard is had to such person, profession or calling it improper shall be liable to one O the following penalties:-

- (a) Caution or reprimand or a reprimand and caution

(b) Suspension for a specified period from practising in modern scientific system of medicine performing acts in relation thereto;

(c) Deletion of his name from the register.

34. Action on the abstract/complaint. - (1) Where a complaint has been lodged, the abstract of the complaint and all other documents having bearing on the case shall be submitted by the Registrar to the President who shall if he thinks fit instruct the Registrar to ask the registered practitioner by means of a registered letter for any explanation which he may wish to offer.

(2) The documents including any explanation forwarded by the charged practitioner to the Registrar shall then be referred to the Executive Committee which shall consider the same and shall have power to cause further investigation to be made and further evidence to be taken and to take legal advice if necessary.

(3) If the Executive Committee is of the opinion that a prima-facie case is not made out, the matter shall not be proceeded further and the Registrar shall inform the complainant of the resolution of the Executive Committee.

(4) If the Executive Committee is of the opinion that the circumstances suggest for issuing a letter of warning to the charged practitioner, it shall send its findings to the Council, and in either case if the Executive Committee is of the opinion that the case is one in which an inquiry is ought to be held, the President shall direct the Registrar to take steps for the institution of an inquiry and for having the case heard and determined by the Executive Committee.

(5) The decision on complaint against the delinquent registered practitioner shall be taken within a time limit of six months.

35. Notice of Inquiry by the Executive Committee. - (1) Any inquiry to be conducted under sub-section (1) of section 22 of the Act shall be initiated by issuing a notice in writing on behalf of the Executive Committee by the Secretary of the Executive Committee addressed to the charged registered practitioner.

(2) The notice issued under sub-rule (1) above shall specify the nature and particulars of the charge and shall inform the charged practitioner of the day on which the Executive Committee intends to deal with his case and shall call upon him to answer the charge in writing and to attend before the Executive Committee on the said day.

(3) The notice shall be in Form-1I with such variations as circumstances may require and shall be sent three weeks before the date of inquiry.

36. Supply of documents to charged registered practitioner.- (1) In every case in which the Executive Committee resolves that an inquiry is required to be instituted and a notice for an inquiry is issued accordingly, the complainant if any, and the charged registered practitioner shall for the purpose of his defence or replies, as the case may be, and upon request in writing for that purpose signed by himself be entitled to be supplied by the Registrar with a copy of any declaration, explanation or answer or other document given or sent to the Executive Committee for or on behalf of the other party, which such other party may be entitled on proper proof to use at the hearing or evidence in support of or in answer to the charge specified in the notice of inquiry.

(2) Any answer, evidence or statement forwarded or application made by the charged registered practitioner between the date of issue of the notice and the day fixed for the hearing of the charge shall be dealt with by the Chairman of the Executive Committee in such manner as he himself, or under legal advice, thinks, fit.

(3) All material documents which are to be laid before the Executive Committee as evidence with regard to the case shall be typed and a copy thereof be furnished to each of the parties before hearing of the case.

37. Procedure where complainant appears. -Where the complainant appears personally or through his representative other than a legal practitioner, the following procedure shall be followed:-

- a) The Registrar as the Secretary of the Executive Committee shall Read to the Executive Committee the notice of the inquiry addressed to the charged registered practitioner.
- b) The complainant shall be invited to state his case by himself or through his representative and to produce his proof in support of the same. At the conclusion of the complainant's proof his case shall be closed.
- c) The charged registered practitioner shall then be invited to state his case by himself or through his representative and to produce the proof in support of the same. He may speak before the Executive Committee about his case either before or at the conclusion of his proof but only once.
- d) At the conclusion of the charged registered practitioner's case the Executive Committee shall, if the said charged registered practitioner has produced evidence, bear the complainant in reply on the case generally but shall hear no further evidence except in any special case in which the Executive Committee thinks fit to produce such further evidence. If the charged registered practitioner produces no evidence the complainant shall not be heard in reply, except by special leave of the Executive Committee.
- e) Where a witness is produced by any party before the Executive Committee he shall be first examined by the party producing him and then cross examined by the opposite party and then re-examined by the party producing him. The Executive Committee reserves to itself the right to decline to admit in evidence any declaration where the declarant is not present or he declines to submit to cross examination.
- f) The President as the ex-officio Chairman of the Executive Committee and the members of the Executive Committee through him may also put question to any witness or party.

38. Procedure where complainant does not appear.- Where there is no complainant or no complainant appears the following procedure shall be followed:-

- a) The Registrar as the Secretary of the Executive Committee shall read to the Executive Committee the notice of inquiry addressed to the charged registered practitioner and shall state the facts of the case and produce before the said Committee evidence by which the same is supported,

- b) The charged registered practitioner shall then be invited to state his case by himself or through his representative and to produce proof in support of the same. He may speak before the Executive Committee either before or at the conclusion of his proof but only Once.

39. Inclusion of deliberations.-Upon the conclusion of the hearing on the case the Executive Committee shall deliberate thereon in private and at the conclusion of the deliberations, the President as the ex-officio Chairman of the Executive Committee shall for the purpose of summing up the deliberations call upon the Executive Committee to vote on the following resolutions to be put from the Chair as may be applicable to the circumstances of the case:

- (1) In the case of charged registered practitioner who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1973 alleged against him:-
“That.....has proved to have been convicted of cognizable offence as defined in the Code of Criminal Procedure, 1973 as alleged against him in the notice of inquiry”.
- (2) In the case of a registered practitioner charged with infamous conduct professional respect:-
 - (a) “That the Executive Committee does now proceed to decide the charges alleged against..... In the notice of inquiry and the same have been proved or have not been proved”.

If this resolution is not carried, further hearing of the case shall stand adjourned till the next or some other future meeting of the Executive Committee, as the Executive Committee shall direct, and the hearing thereof shall be taken at such next future meeting as an adjourned case.

If the said resolution is carried, the Executive shall be called upon by the President to vote on the following resolution to be put from the Chair:-

- (b) “That the fact or the following facts (specifying them) all alleged against..... in the notice of inquiry have been proved to the satisfaction of the Executive Committee.”

If this resolution is carried, the Executive Committee may either proceed to adjudge whether on the facts proved the accused registered practitioner has been guilty of infamous conduct in a professional respect and to direct the Registrar to delete his name from the register or may postpone its judgement and adjourn the case until the next or some other future meeting.

(3) In the case of the charged registered practitioner convicted of a felony (or misdemeanours or crime or offence) or charged with infamous conduct in a professional respect, for the purpose of deciding whether or not the judgement of the Executive Committee of the conviction (or facts) proved shall be postponed and the Executive Committee shall be called upon by the President as the ex-officio Chairman of the Executive Committee to vote on the following resolution to be put from the chair:

- (c) “That the Executive Committee does now proceed to pronounce its judgement on the conviction (or facts) proved against.....”

If this resolution is not carried the judgement of the Executive Committee shall stand postponed till its next or some other future meeting as it shall direct and the case shall be taken at Such next or other future meeting as a case on which judgement has been postponed.

If this resolution is carried, the Executive Committee shall proceed at once to pronounce its Judgement on the case and shall be called upon by the President as the ex-officio Chairman of the Executive Committee to vote on the following resolution to be put from the Chair:

In the case of a conviction:-

(d) "That.....having been proved to have been convicted of the felony (or misdemeanour or crime or offence) alleged against him in the notice of inquiry the Registrar as the Secretary of the Executive Committee be directed to delete his name from the medical practitioner register.

In the case of practitioner charged with infamous conduct in professional respect:-

(e) "That the Executive Committee do now adjudge..... To have been guilty of an infamous conduct in a professional respect and direct the Registrar to delete from the register the name of....."

If the resolution (d) or (e) as the case may be is not carried, the President may announce the Judgement or the Executive Committee in the following from:-

"That the Executive Committee do not see fit to direct the Registrar to delete from the register the name of Shri."

40. Notice of adjourned hearing.- (1) In the event of an adjournment of the hearing or a postponement of judgment to another session, the Executive Committee on the case coming up again for consideration may hear the charged registered practitioner and the complainant (if any) on the day fixed for further consideration and the complainant and the practitioner shall each be requested to furnish to the Registrar in writing any further facts or evidence which they may desire to lay before the Executive Committee.

(2) The notice shall be given so as to allow at least twenty eight days between the day on which the notice is given and the day appointed. No further facts or evidence presented by a party to the inquiry for consideration shall be received or considered by the Executive Committee unless a statement thereof has been previously furnished to the Registrar in compliance with this rule.

41, Hearing.- (1) On the case coming before the Executive Committee for further consideration the Registrar as the Secretary or the Executive Committee shall, if necessary, state the facts and explain the position of the case to the Executive Committee. The charged registered practitioner shall then be invited to speak before the Executive Committee either personally or through his representative of which he may have duly given notice to the Registrar. The complainant (1f any) shall also be invited to speak before the Executive Committee either personally or through his representative and lay before the said Committee any further evidence of which he shall have duly given notice.

(2)At the conclusion of the further hearing, the Executive Committee shall deliberate on the case in private and at the conclusion of the deliberation the President as the ex-officio Chairman

Of the Executive Committee shall call upon the said Committee to vote in an adjourned case On the same resolution as at the original hearing and in case in which judgement was postponed on a resolution under sub-rule (3) (c) , (3) (d) of (3) (e) of rule 39, as the case may be.

42. Resolution for removal of name.- (1) If, in the opinion of the Executive Committee the conduct of the charged registered practitioner is found infamous in Relation to the medical profession particularly under any code of ethics prescribed by the Council or by the Medical Council of India then by the formal resolution put by the President as ex-c-officio Chairman of the Executive Committee from the Chair it may recommend to the President for Removing the name of said practitioner from the register as per provisions of section 22 of the Act.

(2) An order by the Executive Committee to remove the name of registered practitioner under the provisions of section 22 shall be subject to the confirmation by the Council and shall take effect from the date of such confirmation.

43. Notice of removal of name.- (1) The Registrar shall upon the removal of any name from the register pursuant to the provisions of section 22 of the Act forthwith send notice of such removal to the registered practitioner and such notice shall be sent by a registered letter addressed to the last known address or to the registered address of the said practitioner. The Registrar shall also send forthwith intimation of any such removal to the Dean or the Secretary or the appropriate officer of the body or bodies from which the said practitioner has received his qualification or qualifications.

(2) A person whose name has been removed from the register under the provisions of these rules shall forthwith surrender his certificate or registration to the Registrar and the name so removed shall be published in the Official Gazette.

44. Intimation to the licensing body.- the Registrar shall within one month after any name has been removed from the register by order of the Council as per the provisions of section 22 of the Act send to the body from which the practitioners have received their qualifications a list of such names and shall call the attention of each licensing body to the following resolution of the Executive Committee-:

“The Executive Committee recommends that no person whose name has once been removed from the register and has not been restored to the said register shall without previous reference to the Council be admitted to the examination for obtaining any new qualification which is registerable under the provisions of the Act.”

PART-VII

RESTORATION OF NAME TO THE REGISTER

45. Power to re-enter the name. - The Council, if it thinks fit may, on an application received from registered practitioner whose name has been deleted from the register under section 22 of the Act, direct the Register, to re-enter his name in the register.

46. Application for re-entry of the name.- Any person whose name has been removed from the register by the direction of the Council under section 22 but who still possesses a qualification entitling him to be registered under the Act, may make an application to the Council .

In form – III for re-entry of his name in the register and the following procedure shall be followed in the respect of every such an application:-

(1) The application shall be in writing addressed to the Council and signed by the applicant and shall state the grounds on which the application is made.

(2) The application shall be accompanied by:-

(a) declaration made by the applicant setting forth the facts of the case and stating that he is the person originally registered; and

(b) One of the following documents:-

(i) Applicant's diploma.

(ii) His certificate of registration in original if the same has not been already returned by him.

(iii) A certificate in Form-V from two practitioners registered under the Act as to His identity.

(3) The statement in the application shall also be verified by certificates in writing to be given by two practitioners registered under the Act who are residents in the neighbourhood of the place where the applicant has been residing since the removal of his name and they shall testify his present good character.

(4) Before the application is considered by the Council, the Registrar shall notify the same to the licensing bodies whose qualifications were held by the applicant at the time his name was removed from the register and he shall further by the letter addressed to the person or body if any) on whose complaint the applicant's name was removed, give notice of the application and of the time when the Council intends to consider the same.

(5) The Council shall consider the application and may, if it thinks fit, adjourn the consideration of it to a future date to require further evidence or explanation from the applicant.

6) The application and the certificate referred in sub-rule (3) shall be in Forms-V and VI respectively with such variations as the circumstances may require. Printed forms shall be kept by the Registrar in his office and he shall supply them to intending applicant.

PART-VIII

APPEALS

47. Appeals. - (1) Every appeal, preferred to the Council under section 24 of the Act shall be addressed to the Registrar and shall be accompanied by a fee as prescribed in the Himachal Pradesh Medical Council (Fee) Rules, 2011.

(2) Every appeal shall be deemed to have been duly presented if the same is sent by registered post, or has been delivered personally or through an agent authorised 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 order against which the appeal is preferred.

(b) The grounds of appeal briefly but clearly set out.

(4) Every appeal shall be signed by the applicant and verified in the manner laid down in The Code of Civil Procedure, 1908 for the verification of grounds of appeal.

48. Procedure for hearing of appeals.- (1) If the appeal is not preferred in the manner laid down in rule 47 or is not accompanied by the prescribed fee it shall be summarily rejected.

(2) the appeal is admitted, the Council shall decide the same after giving the appellant and where the appeal is against the order of the Register 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 giving effect to the same.

PART-IX

MAINTENANCE OF ACCOUNTS AND FUNDS OF THE COUNCIL

49. Management of property.- The Registrar shall be responsible for the maintenance of all properties of the Council, and shall maintain a stock register of the movable property of the Council.

50. Deposit of Council's money in the Bank.- The Council shall open an account in the State Bank of India and all money received by it under sub-section (1) of section 13 of the Act shall be deposited in the Bank subject to the provision of rule 51.

51. Receipt of money on behalf of the Council.- All money payable to the Council shall be received on behalf of the Council by the Registrar or any other employee of the Council authorised by him in writing in this behalf and shall be deposited in the Bank on the day following that on which these are received. A receipt in the form as prescribed in Form- VII shall be granted by the Registrar in lieu of having received the money.

52. Operation of account of the Council.- The account of the Council shall be operated jointly by the Registrar and the President (and in the absence of the President these shall be operated by the Registrar and the Vice President).

53. Permanent advance. - The Registrar shall retain a permanent advance of five Thousand rupees.

54. Maintenance of accounts. – All money received or spent on behalf of the Council Shall without any reservation be brought to the account of Council in the general cash book to be maintained in the form prescribed in Form-VII under the direct supervision of the Registrar, and in his absence under the supervision of an employee of the Council authorized by him in writing

55. Audit of accounts.- (1) The accounts of the Council shall be examined annually by The examiner, Local Fund Accounts of the Finance Department of the State Government.

(2) The details of the audit shall be communicated to the Council by the Examiner, Local Fund Accounts, Finance Department, Himachal Pradesh Government; and after the Executive Committee has considered the same, the audit report and the audited statement of accounts shall be forwarded to the Department of Health and Family welfare, Copies of the audit report shall at the same time circulated to all the members of the Council, for information.

56. Preparation of annual statement of accounts.- The Registrar shall in the month of July each year cause to be prepared a statement of income and expenditure of preceding financial year ending 31 March, and draw the attention of the Council to such matters which appears to him necessary for being brought to the notice of the Council.

57. Preparation of estimates.- (1) The Registrar shall, in the month of October each year or on such date as the President may fix, cause to be prepared an estimate of income and expenditure of the Council for the year commencing on the 1 of April of the ensuing year and shall submit the same to the Council.

(2) In estimates provisions shall be made for the fulfilment of liabilities of the Council And for effectually carrying out the provisions of the Act.

(3) The Council shall consider the estimates submitted to it under sub-rule (1) and may Sanction the same with or without any alterations as it may deem fit

58. Preparation of supplementary estimates. - The Council may, at any time, during the Year for which any estimates have been sanctioned cause supplementary estimates to be prepared and submitted to it. Every such supplementary estimate shall be considered by the Council in the same manner as if it were original annual estimates. No expenditure shall be incurred which is not duly provided in the estimates sanctioned under sub-rule (3) of rule 57 or in a supplementary estimates.

59. Payment of Bills. - All the salary bills of the staff and other vouchers presented as a Claim for money shall be received and examined by the Accountant of the Council. On being satisfied that the claim is in order, the bill shall be passed- (a) by the Registrar, if the claim relates to a salary bill of the staff or is for an amount not exceeding one thousand rupees and (b) by the President in other cases.

60. Refund. - Amounts received by the Council on account of fees shall not be refunded under any circumstances. The amounts thus received shall remain credited to the account of the Council.

Provided that any amount paid by a practitioner in excess of prescribed fees 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 s made within the aforesaid period the amount shall be credited to the account of the Council:

61. Interpretation of rules.- In case of any interpretation or clarification of these rules The decision of the State Government shall be final.

62. Administrative Report-The Council shall publish the annual administrative report And also shall send to the Government for approval.

FORM-I

(See rule 5)

Book/ Registrar showing the particulars of Members of the Council

Name	Address	Whether nominated or elected (electorate which he Represents)	Tenure	Date of Commencement of tenure	Date of which the tenure is to expire in the Ordinary course	If the appointment Terminated before the Due date Mentioned in column (6) Then the date and Reason of Earlier Termination	Remarks
1.	2.	3.	4.	5.	6.	7.	8.

FORM-II

(See rule 35)

Notice to the charged registered practitioner to attend proceedings regarding inquiry under section 22 of the Himachal Pradesh Medical Council Act, 2003.

Sir,

On behalf of the Executive Committee of the Himachal Pradesh Medical Council, I give you notice that complaint and evidence has been laid before the Executive by which the complainant makes the following charges against your namely:-

1.....

2.....

It is informed that you are required to be examined under section 22 of the Act and I am Directed to give You notice that on the day _____ of _____ 20 _____ , a meeting

Of the Executive Committee will be held at..... at O'clock in the..... to consider the above mentioned charges against you and decide whether or Not they should direct that your name be removed from the register, pursuant to section 22 of the Himachal Pradesh Medical Council Act, 2003 (Act No. 16 of 2006). You are requested to answer In writing the above charges and attend before the Executives Committee mentioned place and Time to establish any denial or defence that your may have to make and you are hereby informed That if you do not attend as requested, the Executive Committee may proceed to hear and decide the Said charges in your absence.

Any Answer or other communication or application which you may desire to make in Respect of the charge or your defence thereto must be addressed to the undersigned and transmitted so as to reach him not less than..... Days before the day appointed for the hearing of the Said case.

Registrar

FORM-III

(See rule 46)

**APPLICATION FOR RE-ENTRY OF NAME REMOVED UNDER SECTION 22 IN THE
REGISTER OF MEDICAL PRACTITIONERS**

To,

The Himachal Pradesh Medical Council,

.....
.....

Sir,

I, the Undersigned (a) Holding the Qualifications
(b)..... do hereby solemnly declare the following:-

In the year (c)..... My name was duly registered in the
Register in respect of the following qualification viz, (d) And on the date of
Deletion of my name I was registered in respect of the following additional qualification viz (e)
.....

The Registrar removed my name from the register on (f)..... For
default in Payment of renewal fee.

Since the Registrar removed of my name from the register, I have been residing at (g)
..... And my occupation has been (h)

It is my request that my name may be restored in the register as (i)

Yours faithfully,

Signature.

Name and
Address.

.....

Registration No.

.....

Note .- (a) Insert full name, (b) Insert qualification, (C) Insert date of registration (d) Insert
qualifications, € Insert additional qualifications, () insert date of removal (g) give particulars, (h)
Insert particulars as to professional occupation (1) a registered medical practitioner.

FORM-IV

[See rule 46 (2) (b) (iii)]

CERTIFICATE IN SUPPORT OF APPLICATION

It is certified that _____ Whose name formerly stood in the register of medical practitioners under the Himachal Pradesh Medical Council Act, 2003 (Act No. 16 of 2003) is well known to me and he bears a good moral character.

Name : _____

Name of person certifying)

Address : _____

Qualification: _____

Date : _____

Signature of the person certifying

Registration No.

FORM-V

[See rule 46 (6)]

**STATUTORY DECLARATION BY APPLICANT FOR RESTORATION OF NAME TO
THE REGISTER OF MEDICAL PRACTITIONERS UNDER SECTION 22 OF THE ACT**

To,

The Himachal Pradesh Medical Council,

.....

.....

.....

(1) I, the undersigned (a).....Now holding the qualifications of (b)..... do solemnly declare that the following are the facts of my case on the basis Of which I seek re-entry of my name in the register of Medical practitioners.

(2) On (c).....My name was duly registered in the register in respect of The following qualifications namely, on (d)..... i.e. the date of inquiry I was Registered in respect of the same qualifications (e)..... And also in respect of the Following additional qualifications, namely:-

3) At an inquiry held on the (f)..... Day of.....the Council directed my name to be removed from the register on a complaint made to the Himachal Pradesh Medical Council by (g).....of..... Charging me of (h)

(4) Since the removal of my name from the register I have been residing at(i) and my occupation has been

(5) It is my intention that my name may be re-entered in the register (i)

(6) The grounds of application are (k).....

Signed.

Declared atOn.....Before me.

Magistrate or Notary Public

Note.- (a) Insert full name (b) Insert qualifications, if any (c) Insert date, (d) Insert date of Inquiry, (e) mention the qualifications (g) Insert name and address of the complainant, (h) Insert Charge on which name was removed, (i) Insert the address (j) Insert particulars as to professional Occupation (k) All facts and grounds on which the application is made should be clearly and Concisely stated.

FORM-VI

[See rule 46 (6)]

CERTIFICATE REGARDING VERIFICATION OF CONTENTS OF PARAGRAPHS (4)

AND (5) OF APPLICATION IN FORM-V

ICertify as follows:-

(i) My registration No. Is

(ii) I have read paragraphs (4) and (5) of the application of

And say that I have been and am well acquainted with the said.....

Both before and since his name had Been removed from the register I believe him to be a person of good character and the statements made by me are to be the best of my knowledge, information and belief, true .

Signature

FORM-VII

[See rule 51]

RECEIPT

<p>See rule 51 of the Himachal Pradesh Medical Council, (General) Rules, 2011 and rule 3 (3) of The Himachal Pradesh Medical Council (Fee) Rules, 2011.</p> <p>HIMACHAL PRADESH MEDICAL COUNCIL</p> <p>Book No.....</p> <p>Serial No..... Dated</p> <p>Received from Sh/Smt the sum of Rs.....(rupees.....)</p> <p>On account of In cash / through Pay order.</p> <p style="text-align: right;">Registrar</p>	<p>See rule 51 of the Himachal Pradesh Medical Council, (General) Rules, 2011 and rule 3 (3) of the Himachal Pradesh Medical Council (Fee) Rules, 2011.</p> <p>HIMACHAL PRADESH MEDICAL COUNCIL</p> <p>Book No.....</p> <p>Serial No.....Dated.....</p> <p>Received from Sh/Smtthe sum of Rs (rupees.....)</p> <p>On account of In cash/through Pay order.</p> <p style="text-align: right;">Registrar</p>
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FORM-VIII

[See rule 54]

HIMACHAL PRADESH STATE MEDICAL COUNCIL GENERAL CASH BOOK

Month and date	Folio number Of classified abstract	Departmental Major/minor and Detailed head and sub- head of account	Particulars Receipt and Name of persons From whom received	Number of bank Receipt and date
1.	2.	3.	4.	5.
Amount	Daily Total	Remittance to Bank No. Date of Bank receipt	Amount	Month
6.	7.	8.	9.	10.
Date	Folio Number of Classified abstract	Departmental Major/minor sub- Heads and detailed Sub-heads of account	Particulars of charge and name Of payee.	Number of voucher
11.	12.	13.	14.	15.
Number and date Of cheque	Amount	Daily total		
16.	17.	18.		

By order**Secretary (Health) to the****Government of Himachal Pradesh.**

Endst. No. HFW-B(A)2-2/2001-IV Dated Shimla-2, the 2008.

Copy forwarded to:

1. All the Administrative Secretaries to the Government of Himachal Pradesh, Shimla-2
2. Deputy Legal Remembrance-cum-Deputy Secretary (Legislation) to the Govt. Of HP, Shimla-2.
3. The Director Medical Education & Research, Himachal Pradesh, Shimla-9.
4. The Registrar, Himachal Pradesh Medical Council, Old Dental College Bldg., IGMC Shimla-1.
5. The Controller printing and Stationery Department, Shimla-5, with the request to print n aforesaid notification in the Rajpatra (Extra-ordinary) and also to supply 10 copies of the same to the undersigned.
6. Asstt. Legal Remembrance-cum-Under Secretary (Law) H.P., Shimla-2.
7. Senior Law Officer (Rajbhasha) Part-II, Law Department.

**Special Secretary (Health) to the
Govt. Of Himachal Pradesh.**