

[Authoritative English Text of this Department Notification No. HFW-B (A) 2-2/2001- I, dated 23-11-2011 as required under clause (3) of Article 348 of the Constitution of India].

HEALTH AND FAMILY WELFARE DEPARTMENT

NOTIFICATION

Shimla-2, the 23rd November, 2011

No. HFW-B(A)2-2/2001-I.-Whereas the draft rules titled as the Himachal Pradesh Medical Council (Registration) rules were published in the Rajpatra, Himachal Pradesh (Extra-Ordinary) on 14.9.2007 vide this department notification of even number dated 16.8.2007 for inviting objections and suggestions from persons 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 general public on the said draft rules 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 made the following rules, namely:-

RULES

PART-I

PRELIMINARY

- 1. Short title and commencement.**-(1) These rules may be called the Himachal Pradesh Medical Council (Registration) Rules, 2011.
(2) They shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh.
- 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) " Council" means the Himachal Pradesh Medical Council constituted under section 3 of the Act;
 - (c) " Execute Committee" means the Executive Committee of the Council constituted under section 11 of the Act;
 - (d) "Form" means a Form appended to these rules,
 - (e) "Official Gazette" means the Rajpatra, Himachal Pradesh;
 - (f) "prescribed fees" means the fees prescribed by the State Govt. under the Himachal Pradesh Medical Council (Fees) Rules, 2009 or under any other provisions of the 10 Act;
 - (g) "President" means the President of the Council;

(h) "register" means the register of medical practitioners prepared and maintained under Section 15 of the Act;

(i) "Registrar" means the Registrar of Council to be appointed by the Council from time to time under section 14 of the Act;

(j) "section" means a section of the Act;

(k) "State Government" means the Government of Himachal Pradesh, and

(l) "Vice-President" means the Vice President of the Council.

(2) The terms and expressions used herein and not defined, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

PART-II REGISTRATION

3. Registration of practitioners.-(1) Any person who possesses any of the qualifications in the First, Second or Third Schedules to the Indian Medical Council Act, 1956 (Central Act No.102 of 1956) shall, subject to any conditions laid down by or under that Act, and is in service in connection with, or wishes to practise in, modern scientific system of medicine in the State of Himachal Pradesh, apply for registration in the live register of the Council by applying to the Registrar in Form "A" alongwith copies of certificates of educational qualifications acquired, four passport size photographs and prescribed fees.

(2) Each applicant, at the time of making an application for registration under this rule shall submit duly signed declaration in form 'B, alongwith a certificate that he/she had read and agreed to abide by the same.

(3) The Registrar may, after examining the application, require the applicant to furnish such other information or documents as he may deem necessary to establish the claim of the applicant.

(4) If the Registrar, on receipt of the application under sub-rule (1) or on receipt of further information or documents under sub-rule (3) from the applicant and after making such further inquiry, as he may deem proper, is satisfied that the applicant is entitled to have his name entered in the register, he shall enter his name in the register and if he is not so satisfied he shall reject the application.

(5) The person whose name has been entered in the register under sub-rule (4) shall be issued a certificate in Form "C" by the Registrar on payment of prescribed fee and the persons whose application is rejected shall be informed of the decision within fifteen days of the date on which the order is passed on the application.

(6) Every practitioner registered under section 15 shall renew his registration after every three years, by making an application to the Registrar accompanied by the fee prescribed. The Registrar shall endorse the renewal on the original certificate.

4. Provisional registration. - Notwithstanding anything to the contrary contained in rule 3, any person, who has passed the qualifying examination of any University or Medical Institution in India for the grant of a recognized medical qualification shall be entitled to be registered provisionally for the purpose of internship training and on an application made for provisional registration to the Registrar in Form "D" alongwith the prescribed fees, the Registrar will issue a certificate of provisional registration in Form "E".

5. Preparation of register:- (1) The register of medical practitioners for the State of Himachal Pradesh referred to in sub-section (1) of section 15 shall be in Form "F"

(2) The Registrar shall publish a notice in the Official Gazette and in such newspapers, as the Council may select about the register having been prepared and the register shall come into force from the date of the publication of such notice in the Official Gazette.

(3) The Registrar shall publish, annually, on or before a date to be decided by the Executive Committee, or in case Executive Committee is not constituted by the Council, an addendum and corrigendum to the list to be published and after the publication of the name in the register, the last edition of that alone shall be legal evidence of registration.

6 . Change of name to be intimated to the Registrar.- If a registered practitioner changes his name, he shall immediately inform the Registrar about the same and satisfy the Registrar that he has already notified the fact of the change of name in a leading newspaper having wide circulation in the area in which he carries on his practice. The Registrar shall on being so satisfied and on receipt of prescribed fee enter the changed name in the register accordingly .Necessary change in the registration certificate will also be made by the Registrar.

7. Change of address.-Every registered practitioner shall send to the Registrar immediate notice of any change in his address so that his correct address may be duly inserted in the register otherwise the name of such practitioner is liable to be erased from the register.

8. Entries in the Register regarding additional qualification.- (1) Persons registered with the Council are entitled to apply for entering additional qualifications acquired by him as specified in the Schedule to the Indian Medical Council Act, 1956 (Central Act No.102 of 1956) in Form "G" on the Council's register on payment of the prescribed fee.

(2). The applicant shall furnish alongwith his application under sub-rule (1), the relevant degree, diploma, as the case may be, duly attested by a Gazetted Officer, on the basis of which entry in the register is sought and the Registrar may require the applicant to produce the original degree or diploma, as the case may be, to satisfy his claim.

(3) After scrutiny of the application for additional qualification (s), and further information Furnished under sub-rule (2) a new registration certificate shall be issued incorporating the additional qualifications in lieu of the original certificate of registration in Form "C" returned by the applicant and the period of validity of the certificate shall remain as the original certificate with a mention of date incorporating the additional qualification(s).

(4) If the Registrar, either on receipt of application under sub-rule (1) or further information furnished by the applicant under sub-rule(2) and after making such further enquiry as he may deem fit, is satisfied that the applicant is not entitled to have the degree or diploma, as the case may be, entered in the register, he shall reject the application:

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

9. Renewal of registration.(1) The registration certificate can be renewed by the Council on receipt of application in Form "H" along with the fee prescribed for the renewal of the registration.

(2) The Registrar shall consider the application made under sub-rule (1) and if found fit shall renew the registration.

3) The Registrar shall, after the date of publication of the notice under subsection (6) of Section 15, on such date as the Executive Committee may with the previous sanction of the Government, decide, and every three years thereafter, cause a notice in Form "I" to be published in the Official Gazette, calling upon all the registered practitioners to make an application within period of 45 days from the date of publication of the notice, to the Registrar for the continuance of their names on the register.

10. Notice for registration under section 15 (3).-(1) The Registrar shall, within period of five years from the commencement of the Act, publish a General notice in Form "J" in the official Gazette and in two such newspapers, as the Council may select, calling upon every person, whose name was entered on a date prior to 1st May, 1961, in the Indian Medical Council register and continued in such registration on the day immediately preceding the date of the commencement of the Act, to pay to the Registrar, the prescribed fee if he desires to have his name entered in the register maintained under the Act, and shall also send individual notice in Form "K" for like purpose by registered post to every such person at his last known address.

2. The name of every person referred to in sub-rule (1), who applies for entry of his name in the register and pays the fees prescribed for the renewal of the registration, before the expiry of the period of two months from the publication of the General notice in the Official Gazette shall be entered in the register.

3. The person whose name has been entered in the register under sub-rule (2), shall be issued a certificate in Form "C".

11. Removal from register.-Whenever information reaches the office of the Registrar that a practitioner has been convicted of a cognizable offence as defined in the Code of Criminal procedure, 1973, which discloses such defect of a moral character as is, in the opinion of the Council sufficient to make him unfit to practise in his profession or has been found, after the due enquiry, guilty of conduct which is in the opinion of the Council, infamous in any professional respect, the Registrar shall make an extract of such information and place the same before the Council for such action as the Council may like to take under the provisions of the Act:

Provided that the Council, shall, before passing an order under clause (b) of sub-section (1) of section 22, give the practitioner concerned an opportunity of being heard, if so desired by him.

12. Surrender of registration certificate.-A registered practitioner whose name is removed from the register by the Registrar shall on receipt of an intimation of such removal forthwith surrender his registration certificate to the Registrar.

13. Restoration of registration.-The Executive Committee, and in the absence of Executive Committee the Council, may consider a case of restoration of registration of a person whose name has been struck off from the register and may direct the Registrar to re-enter the name of the practitioner in the register on payment of the prescribed fees.

14. Migration/Transfer.-(1) Applicant for reciprocal registration shall apply in Form "L" with prescribed fee to the Registrar of the Council together with his existing valid registration certificate of the other Council in original.

(2) The Council shall call for no objection certificate from the concerned Council sending the original registration certificates.

(3) The copies of the following documents shall be called for from the concerned Council and the concerned Council shall also furnish the same:-

(a) Qualification certificate on the basis of which original registration was granted:

(b) Date of birth, home address, professional address etc. as furnished in the original application for registration.

(4) The registered medical practitioner of the Council requesting for transfer of his/her registration to other Council shall have to produce proof of residence or proof of carrying on medical practice in Himachal Pradesh.

(5) Requests for migration to another Medical Council shall be considered by the Council and after the approval by the Council "No objection Certificate" shall be issued by the Registrar.

15. Issue of duplicate registration certificate-If a registration certificate is lost, Destroyed or mutilated, the registered practitioner may at any time during which the certificate is in force, apply to the Registrar for a duplicate certificate and the Registrar shall on being satisfied issue, on receipt of fee prescribed, on furnishing an indemnity bond and after due confirmation and approval of the Executive Committee, a duplicate certificate. The duplicate certificate shall be inscribed on the top of the certificate.

16. Fee for supply of certified copy. -(1) The copy of any order passed by the Council or the Registrar or any entry in the register shall be supplied on receipt of prescribed fee as specified in the Himachal Pradesh Medical Council (fee) Rules, 2011.

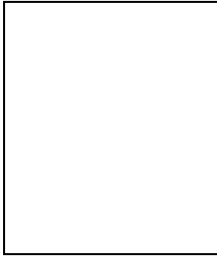
(2) In case of urgent application, the copy sought for shall be ready for delivery to the applicant by the close of office hours of the day following that on which the application is made.

17. Verification of pages of register.-Each page of the register shall be numbered and Verified by the Registrar and he shall sign each of the pages of the resister.

FORM-A

(See rule 3)

HIMACHAL PRADESH MEDICAL COUNCIL



Receipt No.

Dated:.....

Bank Draft No.....Date.....

APPLICATION FORM FOR REGISTRATION

1. Name of the Applicant (in block letters)

First Name: _____ Middle Name: _____ Surname

Married name, if any (in block letters)

First Name: _____ Middle Name: _____ Surname

Maiden Name (in case of married women)

First Name: _____ Middle Name: _____ Surname

2. Father's Name:

3. Gender: Male/Female:

4. (a) Telephone Number: (b) Mobile No. (c) E-mail Address:

6. Date and place of birth:

7. Nationality: Whether Indian by Birth/by Domicile, If by Domicile, state date of becoming Indian Citizen.

8. Details of Internship:

9. Details of Qualifications:

| Sl. No. | Description of the Qualification | Name of the College/Medical Institution | Name of the University/Licensing Body | Year Of completion of Internship in case of Bachelor of Medicine And Surgery/in any other case year of passing examination |
|---------|----------------------------------|---|---------------------------------------|--|
| | | | | |

10. Details of Provisional Registration/Registration with any other Council.

11. Present occupation with address:

I submit herewith original certificates for verification and submit copies of the following

Certificates:

- (a) Four recent passport size photographs with name and signature at the backside.
- (b) State Medical Council/Medical Council of India registration Certificate with Bachelor Of Medicine and Surgery Qualification.
- (c) Bachelor Medicine and Surgery Degree/Post Graduate Degree/Diploma/Post Doctoral Degree.
- (d) Birth certificate/Matriculation certificate/Senior Secondary Certificate Exam Certificate/School Leaving Certificate with Date of Birth.
- (e) Identity proof.
- (f) Other evidence in support of my having obtained the qualification which I am Possessing in Original.

In case of fresh registration.

*Four recent passport size photographs with name and signature at the backside.

*Original Internship/Completion Certificate. The same shall be returned alongwith Himachal Pradesh Medical Council's Certificate of permanent registration.

*Original Provisional Registration Certificate.

*Birth Certificate/Matriculation Certificate/Senior Secondary Certificate Exam Certificate/ School Leaving Certificate with Date of Birth

* Identity Proof.

I hereby submit a Bank Draft No..... Dated----- drawn on..... Bank for Rs.

(Rupees one thousand only) as non-refundable fee in favour of Himachal Pradesh Medical Council payable at Shimla.

Signature of Applicant

AFFIDAVIT

I _____ S/O Sh. _____ resident of _____
village _____ Intending to practise in village/ Mohala _____ Tehsil
_____ Post Office _____ Police Station _____
Distt. _____ solemnly declare as follows :-

- (a) That I have not been adjudicated by a competent Court to be of unsound mind;
- (b) That I have not been convicted and sentenced by a criminal Court to imprisonment for any offence
 Involving moral turpitude;
- (c) That I am not undercharged insolvent;
- (d) That my name has not been removed from the register of practitioners maintained by the Council for professional misconduct;
- (e) That I have gone through the Himachal Pradesh Medical Council Act, 2003 (16 of 2003) and rules framed thereunder; and also the Code of Ethics of the Himachal Pradesh Medical Council and Medical Council of India and I promise to abide by the provisions of the said Act, rules and Codes of Ethics.

Deponent

DECLARATION

I solemnly declare and affirm that the contents given in the application for registration in paras (a) to (e) above are correct to the best of my knowledge and belief, I further declare on oath that nothing relevant has been concealed and undertake to abide by the Code of Ethics of the Himachal Pradesh Medical Council and of the Medical Council of India and by the Rules of Himachal Pradesh Medical Council.

Verified on _____ at Shimla.

Signature of

Applicant,

Dated:

ATTESTED:

Signature of the Attesting Authority.....

Name in full (Block Letters).....

Designation

Place.....Dated.....2009.

Note: The application to be attested by the Magistrate of 1st Class or the Notary Public.

(For Office Use only)

Registration Application received on..... Diary No.....

(a) Fee for making entry in the register/or issuing certificate received on.....

(b) Official receipt No.....dated.....

(c) Fee register entry No.dated.....

(d) Cash Book page No.....Personal ledger No.....

Signature of the Accountant. Signature of the Cashier

Sl. No. of Registration Certificate Issued dated.....

Acknowledgement of receipt of Registration Certificate

Received the above document in original.

Signature of registered person.....

Name.....

Date.....

FROM "B"

[See rule 3 (2)]

DECLARATION

Person applying for registration with Himachal Pradesh State Medical Council shall forward alongwith his application form the following declaration duly signed by him, namely:-

1. I solemnly pledge myself to consecrate my life to the service of humanity.
2. Even under threat, I will not use my medical knowledge contrary to the laws of humanity.
3. I will maintain utmost respect for human life from the time of conception.
4. I will not permit consideration of religion, nationality, race, party politics or social standing to intervene between my duty and my patient.
5. I will practise my profession with conscience and dignity.
6. The health of my patient will be my first consideration.
7. I will give respect to secrets which are confined in me.
8. I will give to my teachers the respect and gratitude which is their due.
9. I will maintain by all means in power, the honour and noble traditions of medical profession.
10. I will treat my colleagues with all respect and dignity.
11. I shall abide by the Code of medical ethics as enunciated in the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002;and the Code of Ethics prescribed by the Himachal Pradesh Medical Council, under clause (c) of section 10 of the Himachal Pradesh Medial Council Act, 2003 (Act No.16 of 2003).

I make these promises solemnly, freely and upon my honour.

Signature.....

Name.....

Place.....

Address.....

Date.....