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PART IIIA—Ordinances promulgated by the Governor of West Bengal under the Constitution of India.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

West Bengal Ordinance No. I of 2012

THE WEST BENGAL MEDICAL COUNCIL (TEMPORARY SUPERSESSION)
(AMENDMENT) ORDINANCE, 2012.

WHEREAS it is expedient to amend the West Bengal Medical Council (Temporary Supersession) Act, 1985, for the purposes and in the manner hereinafter appearing;

West Ben. Act XXXVII of 1985.

AND WHEREAS the Legislative Assembly of the State of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

The Governor is pleased, in exercise of power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance:—

Short title and commencement.

- 1. (1) This Ordinance may be called the West Bengal Medical Council (Temporary Supersession) (Amendment) Ordinance, 2012.
 - (2) It shall come into force at once.

Amendment of section 4 of West Ben. Act XXXVII of 1985.

- 2. In section 4 of the West Bengal Medical Council (Temporary Supersession) Act, 1985 (hereinafter referred to as the principal Act),—
 - (1) in the marginal heading, for the word "supersession", the word "reconstitution" shall be substituted;
 - (2) in the first line, for the words "supersession of the council", the words "reconstitution of the ad hoc council" shall be substituted.

3. Section 5 of the principal Act shall be omitted.

Omission of section 5

The West Bengal Medical Council (Temporary Supersession) (Amendment) Ordinance, 2012.

(Clauses 4, 5.)

Amendment of section 5A.

- 4. In section 5A of the principal Act, for sub-section (1), the following sub-section shall be substituted:—
 - "(1) Notwithstanding anything contained in this Act,—
 - (a) the State Government shall, at any time, if it considers necessary so to do, by notification in the Official Gazette, reconstitute the ad hoc Council which shall consist of not more than ten persons as its members, who shall be persons of eminence and of unimpeachable integrity in the fields of medicine and medical education, and who may be either nominated members or members, ex officio, to be appointed by the State Government, one of whom shall be named by the State Government as the President of the ad hoc Council:

Provided that the aggregate period for which the *ad hoc* Council may be reconstituted shall not exceed three years:

Provided further that one-half of the members of the *ad hoc* Council shall constitute the quorum for its meetings:

Provided also that the *ad hoc* Council shall have the liberty of co-opting more number of members;

(b) the aggregate period of supersession of the Council under section 3 shall be deemed to have been extended for the period for which the ad hoc Council is reconstituted or till the Council is reconstituted in accordance with provisions of the Act, whichever is earlier.

Insertion of new sections 7A and 7B after section 5. After section 7 of the principal Act, the following sections shall be inserted:—

"Constitution of the Penal and Ethical Cases Committee.

The Algainst any of its registered Medical Practitioners either suo motu or on the basis of any complaint made to the ad hoc Council, as also all pending cases, in respect of infamous conduct in any professional respect of the concerned Medical Practitioner or Practitioners, as the case may be.

- (2) The ad hoc Council may appoint the Penal and Ethical Cases Committee for causing preliminary investigation on the complaint referred to under sub-section (1).
- (3) The Penal and Ethical Cases Committee appointed under sub-section (2) shall consist of the following:—
 - (a) one member of the *ad hoc* Council, who shall act as the Chairman of the Penal and Ethical Cases Commitee;
 - (b) three registered Medical Practitioners with the Council, one of whom shall be expert in the concerned field; and
 - (c) the Registrar of the Council.

Constitution of the Executive Committee.

7B. (1) The ad hoc Council shall constitute an Executive Committee which shall consist of the following:—

- (a) the President of the ad hoc Council;
- (b) three members of the ad hoc Council selected from amongst themselves; and
- (c) the Registrar of the Council.

The West Bengal Medical Council (Temporary Supersession) (Amendment) Ordinance, 2012.

(Section 5.)

(2) The Executive Committee shall perform such functions as may be delegated to it by the *ad hoc* Council.".

KOLKATA,

The 9th February, 2012.

M. K. NARAYANAN

Governor of West Bengal.

By order of the Governor,

B. K. SRIVASTAVA,
Secy.-in-charge to the Govt. of West Bengal,
Law Department.