

Rules Made by his Honour the Lieutenant Governor Under Section 24 of the Punjab Medical Registration Act, 1916

PUNJAB

India

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Rule

RULES-MADE-BY-HIS-HONOUR-THE-LIEUTENANT-GOVERNOR-UNDER SECTION 24 OF THE PUNJAB MEDICAL REGISTRATION ACT, 1916

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Rules Made by his Honour the Lieutenant Governor Under Section 24 of the Punjab Medical Registration Act, 1916 Published vide Punjab Government Notification No. 10115, dated 20.4.1917.

Part I

1. Definitions.

- In these rules, unless there is anything repugnant in the subject or context -(1)"the expression" the Act means the Punjab Medical Registration Act, 1916;(2)"the President" means the President of the Punjab Medical Council nominated under section 5(1)(a) the Act; and(3)"the Registrar" means the Registrar appointed under Section 10(1) of the Act.

Part II

2. Compilation and Publication of the Punjab Medical Register.

- The Punjab Medical Register shall be maintained in Form No. 1 in the Appendix to these rules.

3.

The names of persons entitled to be registered shall be entered in the register in the order in which the applications are admitted and sufficient space shall be left for future additions or alterations in the qualifications addressed of such persons.

4.

Each page of the register shall be verified by the Registrar's signature.

5.

The Registrar shall in every year, on or before a date to be fixed in this behalf by the Council, cause to be printed and published in the Form No. 11 appended to these rules, the list to be known as the Punjab Annual Medical List, setting forth -(a)all names for the time being entered in the Punjab Medical Register, arranged in alphabetical order;(b)the registered address or appointment of each person whose name is entered in the register;(c)the registered titles and qualifications of each person, and the date on which each such title was granted or each such qualifications was certified;(d)[a district-wise index of registered medical practitioners.] [Added by Punjab Government Notification No. 348-M 38/14280 dated the 9.4.1938.]

Part III – 6. Fees.

- Every person other than a person registered under the British Medical Acts or a person already registered under any Medical Act in force in any other Province in India applying for registration under the Act, shall pay a fee of Rs. 50 [which shall accompany the application for registration.] [Substituted GSR 66 P.A./2/16 S.24 Amd.(1) dated 13.7.1983.]

6A. [] [Inserted by Punjab Government Notification No. 5756=M 36/22543, dated the 3.6.1937.] Every registered practitioner who applies to the Registrar for an alteration in his name other than the additions of recognised titles shall pay a fee of Rs. 5 and furnish such particulars as the Council may desire. Lady doctors whose names are changed on account of marriage shall, however, be exempted from the payment of the fee.

7.

Every registered practitioner who applies to the Registrar in respect of any additional qualification obtained subsequent to registration or for any alteration shall under the Act pay a fee of Rs. 10 [for each addition or alteration] [GSR 66 P.A./2/16 S.24 Amd.(1) dated 13.7.1983.] [unless the additional qualification has already been registered under any Medical Registration Act in force in any other Province in India.] [Added by Punjab Government No. 2721-M 37/38870, dated 20.9.1939.]

7A. [] [Inserted by Punjab Government Notification No. 21774, dated the 19.8.1933.] The Registrar is empowered to erase from the Register with the written approval of the President the name of any registered person with whom he is unable to establish communication provided that any name so erased may be re-entered in the Register by direction of the Medical Council upon payment of a fee of Rs. 10/-.

8.

The Registrar shall receive all fees payable under the Act and shall credit them to the account of the Council in the Imperial Bank of India.

9. [Definition.] [Substituted for rules 9 to 32, by Punjab Government Notification No. 13587 CHP 55/70370, dated 8.11.1955.]

-(a)"roll" means the roll of person entitled to vote at an election under these rules;(b)"the Act" means the Punjab Medical Registration Act, 1916.(c)"the Council" means the Punjab Medical Council.(d)"the President" means the President of the Punjab Medical Council.(e)"the Registrar" means the Registrar of the Punjab Medical Council.

10. Appointment of members of the Punjab Medical Council.

- The Registrar shall maintain a list in Form I appended to the rules, containing the names of members elected on the Punjab Medical Council, the electorates they represent, the date of election of each such member, the term of his office and date of retirement, resignation, death or removal of each such member. The list shall also contain similar particulars in regard to the members nominated by Government. The Registrar shall keep the list always up-to-date so that it may show at glance when the election or nomination, as the case may be, is to be made.

11.

Ninety days before the expiration of the term of office of any member appointed on the Council, the Registrar shall make a report in writing regarding the vacancy to the President if the vacancy be in respect of an elected member and to Government through the President if the vacancy is to be in respect of a nominated member.

12.

If a vacancy occurs in the office of a member of the Council previous to the expiry of his term of office through resignation, death, removal or disability of such member or otherwise, the Registrar shall make a report in writing regarding the vacancy to the President if the vacancy be in respect of an elected member and the Government through the President in case the vacancy be in respect of a

nominated member.

13. Procedure to be observed for filing vacancies on the Punjab Medical Council.

- A vacancy occurring in any manner whatsoever in relation to an elected member shall be filled by election in the manner hereinafter provided. The State Government shall appoint any person as a Returning Officer -(i) in the case of a vacancy to arise as a result of the expiry of the term of any member, not later than 6 days before the expiry of such term; and (ii) in the case of a vacancy occurring as a result of death, resignation or removal as soon after such death; resignation or removal as may be convenient and issue a notification in the official Gazette of the coming election, for the information of the electorate and requiring the election of the member by a date specified therein.

14.

The following procedure shall be adopted for the filling of vacancies by election:-(1) The Electoral Roll shall be prepared by the Registrar, in Form II appended to these rules. It shall contain the name qualifications and address of every person qualified to vote for the election of a member to fill up the vacancy or vacancies. (2) Candidate qualified for being elected shall be proposed and seconded by persons qualified as electors in Form III appended to these rules. No elector shall propose or second the nomination of more persons than are required to fill up the vacancy or vacancies. If more nomination than are required to fill up the vacancy or vacancies be subscribed by the same elector all nominations subscribed by him shall be held to be void. (3) The candidate shall sign the nomination papers declaring that he is willing to serve on the Council, if elected. In the absence of such declaration the nomination shall be treated as invalid. (4) Every proposal for nomination shall be in writing, and shall be signed by the proposer and seconder, and sent by registered post or delivered personally to the Returning Officer so as to reach him not less than twenty-eight days before such date as may be notified under rule 13 of these rules. (5) Any candidate shall be at liberty to withdraw his candidature within seven days from the last date fixed for the receipt of nomination paper. (6) If in case of any election the number of candidates duly nominated does not exceed the number, required to fill up the vacancy or vacancies, the Returning Officer shall forthwith declare all such candidates to be elected. (7) If in case of any such election more candidates than are necessary to fill up the vacancy or vacancies are nominated, the Returning Officer, after scrutiny of the nomination papers shall forthwith publish their names and addresses, in the Punjab Government Gazette and shall further cause their names to be entered in ballot paper in Form IV appended to these rules. (8) Twenty-one days before such date, as may be appointed by the Returning Officer in this behalf, the Returning Officer shall send by post and under certificate of posting to each elector a ballot paper in Form IV appended to these rules, signed by the Returning Officer. (9) Before such date, as may be appointed by the Returning Officer in this behalf, every elector, desirous of voting, shall send by registered post his ballot paper to the Returning Officer after recording his vote or votes and affixing his signatures thereon in the manner prescribed therein. Provided that any ballot-paper which is not received by the Returning Officer before 12 noon on the date preceding the date fixed for the counting of votes or which does not in any way conform to these rules shall be

rejected.(10)The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed in this behalf. Any candidate may also be present either in person or an accredited representative at the counting of votes.(11)When the counting of votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected and shall forthwith inform the successful candidates by letter of his having been elected to the Council.(12)When an equality of votes is found to exist between any candidates and the addition of the vote will entitle any one or more of the candidates to be declared elected, the determination of the person or persons to whom such additional vote shall be deemed to have been given shall be made by lot, to be drawn by the Returning Officer in the presence of the candidates or their representatives who may be present at the time of the counting of votes.(13)Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal the voting papers and all documents relating to the election and shall retain the same with himself for a period of six months and thereafter cause them to be destroyed.(14)The Returning Officer shall notify in the Punjab Government Gazette and in such other manner as the Council may deem fit the date, time and place fixed for each of the following proceedings :-(i)the date fixed for the receipt of nomination paper.(ii)the date fixed for the withdrawal of the nomination.(iii)the date fixed for the issue of the Voting papers by the Returning Officer.(iv)the date fixed for the receipt of the Ballot papers by the Returning Officer.(v)the date fixed for the counting of the ballot papers.

15.

The State Government may, of its own motion, or on an objection made before it, declare any election that has been held to be void on account of corrupt practice or any sufficient cause and may call upon the electorate to make a fresh election. The decision of the State Government under this rule shall be final.

16.

If any question arises as to the intention, construction or application of any of these rules, which in the opinion of the Returning Officer, should be referred to the State Government the Returning Officer shall refer such question to the State Government whose decision thereon shall be final.

17.

After the declaration of the election of any member, and when the President himself is not the Returning Officer, after the receipt by him of notice of such election from the Returning Officer the President shall publish the notice of the election in the Punjab Government Gazette and send a copy to the State Government.

Part V – B [18. Election of Vice President.] [The existing rules 33 to 54 renumbered as 18 to 39 by Punjab Government Health

Department Notification No. 13587 CH IHB 55/70370, dated the 8.11.1955. Substituted by the Punjab Government Notification No. 22014, dated 25.7.1934.] - (1) No election of a Vice President of the Council shall be held at a meeting unless not less than fourteen day's notice of the holding of such meeting has been given to all members of the Council by delivery at their ordinary place of residence of a notice, which shall specify that such election is to take place at the meeting in question.

(2)A candidate for election to the office of Vice President shall be nominated by a proposer and a seconder who shall be members of the Council present at the meeting.(3)The person elected shall assume office from the date of election.

18A. Ballot to be taken

. - Voting for the office of Vice President shall be by ballot, and if only one candidate for the office is proposed, the members present shall be required to vote by writing "Yes" or "No" on the ballot paper, and if a majority of votes is not in the affirmative, the election shall be postponed to the next meeting of the Council when a further ballot shall be taken in respect of such candidates as may then be proposed, and the Chairman of the meeting shall not have a casting vote.

18B. Method of electing Vice President.

- When the office of Vice President of Council has to be filled -(a)if one candidate obtains more votes than any other, then such candidate shall be deemed to be elected;(b)if two or more candidates obtain an equal number of votes, the Chairman of the meeting shall decide between the candidates by drawing lots in the presence of all the members of the Council who may attend, after due notice to be present for the purpose.AppendixForm No. 1(Vide rule 10)Register showing the particulars of the Council

1	2	3	4	5	6	7
Name	Address	Whether nominated or elected	Tenure	Date of commencement of tenure	Date on which the term is to expire in the ordinary course	If the appointment is terminated before the due date mentioned in column 6, then the date and reason of earlier termination

Form IIElectoral Roll(Vide Rule 14(1)Punjab Medical Council

1	2	3	4	5	6
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Serial No.	Name	Qualification and dates thereof	Address or appointment	Date of registration	Serial No. as in the Register, of Registered Medical Practitioners
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Form III(Vide Rule 14(2)Nomination Paper

No. _____	Serial No. _____
Nomination paper _____	Name of Candidate _____
Counterfoil _____	Qualifications and datethereof _____
Name and address of the candidate _____	Address or appointment _____
Serial No. on electoral roll _____	Date of registration and registration number _____
Date of despatch _____	Name of the proposer _____ electoral roll _____
Initial of despatching officer _____	Name of the proposer _____
	Serial number of the proposer on the electoral roll _____
	Signature of the proposer _____
	Name of the seconder _____
	Serial number of the seconder on the electoral roll _____
	Signature of the seconder _____
	DECLARATION BY CANDIDATE
	I hereby declare that I agree to this nomination.
	Date _____
	Signature of the Candidate _____

Note. - This nomination paper will not be valid unless it is delivered to the Returning Officer at this office between the hours of eleven O'clock of the forenoon and three O'clock of the afternoon on or before _____ 19(To be Filled by the Returning Officer)Certificate Of DeliverySerial No. _____The nomination paper was delivered to me at office at (date and hour)Date _____Signature of the Returning Officer.Certificate Of ScrutinyI have scrutinized the eligibility of the candidate, the proposer and seconder, and find they are respectively qualified to stand for election, to propose and to second the nomination, and I therefore, accept the nomination.ORI have scrutinized this nomination and reject it for the following reasons:-DateSignature of Returning Officer.Form No. IV(Vide Rule 14(8)Form of front of Ballot-paper

Counterfoil Outerfoil Front

NoNumber on the roll of the elector to whom it is sentDate of despatchInitials of despatching officer.Note. - On the back of the ballot paper the No. on the roll of the elector to whom it is sent should be noted.Serial No. _____The above ballot paper should accompany the covering letter as under :-

- 1. Your electoral number is _____**
- 2. The date of counting votes is _____**
- 3. You have as many votes as there are members to be elected.**
- 4. You should vote by placing the mark X opposite the name or names of candidates whom you prefer. If you do not wish to use all your votes (in case where more than one vote is allowed) you need not do so but more than one vote may not be given to any one candidate.**
- 5. The ballot-paper shall be invalid, if the mark X is placed opposite the name of more candidates than are to be elected, or if the mark denoting any vote is so placed as to render it doubtful to which candidate such vote is intended to apply.**
- 6. You should sign the following declaration, and append your number on the electoral roll and the place of your residence thereto and then return this letter along with the ballot paper, which shall be put into a separate envelope. Without such signature and entry the ballot paper shall be invalid.**
- 7. In case you fill in more than one ballot-paper, the first only of such ballot-papers received by the President, shall, if otherwise in order, be valid and if the Returning Officer is unable to determine which of such ballot-papers was first received by him both or all such ballot-papers shall be invalid.**
- 8. Ballot-papers shall be sent to the Returning Officer by registered post. Ballot papers which are not received by the Returning Officer before the _____ date _____ 19 _____ will rejected.**

I hereby declare that my name appears on electoral roll _____ Vide No. Signature of elector _____ Residence _____

Part VI

19. Procedure to be followed in conducting an enquiry.

- Whenever information is received by the Registrar that a medical practitioner who is an applicant for registration or whose name has already been registered, has been guilty of conduct which prima facie constitute infamous conduct in a professional respect, the Registrar shall make an abstract of such information.

20.

Whenever the information in question is in the nature of a complaint by a person or body charging the practitioner with infamous conduct in a professional respect, such complaint shall be made in writing addressed to the Registrar and shall state the grounds of complaint and shall be accompanied by one or more declaration as to the facts of the case.

21.

Every declaration must state description and true place of abode of the declarant and where the fact stated in a declaration is not within the personal knowledge of the declarant, the source of the information and grounds for the belief of the declarant in its truth must be accurately and fully stated.

22.

(1)The abstract and where a complaint has been lodged, the complaint and all other documents 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 practitioner by means of registered letter for any explanation may have to offer. The documents, including any explanation forwarded by the practitioner to the Registrar, shall then be referred to a committee appointed by the Council who shall consider the same and shall have power to cause further investigations to be made and further evidence to be taken and to refer, if necessary to a legal practitioner for advice and assistance, and to instruct him to take the opinion of the counsel and otherwise to obtain such advice and assistance, as it shall think fit.(2)The Committee shall report to the Council and if the Council considers that the case is one in which any inquiry ought to be held, the President shall direct the Registrar to take steps for the institution of an inquiry and for having the case and determined by the Council.

23.

The inquiry shall be instituted by the issue of a notice in writing on behalf of the Council by the Registrar addressed to the practitioner, such notice shall specify the nature and particulars of the charges and shall inform the practitioner of the day on which the Council intends to deal with the case and shall call upon him to answer the charge in writing and to attend before the Council on that day.

24.

The notice referred to in rule 23 shall be in form III in the Appendix to these rules with such variations as circumstances may require. It shall be sent three weeks before the date of the inquiry and shall be accompanied by a copy of section 13 or 16 of the Act, as the case may be and of the rules to regulate the procedure for conducting an inquiry referred to in these sections.

25.

In every case in which the Council resolves that an inquiry shall be instituted and a notice for an inquiry is issued accordingly, the complainant (if any) and the medical practitioner charged shall upon request in writing for that purpose signed by him or his legal practitioner, be entitled to be supplied by the Registrar with a copy of any declaration, explanation answer or other document given or sent to the Council by or on behalf of the other party, which such other party will be entitled on proper proof to use at the hearing as evidence in support of or in answer to the charge specified in the notice of inquiry.

26.

Any answer, evidence of statement forwarded or application, made by the medical practitioner between the date of issue of the notice and the day named for hearing of the charge shall be dealt with by the President in such manner as he shall think fit.

27.

All material documents which are to be laid before the Council as evidence in regard to the case shall be printed and a copy shall be furnished to each member of the Council before the hearing of the case.

28.

At the hearing of the case by the Council the complainant and also the practitioner may be represented or assisted by a legal practitioner.

29.

Where a complainant appears personally or by legal practitioner the order of procedure shall be as follows :-(1)The Registrar will read to the Council the notice of the inquiry addressed to the medical practitioner.(2)The complainant will then be invited to state his case by himself or by his legal representative and to produce his proof in support of it. He may address the Council either before or at the conclusion of his proof but only once.(4)At the conclusion of the practitioner's case, the Council, will, if the practitioner has produced evidence, hear the complainant in reply on the case generally, but will hear no further evidence the complainant will not be heard in reply except by

special leave of the Council.(5)Where a witness is produced by any party before the Council he will be first examined by the party producing him, and then cross-examined by the adverse party, and then re-examined by the party producing him. The Council may decline to admit in evidence any declaration where the declarant is not present for, or declined to submit to cross-examination.(6)The President may put questions to any witness and members of the Council through the President, may also put questions to any witness.

30.

Where there is no complainant or no complainant appears the order of procedure shall be as follows :- (1)The Registrar will read to the Council the notice of inquiry addressed to the practitioner and will state the facts of the case and produce before the Council the evidence by which it is supported.(2)The practitioner will then be invited to state his case by himself or by his legal representative, and to produce his proof in support of it. He may address the council either before or at the conclusion of his proofs, but only once.

31.

(1)Upon the conclusion of the case, the Council will deliberate thereon in private and at the conclusion of the deliberations the President shall call upon the Council to vote on the question whether the medical practitioner charged is guilty of infamous conduct in a professional respect.(2)If the Council by a majority, voting at the meeting find the medical practitioner guilty of infamous conduct in a professional respect, the President shall direct the Registrar not to register his name if he be an applicant for registration or to erase his name from the register of registered practitioners if he is already a registered practitioner.

32.

When the registration of the name of any practitioner is refused, or when the name of any practitioner is removed from the register (in accordance with the provision of the proceeding rules) the Registrar shall forthwith send notice of such refusal or removal to the practitioner, and such notice shall be sent by a registered letter addressed to the last known address of the practitioner. The Registrar shall also send, forthwith, intimation of any such refusal or removal to the body or bodies from whom the practitioner received his qualification or qualifications.

Part VII

33. Institution, hearing and disposal of appeals under section 15 or section 18 of the Act.

- An appeal to the Council referred under section 15 of the Act, against a refusal of the Registrar to register any title or qualification of any person on the register of registered practitioners shall be in writing and shall state the title or the qualification, the grounds on which registration is claimed,

and the date on which the authority from whom the title or qualification was received.

34.

On receipt of such an appeal, it shall be referred to a Committee of the Council for consideration and report.

35.

The Committee shall have the power to call for the original diploma, licence or certificate from the appellant for inspection and also such other documentary or oral evidence as may be considered necessary by it.

36.

At the conclusion of its inquiry, the Committee shall make a report to the Council embodying such recommendations as it shall think fit to make with the reasons for recommendations.

37.

The appeal, the Committee's report on it and all other documents in connection with the case shall be laid before the Council at their next meeting.

38.

The date on which the appeal is to be taken up by the Council shall be notified to the appellant. The appellant shall also be allowed if he so chooses, to represent his case before the Council either by himself or by his legal representative.

39.

Every appeal to the Local Government referred under section 18 of the Act shall be addressed direct to the Chief Secretary to the Government, Punjab, and shall be accompanied by all the papers in print, which the appellant considers material to his case. Appendix Form No. I (Vide Rule 2) The Punjab Medical Register

1	2	3	4	5	6	7
Serial No.	Date of Registration	Name	Address or appointment	Qualification and dates thereof	Date and reason of Removal-----	Section the Act under

which
the name
is
removed

Form No. II(Vide Rule 5)Annual Medical List

1	2	3	4	5
Name	Qualifications and dates thereof	Address of appointment	Date of Registration	Serial No. as in the Register of Registered Practitioners

The Registrar shall keep an inter leaved copy of such printed list wherein he shall make during the year any entry alteration or erasure that may be necessary.

Form No. III(Vide Rule 24)Notice to practitioner to attend proceedings in connection with the inquiry under section 17 of the Act

Sir,On behalf of the Punjab Medical Council I give you notice that information and evidence has been laid before the Council by which the complianants make the following charge against you namely (here set out the circumstances briefly) and that in relation thereto you have been guilty of infamour conduct in a professional respect.And I am directed to give you notice that on the _____ of _____ 19 _____ a meeting of the Council will be held at _____ O'Clock in the _____ to consider the above mentioned charges against you and decided whether or not they should direct that your name shall not be registered in the _____.You name be removed from the Register or Registered Practitioners pursuant to Section 16 of the Punjab Medical Registration Act, 1916. You are invited and requested to answer in writing the above charges and to attend before the Council at the above-named place and time to establish any denial or defence that you may have to offer to the above mentioned charges and you are hereby informed that, if you do not attend as requested the Council may proceed to hear and to decide upon the said charges in your absence.Any answer of other communication or application which you may desire to make respecting the said charges of your defence thereto must be addressed to the Registrar of Punjab Medical Council and transmitted so to reach him not less than _____ days before the day appointed for the hearing of the case.A copy of Section _____ of the Punjab Medical Registration Act, 1916, and of the rules to regulate the procedure for conducting any inquiry referred to in that section to which your particular attentions is invited is enclosed herewith for your information.Registrar, Punjab Medical Council.