

The M.P. Homoeopathy Council (General) Rules, 1976

MADHYA PRADESH

India

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Rule

THE-M-P-HOMOEOPATHY-COUNCIL-GENERAL-RULES-1976 of 1976

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The M.P. Homoeopathy Council (General) Rules, 1976 Published vide Notification No. 4136-17-Med-4, dated 8-10-1976, published in the Madhya Pradesh Rajpatra, Part 4 (Ga), dated 17-12-1976 In exercise of the powers conferred by Section 51 of the Madhya Pradesh Homoeopathy Parishad Adhiniyam, 1976 (No. 19 of 1976), and in supersession of the rules previously made in this behalf, the State Government hereby makes the following rules, namely :-

Part I – Preliminary

1.

These rules may be called the Madhya Pradesh Homoeopathy Council (General) Rules, 1976.

2.

In these rules, unless the context otherwise requires :-(a)"Adhiniyam" means the Madhya Pradesh Homoeopathy Parishad Adhiniyam, 1976 (No. 19 of 1976);(b)"Form" means a form appended to these rules;(c)"Section" means a section of the Adhiniyam.

Part II – Council's Seal

3.

The Council shall have a seal of a following description :-The line block of the bust of "Dr. S. Hahnemann" and the name of the Council i.e., "The State Council of Homoeopathy, Madhya

Pradesh".

4.

The seal shall be affixed on certificates of registration issued by the Council or on diplomas or degrees or on agreements entered into by the Council and the documents of any other category which may be specified by the Council.

5.

The seal shall be kept in the safe custody of the Registrar and shall be used only for the purposes mentioned in Rule 4.

Part III – Meetings of the Council and its Committees

6.

The ordinary meetings of the Council and Committees shall be held at Bhopal or at such other place, time and dates as the Council may from time to time decide. Special meeting of the Council shall be held at such time, date and place as the President may think fit.

7.

Prior to any meeting of the Council or any Committee, the Registrar shall, under the instructions of the President, prepare a provisional agenda of business. In preparing such agenda, the Registrar shall include notices of motions, if any, received from members of the Council. Notice of every meeting shall be sent by Registrar to all members of the Council or the Committee, as the case may be, under registered post, at least fifteen clear days before the date fixed for the ordinary meeting and at least seven clear days before the date fixed for special meeting of the Council or for the meetings of the Committee. Such notice shall state the date, time and place of the meeting and the agenda of business to be transacted at such meeting.

8.

(1) A motion shall not be admissible—(a) if the matter to which it relates is not within the scope of the Council's or Committee's functions, or (b) if it raises substantially the same question as a resolution or amendment which had been moved and either decided or withdrawn within six months of the meeting at which it is desired to move the new resolution : Provided that nothing in these rules shall prohibit to admit such a motion at a special meeting of the Council convened for the purpose or for further discussion of any matter referred to the Council by the State Government at any meeting of the Council; or (c) if it is not clearly and precisely expressed or if it raises more issues than one; or (d) if it contains arguments, inferences, ironical expressions or defamatory statements or is frivolous or, it being an amendment it merely negatives the original motion. (2) The President shall

disallow any motion or amendment which, in his opinion, is inadmissible under sub-rule (1).(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, as the case may be, of the form in which the motion has been amended.

9.

At the Executive Committee meeting presence of 3 members and at other committee meetings the presence of one member for a 3 members committee, 2 members for a 4 to 6 members committee and 3 members for 7 to 9 members committee shall form a quorum.

10.

(1)No meeting of the Council or any committee shall commence or continue if the required quorum is not present. If during the 30 minutes from the time fixed for holding of any meeting, the number of members present is not equal to the quorum, the meeting shall stand adjourned and the adjourned meeting shall be held at the same place and at such time and on the same or the next day or to some other day,as will be fixed by the President. If the President or Vice-president is not present the adjourned meeting will be held at the same place and at the same time on the next day.(2)If, at any time during a meeting other than an adjourned meeting, the President finds that the required quorum is not present, he shall either suspend the meeting until the quorum is present or adjourn the meeting to the next day.(3)Any meeting may be adjourned by a motion made at any time and passed by a majority of the members present at the meeting or by the President at any time, if in his opinion it is necessary to adjourn the meeting, to any future date or to any hour of the same day.(4)No quorum or notice shall be required for any adjourned meeting. If the meeting is adjourned to a future day and if time permits, the Registrar shall intimate the date, time and place of the adjourned meeting to the members who were not present. A further change in the date may be made by the President, if he finds it necessary, and the Registrar shall send written notices of the further change of date to each member.

11.

All questions at any meeting shall be decided by voting and the votes shall be taken by show of hands or by division or by ballot, as the President may direct and the result of the vote shall be announced by the President and shall be final:Provided that votes shall be taken by ballot or division at a meeting of the Council if three members so desire and ask for it and the method of taking votes by ballot or division shall be determined by the President.

12.

(1)At every meeting the items on the agenda shall be taken up for consideration and decided first and thereafter if time permits, the President may allow any new business to be taken up if in his opinion it is necessary to consider it in that very meeting :Provided that the President may move or

admit a motion for discussion either not included in the agenda or out of turn in the agenda, if in his opinion it is so urgent to be considered on priority.(2)Any member may, while any item is under consideration, move that the consideration thereof be adjourned to any particular sitting or sine die, and if such motion is accepted, the consideration of motion shall stand adjourned accordingly.

13.

When motions identical in purport stand in the names of two or more members, the President shall decide whose motion shall be moved and the other motion or motions shall thereupon be deemed to be withdrawn.

14.

(1)Every item on the agenda shall be moved at the meeting by the resident or by the member in whose name it is shown in the agenda.(2)After the motion has been moved any member may move an amendment to the motion.(3)Every motion or amendment moved by a member shall be seconded and if not seconded shall be deemed to have been withdrawn. Any motion or amendment moved by President shall not need to be seconded.(4)When a motion or an amendment has been seconded it shall be stated from the chair.(5)When a motion or an amendment has thus been stated, it may be discussed as a question to be resolved either in the affirmation or in the negative.(6)A motion or an amendment which has been moved shall not be withdrawn save with the leave of the Council or the Committee, as the case may be, which shall not be deemed to be granted if any member expresses dissent to the grant of such leave.

15.

(1)An amendment must be relevant to and within the scope of the motion to which it is proposed.(2)The President may refuse to put an amendment which in his opinion is frivolous or has merely the negative effect on the motion or if it had been a substantive motion.

16.

A motion may be amended by-(a)the omission, insertion, or addition of words, or(b)the substitution of words for any of the original words.

17.

When a motion or an amendment has been moved and seconded members other than the mover and the seconder may speak on the motion or the amendment as the case may be, in such order as the President may direct:Provided that the seconder of a motion or of an amendment may, with the permission of the President, confine himself to seconding the motion or amendment as the case may be and speak thereon at any subsequent stage of the debate.

18.

The President may, at anytime during the debate, make any objection or suggestion or give information to elucidate any point to help the members in the discussion.

19.

(1)The mover of an original motion, and if permitted by the President, the mover of any amendment shall be entitled to a right of final reply. No other member shall speak more than once on any motion except, with the permission of the President:Provided that any member at any stage of the debate may raise to point of order, but no speech shall be allowed on that point:Provided further that a member who has spoken on a motion may speak again on an amendment subsequently moved to the motion.(2)No member shall, save with the permission of the President, speak for more than the time specified by the President.(3)A speech shall be strictly confined to the subject-matter of the motion or amendment on which it is made.(4)A member making a speech or desiring to make any observation on the matter before the Council or the Committee shall speak from his place, shall rise when he speaks, and shall address the President.(5)If at anytime the President rises, any member speaking shall immediately resume his seat.

20.

(1)When a motion or an amendment is under debate, no proposal with reference thereto shall be made other than :-(a)an amendment of the motion or of amendment as the case may be;(b)a motion for the adjournment of the debate on the motion or amendment either to a specific date or sine die;(c)a motion for the closure, namely a motion that the question be now put;(d)a motion that instead of proceeding to deal with the motion to pass to the next item of the agenda :Provided that no such motion or amendment shall be moved so as to interrupt a speech :Provided further that a motion referred to in clauses (c) and (d) above shall be moved without a speech.(2)Unless the President is of opinion that a motion for closure is an abuse of the right of reasonable debate, he shall forthwith put a motion that the question be now put and if that motion is carried the substantive motion or amendment under debate shall be put forthwith :Provided that the President may allow the mover of the motion to exercise his right to reply before the motion under debate is put.

21.

(1)When an amendment to any motion is moved and seconded or when two or more such amendments are moved and seconded, the President shall, before taking the sense of the Council or the Committee thereon, read to the Council or the Committee the terms of the original motion and the amendment or amendments proposed.(2)If there be more than one amendment to a motion the President shall decide the order they shall be taken in.(3)An amendment to a motion shall be put the vote first.

22.

When any motion involving several points has been discussed it shall be in the discretion of the President to divide the motion, and put each or any point separately to the vote as he may think fit.

23.

(1)The President shall decide all points of order which may arise and his decision shall be final.(2)If any question arises with reference to procedure in respect of a matter for which the said rules make no provision, the President shall decide the same and his decision shall be final.

24.

(1)The President may allow representative of the press or other visitors, the number not exceeding five at a time at a meeting of the Council. The Registrar shall issue permits to the visitors including press representative for admission to a meeting on the prior permission from the President. The press representative or any visitor shall not publish any report on the proceedings except with the prior approval of the Registrar.The visitors shall withdraw from the meeting, at any time, if so desired by the President.

25.

A record of the proceedings of every meeting of the Council or the Committees shall be preserved in the form of typed minutes or legibly written minutes books, during the meeting or as early as possible after the meeting, and which shall be authenticated, after confirmation by the signature of the President.

26.

(1)The minutes of each meeting shall state the text of each motion and amendment whether adopted, negatived or withdrawn together with the names of the mover and seconder and the names of those voted for or against but without any comment and without any record of observation made by any member at the meeting.(2)The minutes of every meeting shall be recorded in Hindi as far as possible.(3)A copy of the minutes of each meeting of the Council shall be submitted to the President within 10 days of the meeting and attested by him and they shall then be sent to each member within 30 days of the meeting.(4)The minutes shall be deemed to have been confirmed if after they are read to the Council or the Committee in the same meeting or the next meeting and are admitted to be correct and if the President sign them with the remark that they were read to the Council or the Committee as the case may be, and were found correct.

27.

The minutes of the Council shall, as soon as is practicable after their confirmation, be made up in sheets and consecutively paged for insertion in a volume which be permanently preserved. A copy of such volumes shall be supplied free to each member of the Council. The copies may be sold to the public at a price to be fixed by the Council.

28.

As far as possible, a report shall be kept of the observations and a discussions at the meetings in as much accurate a manner as possible for the members of the Council. The detailed proceedings of the meetings which shall be treated as "confidential" shall be kept in the office with the Registrar, and shall be open to member for inspections subject to the permission of the President. No copy of proceedings held in camera shall be supplied but can only be inspected by the members.

Part IV – Election of President and Vice-President

29.

The Registrar shall, with the prior approval of the outgoing President or the State Government, within one month of the constitution of the Council under Section 3, call the first meeting of the newly constituted Council.

30.

The notice of the first meeting shall be sent to all the members of the Council by the Registrar by registered post at least 7 clear days before the date of the meeting specifying the date, time and place at which the meeting shall be held, alongwith a copy of agenda, stating the elections of the President and Vice-President, if they are to be held, and any other business to be transacted at the meeting.

31.

The first meeting of the Council shall be presided over by the outgoing President for the purpose of election of the new President only :Provided that in the absence of the outgoing President or when he himself seeks re-election as President, the members present at the meeting shall, by majority of votes, elect a President to preside over the meeting for the purpose of election of the new President.

32.

(1)The President of the meeting shall invite the nomination paper in Form I Annexure for the election of President or Vice-President which shall be delivered to the President by the candidate in person or by his proposer or seconder within the time specified by the President.(2)No member shall propose or second the nomination of more than one person for the same office.

33.

On the presentation of the nomination paper, the President shall put his signature, date and time of the presentation and a serial number on it.

34.

(1)After the time fixed for submission of nomination paper is over the President shall inform the meeting the total number of nomination forms received and the names of the candidates. He shall, thereafter proceed to examine the nomination papers before the members present, giving them reasonable facilities for examining them and decide all objections which may be made to any nomination.(2)The President may, either on such objection or on his own motion, and after such summary, enquiry, if any, as he thinks necessary, reject a nomination paper on the following grounds, namely,-(a)that the candidate is not eligible for election as President or Vice-President, as the case may be under the Adhiniyam; or(b)that the signature of the candidate, proposer or seconder is not genuine or has been obtained by fraud; or(c)that the member has subscribed, whether as proposer or seconder, the nomination paper of more than one person for the same office.(3)The President shall endorse on each nomination paper his decision either accepting or rejecting it and if the nomination paper is rejected he shall record in writing a brief statement of his reasons for rejecting it.

35.

Any candidate whose nomination paper has been accepted, may withdraw his candidate by an application in writing within the time specified by the President.

36.

The President shall thereafter read out to the meeting,-(a)the names of candidates whose nomination papers have been declared invalid and the reasons therefor;(b)the names of candidates who have withdrawn; and(c)the names of candidates duly nominated.

37.

(1)When there is only one candidate duly nominated for the office of President or the Vice-President shall declare such candidate to be duly elected to the office of the President or the Vice-President as the case may be.(2)When the number of duly nominated candidate is more than one, for the office for which election is being held, the election shall be held by ballot.

38.

(1)Where the election is to be held by ballot the President may, if the members present agree himself receive the ballot papers, otherwise shall provide a ballot box and shall immediately before the

commencement of voting, demonstrate to the members that the ballot box is empty and shall then lock it up and place it to receive the ballot papers.(2)Every member present at the meeting shall be supplied with a ballot paper, initialled by the President on which the names of all candidates contesting the election shall be typed or legibly written in Form B (Annexure 2) II.(3)Every member shall then place a mark against the name of the candidate for whom he wishes to vote and shall hold it and deposit it to the President or in the ballot box as has been decided earlier. No member shall vote for more than one candidate.

39.

After the voting is over, the President shall proceed to scrutinise the ballot papers. If there is more than one sign against one name or more than one name or there is any mark or sign on a ballot paper, by which the voter can be identified, such ballot paper shall be considered invalid and shall not be counted. The decision of the President shall be final in this respect. The valid votes shall then be counted by the President and the ballot papers arranged in respect of each candidate.

40.

If, after counting of votes is completed, an equality of votes is found to exist between any candidates and the addition of one vote will entitle one of those candidates to be declared elected, the President shall, forthwith decide by lot in such manner as may be determined by him and proceed as if the candidate on whom the lot falls had received an additional vote.

41.

When the counting of the votes has been completed, the President shall, subject to the provision of Rule 40, if and so far as they apply to the particular case, declare to be elected the candidate to whom the largest number of valid votes has been given and prepare, complete and certify a return of election.

42.

Every person who performs any duty at any election shall maintain and aid in maintaining the secrecy of voting and shall not communicate to any person any information calculated to violate such secrecy, except for some purpose authorised by or under any law.

43.

The nomination papers, ballot papers whether valid or rejected, and all other papers relating to election shall in sealed packets be kept by the Registrar in safe custody for a period of three months from the date of election and may then be destroyed by him.

44.

Upon the occurrence of any vacancy in the office of the President or Vice-President, a new President or Vice-President shall be elected or appointed in the manner provided by the rules above, and any President or Vice-President so elected or appointed shall continue in office for the unexpired term of his predecessor.

45.

Besides the provisions made in the above rules, the all other provisions, contained in Part III, regarding the meetings of the Council, shall as far as may be, apply in this respect.

Part V – Resignations

46.

The president may, by writing under his hand addressed to. the Vice-President and delivered to the Registrar, at any time, resign his office.

47.

The Vice-president or any member may, by writing under his hand addressed to the President and delivered to the Registrar at any time resign his office.

48.

On the receipt of the resignation letter, the Registrar shall forthwith communicate the same to the President or Vice-President, as the case may be, and will circulate the copies of the resignation letter to all members and may summon a special meeting for consideration of the same or include it in the agenda of business of the ordinary meeting as may be directed by the President.

49.

The resignations under Rule 46 and Rule 47 shall take effect from the date on which it is accepted by the Council and the Council shall declare the office, as the case may be, as vacant consequent to the acceptance of the resignation.

50.

After the resignation being accepted by the Council, the information alongwith a copy of the resolution accepting the resignation shall forthwith be communicated to the State Government by the Registrar.

51.

On receipt of the information under Rule 50, the State Government shall notify in the Gazette the fact of the acceptance of the resignation with the date of acceptance and occurrence of causal vacancy consequent thereon.

Part VI – No-Confidence Motion Against President or Vice-President

52.

The requisition for special meeting for the purpose of consideration of no-confidence motion against the President or Vice-President shall be signed by at least four members of the Council.

53.

On receipt of such requisition, the Registrar shall send a copy of it to the State Government and shall fix a date of the meeting to be specially called for the purpose in consultation with and prior permission of the Director of Health Services, Madhya Pradesh.

54.

The notice of such meeting shall be sent to all the members of the Council specifying date, time and place thereof by the Registrar at least clear days before the meeting.

55.

A copy of the notice shall be sent to the State Government and the Directorate of Health Services, Madhya Pradesh.

56.

The Director of Health Services, Madhya Pradesh or his nominee shall be the presiding authority but shall have no right to vote in such meeting.

57.

All other provisions contained in Part III regarding meetings of the Council, shall as far as may be, apply in this respect. Form I [See sub-rule (1) of Rule 32] Nomination Paper Election to the Office of the President or Vice-President (To be filled by the Proposer) I hereby nominate Shri..... aged..... candidate for election to the Office of President or Vice-President of the State Council of Homoeopathy, Madhya Pradesh, Bhopal :-

- 1. Full name of the candidate.....**
- 2. Full name of the proposer.....**
- 3. Signature of the proposer with date.....**
- 4. Name of the seconder.....**
- 5. Signature of the seconder with date.....**

I assent to this nomination. Date : Signature of Candidate Form II [See sub-rule (2) of Rule 38] Ballot
Paper The State Council of Homoeopathy Madhya Pradesh, Bhopal Name of candidates duly
nominated for the office of the President/Vice-President or.....

Sl. No. Names Vote Sign

A.

B.

C.

President. Strike off inappropriate alternative. Put the sign against the name you wish to vote.