

# The Rajasthan Medical Rules, 1957

RAJASTHAN

India

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### Rule THE-RAJASTHAN-MEDICAL-RULES-1957 of 1957

- Published on 7 March 1957
- Commenced on 7 March 1957
- [This is the version of this document from 7 March 1957.]
- [Note: The original publication document is not available and this content could not be verified.]

The Rajasthan Medical Rules, 1957 Published vide Notification No. F. 9(4) (1) M.P.H./56, dated 7-3-1957, Published in Rajasthan Gazette Part 4-C, dated 28-3-57 (Section 33 (1) and (2)) In exercise of the powers conferred by sub-sections (1) and (2) of Section 33 of the Rajasthan Medical Act, 1952 (Rajasthan Act XIII of 1952) in force in the area of the pre-Reorganisation State of Rajasthan, the State Government hereby makes the following rules, namely:-

### Part I – Preliminary

#### 1.

(1) These rules may be called Rajasthan Medical Rules, 1957. (2) They extend to the area of the pre-Reorganisation State of Rajasthan. (3) They shall come into force on their publication in the Rajasthan Gazette.

#### 2.

In these rules, unless there is anything repugnant in the subject or context.-(a)"Act" means the Rajasthan Medical Act, 1952 (Rajasthan Act XIII of 1952);(b)"Form" means a form appended to these rules;(c)"Member" means a member of the Council;(d)"President" means the President of the Council nominated under Section 4.(e)"Qualified elector" means an elector qualified to vote in the particular constituency;(f)"Registrar" means the Registrar appointed under Section 14;(g)"Rule" means a rule of these rules.(h)"Section" means a section of the Act; and(i) words and expressions defined in the Act and not defined in these rules have the meanings respectively assigned to them in the Act.

## **Part II – Members and their appointments**

### **3. Register of Members.**

- A register shall be maintained in Form No. 1 which shall show the name and address of each member, whether he is nominated or elected; in case he is elected, the electorate which he represents, the ordinary term of office of each member; the date of its commencement and expiration and in case the office terminates before the due date owing to vacation of seat, resignation of membership or death, the date and reason of earlier termination. Appointment of Members

### **4.**

(a) Sixty days before the expiration of the term of any nominated member, the Registrar shall draw the attention of the President to the approaching vacancy, and the latter shall forthwith report it to the Government, in order that a new appointment may be made to take effect from the day following that on which the existing appointment will expire. (b) On the occurrence of a casual vacancy in the office of a nominated member under Section 9, sub-section (1) or on the resignation or death of such a member- or under the operation of rule 30, the Registrar shall at once draw the attention of the President to the vacancy, and the latter shall forthwith report it to the State Government, who shall take steps to have it filled within one month by a fresh nomination under Section 10.

## **Part III – Election of Members**

Special rules for election under clause (d) of Section 4 by the staff of Medical Schools and Colleges.

### **5.**

The Registrar shall invite the attention of the heads of the medical institutions mentioned in clause (d) of Section 4 to the date of expiry of the term of office of the respective members elected by their staffs not less than 75 days in advance of such expiry, and inform them in case of a casual vacancy in such office as soon as conveniently may be after the occurrence of the vacancy, and request them to fill the vacancy by fresh election under Section 4 and under these rules in ample time before the end of their term of office or within one month under Section 10, as the case may be.

### **6.**

The staff of medical school or college authorised to elect a member under clause (d) of Section 4 consisting of the Principal. Professors, resident physicians and surgeons and visiting physicians and surgeons holding teaching appointments in attached hospitals shall, at a meeting specially convened for the purpose, elect one of the staff, who must be a registered practitioner, to be a member of the Council and report the name to the President in ample time to obtain its publication under Section 7

in the Rajasthan Gazette prior to the reconstitution of the Council or to the expiry of his term of office or within one month after the occurrence of a casual vacancy, as the case may be.

## **7.**

The meeting under rule 6 shall be convened by the Principal of the school or college concerned in consultation with Registrar and the proceedings there at shall be conducted by the Principal. Special rules applicable to elections under clauses (c), (e) and (f) of Section 4 Preliminary

## **8.**

In these rules, "Returning Officer" means-(a) for the purposes of election under clause (c) of Section 4, the Registrar of the University of Rajputana, and includes any officer of the University deputed for the time being by the said Registrar to perform or assist him in his duties under these rules, and (b) for the purposes of elections under clauses (e) and (f) of Section 4, the Registrar, and includes any officer deputed for the time being by the Registrar to perform or assist him in his duties under these rules.

## **9.**

The Registrar shall invite the attention of the Registrar of the University of Rajputana to the date of expiry of the term of office of the member elected by the University seventy-five days in advance of such expiry, and inform him in case of a casual vacancy in that office as soon as conveniently may be after the occurrence of the vacancy, and request him to fill the vacancy by fresh election under Section 4 and under these rules in ample time before the end of the term of office of the Council or within one month under Section 10, as the case may be

## **10.**

(1) As a preliminary step for the holding of each election the Returning Officer shall notify in the Rajasthan Gazette, and in such other manner, as he may think fit, all vacancies, whether ordinary or casual, with a specification of the electorate by which each out-going or deceased member was returned and by which consequently his successor is due to be elected and of the date of expiry of the term of his office. (2) The notification shall be published in the case of-(a) a general election, on a date not being less than 42 days and more than 75 days before the day on which the term of office of the sitting members expires: and (b) a casual vacancy, as soon as conveniently may be after the occurrence of such vacancy.

## **11.**

The Returning Officer shall in the notification referred to in rule 10 invite all electors concerned to obtain nomination papers from him on application to nominate qualified candidates and request all electors generally to participate in the impending elections. He shall at the same time appoint and

notify dates, times and places relative to the elections as required by rule 26.

## **12.**

(1) In respect of any election under clauses (e) and (f) of Section 4, the electoral rolls shall consist of a copy of the latest Annual Medical List corrected to the date just preceding the last date appointed by the Returning officer under rule 26 for the receipt of nomination papers: Provided that for an election held to fill a casual vacancy or vacancies the medical list shall be corrected in respect only of names of voter eligible to vote in the particular constituency or constituencies concerned. Note:- See also rule 13 (5). The corrected medical list shall be published at the office of the Returning Officer on the said last date for receipt of nomination papers and no practitioner whose name is entered in the register of registered practitioners on or after such last date shall be entitled to vote at the next succeeding elections. Nomination of candidates for election [for elections under clauses (c), (e) and (f) of Section 4].

## **13.**

(1) Subject to the provisions of sub-rule (5), any person whose name is included in the register of registered practitioners and who is not disqualified for election to the Council under Section 6 may be nominated as a candidate for election under clause (e) or clause (1) of Section 4, and any such person who is also a member of the Faculty of Medicine of the University of Rajputana may be so nominated for election under clause (e) of that section. (2) Such nomination of each candidate shall be made in writing with complete particulars required on a separate nomination paper in Form No. 2 which shall be supplied by the Returning Officer concerned on application. (3) The nomination paper of each candidate nominated to represent any of the electorates mentioned in clause (c), clause (e) or clause (f) of Section 4, shall be subscribed by two qualified electors of the particular electorate concerned, by one as proposer and by the other as seconder: Provided that no elector may subscribe, whether as proposer or seconder more nomination papers than the number of vacancy or vacancies to be filled at the particular election by the electorate to which he belongs. (4) The nomination paper shall be subscribed also by the candidate nominated as assenting to the nomination and shall be forwarded by post or otherwise to reach the Returning Officer not later latest date and time specified by him thereon for its return. (5) No person shall, in an election under clause (e) or (o) of Section 4. vote or be nominated as a candidate if he is not eligible to vote in the particular constituency mentioned in that clause.

## **14.**

(1) On receipt of each nomination paper, the Returning Officer shall forthwith endorse thereon the date and hour of its receipt. (2) He shall examine each nomination paper and shall record on it his decision accepting or rejecting the same, and if a nomination paper is rejected, shall state in brief his reasons for such rejection e.g. that it does not comply with the requirements of any particular rule or that it has arrived after the latest date and time fixed for the receipt of nomination.

**15.**

If more nomination papers than are allowed by the proviso to rule 13(3) be subscribed by the same elector, then only the permissible number of such nomination papers first received by the Returning Officer shall, if otherwise in order, be held to be valid, but if the Returning Officer is unable to determine the order in which such nomination papers were received by him, all of such nomination papers shall be held to be invalid.

**16.**

Every nomination paper in respect of which any requirement of these rules has not been complied with or which is not received by the Returning Officer on or before the latest date and time fixed for the sending in of nomination papers, shall be invalid. Scrutiny of nomination paper [for elections under clauses (c), (e) and (f) of Section 4]

**17.**

(1) On the date and at the time and place appointed by the Returning Officer under rule 26 for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him and on which he has noted the result of his examination under rule 14. (2) The Returning Officer shall decide all objections to his decision as well as all questions which may be raised as to the validity of any nomination, and his decision on any such question shall, subject to the provisions of rules 28 and 29, be final. N.B.-For contingencies that necessitate the declaration of candidates as elected immediately after the scrutiny of nominations see rule 19(1).

**18.**

Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer upto 3 O'clock in the afternoon on the date succeeding that appointed for the scrutiny of nominations. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election. The candidature of any candidate shall remain valid for all purposes of these rules unless withdrawn in accordance with this rule. Election and voting [in respect of elections under clauses (c), (e) and (f) of Section 4.]

**19.**

(1) If in the case of an election, whether general or casual, to be held at any time under clauses (c), (e) and (f) of Section 4, the total number of duly nominated candidates who stand for election or remain in the field after withdrawal of candidates signified before the completion of scrutiny of nomination papers does not exceed the number of members to be elected at that time under that clause, the Returning Officer shall on the completion of such scrutiny in the presence of such of the candidates, their proposers and seconders as may choose to be present, forthwith declare such candidate or

candidates (if duly qualified) to be elected. Should this contingency arise as a result of withdrawal under rule 18 communicated after the scrutiny, no poll shall be held for the particular electorate concerned and the fact shall forthwith be notified in the Rajasthan Gazette, but the formal declaration of result of its election shall be held over until the date of counting of votes in respect of other electorates. (2) If the number of such candidates exceeds the number to be so elected, the Returning Officer shall—(a) cause the names, qualifications, registration number and addresses of the candidates offering for election under each such clause to be entered alphabetically in the order of their surnames in a separate voting paper in Form No. 3/ 1 and (b) thereupon publish in the Rajasthan Gazette and in such other manner if any as he may think fit. the said names, with the respective qualifications and addresses, classified according to the clauses of Section 4. (3) The Returning Officer shall, by a date fixed under rule 26. send by registered post to each qualified elector concerned one such voting paper (and no more) of candidates for election under the clause or clauses of Section 4 under which he is qualified to vote, with an identification envelope in Form No. 3/2: Provided that such a voting paper with an identification envelope shall also be issued to such an elector (if any) to whom a voting paper has not been sent already, on his applying to the Returning Officer for the same at any time before the latest date and time appointed by him for return of voting papers. In no other case shall a voting paper be issued after the last date prescribed under rule 26 for the issue of voting papers, nor shall a voting paper not delivered to a voter by the Post Office be reissued to him on its return to the office of the Returning Officer. Note:— Voting papers to be issued to registered practitioners should be sent at their registered address. (4) No election shall be invalidated by reason of the non-receipt by any elector of a voting paper.

## 20.

(1) Each qualified elector desirous of recording votes shall mark the voting paper issued to him with a single cross X (and no other mark) in the proper column against the name or names of the candidate or candidates (not exceeding the number of members to be elected) for whom he intends to vote (A vote recorded otherwise than on the voting paper supplied shall not be accepted). No elector shall give more than one vote to any one candidate. (2) The qualified elector shall sign furnishing full particulars, the requisite declaration printed on the identification envelope received with each voting paper, place the voting paper in this envelope, close it and deliver it personally to or send it singly by post to reach the Returning Officer on or before the latest day and time fixed by him for the return of voting papers with the relative identification envelopes. (3) No voting paper will be accepted unless it is enclosed in the identification envelope supplied with it and any defect, e.g., incompleteness in the entries required on the envelope or its receipt after the latest day and time fixed for its return with the proper voting paper shall invalidate both the envelope and the voting paper enclosed. (4) Every voting paper in respect of which any requirement of these rules has not been complied with or on which a mark is placed in such a manner as to make it doubtful to which candidate the vote is given or on which the elector has placed any mark whereby he may be afterwards identified or on which an alteration or erasure occurs indicating a change of vote or which is not received by the Returning Officer, on or before the latest day and time fixed for the return of voting papers, shall be invalid. Counting of votes and declaration and publication of results of elections [for elections under clauses (c), (e) and (f) Section 4].

## 21.

(1) On receiving the identification envelopes the Returning Officer shall divide them into separate batches according to the different electorates concerned and shall examine the envelopes in each batch separately as regards the completeness or otherwise of the particulars required to be entered thereon, and shall record his decision "rejected" on any identification envelopes which are incomplete in any requisite entry, mark thereon the incompleteness of entry and place them in safe custody for inspection at the counting of votes. The distinction of divided batches shall be maintained throughout the entire process of counting of votes. (2) The Returning Officer shall place the identification envelopes which are complete in requisite entries and which he provisionally accepts as containing valid voting papers without opening them in a separate ballot-box for each electorate.

## 22.

(1) The Returning Officer shall attend for the purpose of counting the votes on such date or dates and at such time and place as may be appointed by him (rule 46). (2) Every candidate may be present in person or may send a representative, duly authorised by him in writing, to watch the process of counting. (3) The Returning Officer shall show all identification envelopes whether accepted or rejected to the candidates or their representatives for examination of the propriety of their acceptance or rejection and dispose of any objection taken to his decision in the manner prescribed in sub-rule (5). (4) The accepted identification envelopes will then be opened in the presence of the candidates or their representatives appearing under sub-rule (2) and the voting will be separated from their covers which will be kept aside from view and the Returning Officer will thereupon proceed to examine the voting papers to see whether they have been filled up correctly in respect of every requisite particular. He shall record his decision "rejected" on every voting paper which is found to be defective in any respect and indicate thereon with reference to rule 20 the ground of rejection very briefly. The remaining voting papers will be deemed as accepted. Each convenient batch of voting papers, whether accepted or rejected, will be presented to the candidates or their representatives present for examination of the Returning Officers decision. (5) If any objection is taken to his decision of acceptance or rejection of any identification envelopes or voting papers, such objection shall be decided at once by the Returning Officer, whose decision shall, subject to the provisions of rules 28 and 29, be final. (6) The Returning Officer shall separate or cause to be separated the accepted voting papers from those that have been rejected and keep them in separate bundles. The identification envelopes originally rejected and those provisionally accepted when separated from their enclosed voting papers shall also be kept in separate bundles. All these bundles of voting papers and identification envelopes will be placed in safe custody for disposal under rule 24

## 23.

(1) When the counting of the votes of each electorate has been completed by the conduct of the operation on one or more days as may be necessary the Returning Officer shall, subject to the provisions of Section 4, and of the subsequent portion of this rule, forthwith declare the duly

qualified candidate or candidates, as the case may be to whom the largest number of valid votes has been given, to be elected.(2)When an equality of votes is found to exist between any candidates and the addition of a vote will entitle any of the said candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine(3)(a)When a candidate elected for a particular electorate by operation of sub-rule (1) happens subsequently to receive the highest number of valid votes of another electorate, he shall be allowed to choose for which of the two electorates he shall serve, and the choice once made by the candidate shall be final.(b)When a seat of particular electorate remains unfilled by the operation of this sub-rule or becomes vacant by the refusal of the elected candidates to serve, such refusal being signified before his name is published in the Rajasthan Gazette under rule 25, the seat may be filled by that one among the other candidates willing to accept office who has received the highest number of votes among unsuccessful candidates of the electorate affected at the election. If there is no unsuccessful candidate, a fresh election shall be held to fill the vacancy thus created.(c)The Returning Officer shall determine which candidate should be declared as elected under this sub-rule and announce the results as soon as possible after the counting of votes.(d)The declaration in this case may be made either in the presence of the candidates or their representatives if present or merely by notification in the Rajasthan Gazette under rule 25.(4)The Returning Officer shall immediately report the results of the elections to the President. Should the election fail to secure members required by Section 4 in any case, the defect in respect of each electorate should at the same time be reported for the information of the President along with any defect in the number of candidates that offered for election and the want of candidates willing to accept office in circumstances contemplated in clause (b) of sub-rule (3).

## **24.**

Upon the completion of the counting of votes and after the results have been declared by him, the Returning Officer shall seal up the voting papers with their identification envelopes and all other documents relating to the elections and shall retain the same for a period of six months and thereafter cause them to be destroyed.

## **25.**

The Returning Officer shall as soon as may be after the election publish the names of the candidates declared elected in the Rajasthan Gazette

## **26.**

The Returning Officer shall appoint and shall notify in the Rajasthan Gazette and in such other manner as he may think fit such date or dates or latest date, as the case may be, and, if necessary, such time and place as may be deemed suitable, for each of the following operations of an election, namely:-(a)the receiving of nominations under rule 13;(b)the scrutiny of nomination papers under rule 17;(c)the sending of voting papers with the relative identification envelopes under rule 19;(d)the receiving of voting papers with the relative identification envelopes under rule 20. and(e)the



counting of the votes under rules 22 and 23. The dates appointed shall ensure the completion of the election, in the case of a general election in ample time before the expiry of the term of office of the sitting members and, in the case of a casual vacancy under section 9 (1) or resulting from the death or resignation of a member or from the operation of rule 30. within the month prescribed by section 10. Action by the State Government in respect of elections (for all elections).

## **27.**

(1) On receipt of the report under rule 23 (4), the President shall forth with report to the State Government the results of all elections for action under section 7. He shall at the same time report, for action under section 5, what seats, if any, of any electorates could not be filled by election owing to defect in the number of candidates offering or to want of candidates willing to accept office in circumstances contemplated in clause (b) of rule 23 (3). (2) In the case of an election under clause (d) of section 4. the President shall, on receipt of the report under rule 7, forthwith report to the State Government the result of the election for action under section 7. Disputes relating to validity (in the case of all elections)

## **28.**

The State Government may. of its own motion or on objection made within three months from the date of the election, declare any election to the Council to be void on account of corrupt practice (e.g. bribery. undue influence, peroration, publication of false statements) or any other sufficient cause, and may call on the electorate affected to make a fresh election within a specified date, and any decision of the State Government under this rule shall be final.

## **29.**

The decision of the State Government on any question that may arise as to the intention, construction or application of these rules shall be final. Vacation of seat by a member of the Council whose name is removed from the register.

## **30.**

(1) If the name of the registered practitioner having been elected or nominated a member is removed from the register of registered practitioners, his seat shall be deemed to have become vacant, vide section 9(1) (d) read with section 6 (a), and the Council shall make the declaration of the fact at the time of the order of removal. (2) The President shall report the fact to the State Government vide section 9 (2), and the vacancy shall be filled like a casual vacancy within one month by fresh election or nomination as the case may be under section 4 and 10 of these rules.

## **Part IV – Rules relating to Register of Registered Practitioners.**

### Form of Register

#### **31.**

The Register of registered practitioners shall be maintained in Form No. 4.

#### **32.**

The names 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 and address of each entry.

#### **33.**

Each page of the Register shall be verified by the Registrar's signature. Annual medical list

#### **34.**

The Annual Medical List referred to in section 32 of the Act shall be published with the contents mentioned in that section, before a date to be fixed by Council under that section. The Council may prescribe a form for the purpose. Note.- An interleaved copy of such list should be kept by the Registrar, so that he can make, during the year, any entry, alteration or erasure that may be necessary. Certificate of registration

#### **35.**

Besides the certified copy of the entry in the register of registered practitioners, referred to in the proviso to sub- section (2) of section 32 of the Act, the Council may issue a certificate of registration, in such Form as it thinks fit to any person whose name has been entered upon the register and who desires to obtain such certificate.

## **Part V – Enquiries under proviso (ii) to section 17 and clause (a) (ii) of section 25 of the Act.**

### Complaint

#### **36.**

Whenever information is received 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 constitutes

in famous conduct in a professional respect, the Registrar shall make an abstract of such information and of such further information as he may have subsequently obtained.

**37.**

Where 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 declarations as to the facts of the case, except when the complaint is by a Government Department.

**38.**

Every declaration must state the 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. Consideration of the complaint by Penal Committee

**39.**

(1) The abstract and all other documents bearing on the case together with any complaint that may have been lodged 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 a registered letter for an explanation within a time to be fixed by the President. After the expiry of that time the documents with the explanation, if any, shall be referred for consideration to a Penal and Ethical Cases Committee which shall be appointed by the Council. The Committee shall have power to cause further investigation to be made and further evidence to be taken and, if necessary obtain further legal or other advice. (2) The Committee shall report to the Council, and if the Council consider that the case is one in which an enquiry ought to be held by the Council, the President shall direct the Registrar to take steps for the institution of an enquiry and for having the case heard and determined by the Council. Enquiry by the Council

**40.**

The enquiry 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 charge, shall inform the practitioner of the day on which the Council intend 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.

**41.**

The notice referred to in rule 40 shall be in Form No. 5 with such variations as circumstances may require. It shall be sent at least twenty-one days before the date of the enquiry, and shall be

accompanied by a copy of section 17 or 25 of the Act, as the case may be, and of the rules to regulate the procedure for conducting any enquiry referred to in those sections. A copy of the notice should at the same time be sent to the complainant, if any.

**42.**

In every case in which the Council resolve that an enquiry shall be instituted and a notice for an enquiry 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 Counsel, 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 enquiry.

**43.**

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

**44.**

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

**45.**

At the hearing of the case by the Council the complainant may also the practitioner may be represented or assisted by counsel. Order of procedure.

**46.**

Where a complainant appears personally or by a counsel the order of procedure shall be as follows:- (1) The Registrar will read to the Council the notice of the enquiry addressed to the practitioner. (2) The complainant will then be invited to state his case himself or by his counsel and to produce his proofs his case will be closed. (3) The practitioner will then be invited to state his case himself or by his legal representative, and to produce his proofs in support of it. He may address the Council either before or at the conclusion of his proofs, 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 except in any special case in which the Council may think it right to receive such further evidence. If the practitioner produces no 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 decline to submit to. cross-examination.(6)The Chairman of the meeting may put question to any witness, and members of the Council, through the Chairman, may also put questions to any witness.

#### **47.**

Where there is no complainant, or no complainant appears, the order of procedure shall be follows:-(1)The Registrar will read to the Council the notice of enquiry 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 himself or by his legal representative, and to produce his proofs in support of it. He may address the Council either before or at the conclusion of his proofs, but only once.Conclusion of enquiry

#### **48.**

(1)Upon the conclusion of the case the Council will deliberate thereon in private, and at the conclusion of the deliberations the Chairman 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 of two-thirds of the members present and voting at the meeting, find the medical practitioner guilty of infamous conduct in a professional respect, the Council shall direct the Registrar not to register his name, if he be an applicant for registration, or to remove his name from the RRegister of Registered Practitioner if he is already a Registered Practitioner or to warn or to censure him.

#### **49.**

When the registration of the name of any practitioner is refused, or when the name of any registered practitioner is removed from the Register in accordance with the provisions of the preceding rules, the Registrar shall forthwith send notice of such refusal or removal to the practitioner, by a registered letter addressed to his last known address. 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, and shall request them not to admit him without previous references to the Council to any examination for any new qualification, which is registerable in the Register of registered practitioners. If a name is removed from the Register, the RRegistrar shall issue a notification in the Rajasthan Gazette announcing the removal and forward a summary of the proceedings and findings to the medical journals for publication.

## **Part VI – Restoration of name to the Medical Register**

Restoration after non-penal erasure under section 16 (2)

## 50.

(1) Under the proviso to sub-section (2) of section 16. the Council may restore to the Medical Register, if they think fit. the name of any person which may have been erased therefrom under that sub-section. (2) An application for the restoration of a name so removed shall set forth the facts of the case (including last registration number) and state that the applicant is the person originally registered. (No particular Form is prescribed for the application). (3) The application shall be accompanied by any one of the following documents:-(a) applicant's diploma: (b) his certificate of registration in original: (c) a certificate of identity in the Form re-produced below, from-(i) two practitioners registered under the Act, or (ii) if the applicant is not the resident in the State of Rajasthan, two persons who are Magistrates or officers holding a commission in the Armed Forces of the Union of India or practitioners registered under the Medical Act or any other State in India and resident in that State. The certificate of identity referred to above should be in the following form:-"I hereby certify that the aforesaid applicant is the above specified whose names formerly stood in the Medical Register with the following address and [qualification.] [Here insert applicant's former address and registered qualification.]:-[Name.....] [Here insert name and address of person certifying.] Address.....Registered qualification or commission.....Date.....". Restoration after penal removal under section 25.

## 51.

(1) An application for the restoration to the Medical Register of a name removed under section 25 of the Act shall not be entertained before the ordinary meeting of the Council next succeeding that in which the removal was ordered. (2) If any person whose name has been removed from the Medical Register by the directions of the Council and who still possesses a qualification entitling him to be registered, makes an application to the Council for the restoration of his name to the Register, the procedure hereinafter prescribed shall be followed. (3) The application shall be in writing addressed to the Council, in Form No. 6 signed by the applicant and must state clearly the grounds on which it is made. It should be signed before a Magistrate or Oath Commissioner. (4) The application shall be accompanied by any one of the documents mentioned in rule 50 (3). (5) The application shall also be accompanied by certificates in writing in Form No. 7 testifying to truth of the statement made in the application and to the good character of the applicant, given by two Medical Practitioners (registered under the Act or under the Medical Act of any other State of India) resident in the neighbourhood where the applicant had been residing since his removal and who were and are well acquainted with him before and since the removal of his name. (6) On receipt of the application, it shall be referred by the Registrar to the Penal and Ethical Cases Committee, for consideration and report. Before an application is considered by the Committee, the Registrar shall notify the same to the Bodies whose qualification were held by the applicant at the time his name was removed; and shall further, by 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 Committee intend to consider the same. (7) The Penal and Ethical Cases Committee shall consider the application as may, if they think fit. adjourn the consideration of it to a future date or require further evidence or explanations from the applicant. (8) The Penal and Ethical Cases Committee shall make a report

upon the application to the Council in Camera, embodying in that reports such recommendations as the Committee shall think fit to make, with the reasons for the recommendations.(9)The Council shall thereafter arrive at such decision as it deem just.

## **Part VII – Application of Fees and Financial Provisions.**

### **52.**

The Registrar shall receive all fees payable under the Act and shall credit them to the account of the Council mentioned in rule 53.

### **53.**

All moneys paid to the Council shall be paid by the Registrar into an account to be opened in the name of the Council with any Bank transacting Government business.

### **54.**

All cheques for the payment of sums from the accounts of the Council in Bank shall be signed-(a)by the Registrar, if the amount does not exceed rupees twenty-five;(b)the President and the Registrar, if the amount exceeds rupees twenty-five.

### **55.**

No payment of amount exceeding rupees twenty-five shall be made without the sanction of the President.

### **56.**

The Registrar shall maintain a general Cash Book and shall enter therein all sums received or spent by him.

### **57.**

Moneys as required for day to day expenditure may be retained by the Registrar, but all such moneys shall be kept in such safe custody as the Council may direct.

## **Part VIII – Disposal of Appeals from the Decision of the Registrar preferred under Section 23 of the Act.**

**58.**

An appeal to the Council, preferred under Section 23 of the Act. against a refusal of the Registrar to register the name or any title or qualification of any person on the register of registered Practitioners, shall be in writing and shall state the grounds on which registration is claimed, the titles or qualifications, and the dates on which and the authorities from whom they were received.

**59.**

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

**60.**

The Committee shall have power to call for the original diploma or license, etc: from the appellant for inspection and also such other documentary or oral evidence, a may be considered necessary by them.

**61.**

At the conclusion of their enquiry, the Committee shall make a report to the Council embodying such recommendations as they shall think fit to make, with the reasons for the recommendations

**62.**

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 session.

**63.**

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. Form No. 1. (Vide Rule 3). Register showing particulars of the member of the Council.

Name	Address	Whether nominated or elected and in the case of elected member, the clause of section 4 under which elected	Terms of commencement of terms	Date of	The date on which the term is to expire in ordinary course	If the office terminate before the due date mentioned in column 6, then the date and reason of earlier termination (see sections 9 and 10 and rule 30.)
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1      2      3      4      5      6      7

Form No. 2[Vide Rule 13 (2).]Nomination Paper

**1. Name of candidate.**

**2. Father's name.**

**3. Age.**

**4. Nature of qualifications registered under Section 4.**

**5. Address (Place of residence where he practises ordinarily, not his office).**

**6. Signature, registration number, registered qualification and address of the proposer.**

**7. Signature, registration number, registered qualification and address of the seconder.**

**8. Electorate from which the candidate is standing.**

Date. Signature of the Candidate. N.B.- Nomination papers which are not received by the Returning Officer at (specifying his address) before on the day of 19 shall be invalid. "Registration number" of propose or seconder is not required in the case of nomination for election under clause (c) of section 4. Back of nomination paper. (To be filled in by the Returning Officer). Certificate of Delivery. This nomination paper was delivered to me at my office at (date and hour). Returning Officer. Certificate of Scrutiny. Rejected as time-barred or for other breach of rule 13. or I have scrutinised the eligibility of the candidate, the proposer and seconder, and find that they are respectively qualified to stand for election, to propose and to second the nomination. Returning Officer. Form No. 3/1. (Vide Rule 19(2) (a)) Serial No. .... Voting Paper Subject to instructions endorsed on this paper. .... [member] [To be filled in by Returning Officer.] (s) is/are to be elected to the Rajasthan Council of Medical Registration by the members of the state of the University of Rajputana or by persons whose names are entered in the register of registered practitioner and who are eligible to vote for the particular electorate.

S. No. of candidates duly nominated	Names, registration numbers, registered qualifications and address of candidates duly nominated	Column for the voters X
1.....		
2.....		

Returning Officer.Instructions.

- 1. Each elector has as many votes as there are members to be elected on each particular occasion. If he does not wish to use all his votes (in the case where more than one vote is allowed), he need not do so, but more than one vote may not be given to any one candidate.**
- 2. The number of members to be elected is entered above.**
- 3. An elector shall vote by placing in the proper column of the voting paper is single mark X (and no other mark) opposite to the name or names of the candidate or candidate (not exceeding the number of members to be elected) whom he prefers. A vote recorded otherwise than on the voting paper shall be invalid.**

The voting paper shall be invalid if the mark X is placed opposite to 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 or if more votes than one are recorded in favour of a single candidate.

- 4. Each qualified elector shall sign the requisite declaration giving full particulars required on the identification envelope, place the voting paper in this envelope, close it and return it in the manner prescribed in instruction 6. Without such signature and entry the identification envelope as also the enclosed voting paper shall be invalid.**
- 5. A voting paper on which the voter has placed any mark whereby he may be afterwards identified shall be invalid.**
- 6. Each voting paper enclosed in the relative identification envelope shall singly and separately be delivered personally (a)- voting paper sent by a peon or any other messenger will be rejected or sent by post to the Returning Officer at the office of the..... [The date appointed for the commencement (to be specified separately for each electorate) of the counting of votes is.....A voting paper enclosed in the relative identification envelope which is not received by the Returning Officer before.....on the.....day of. ....19.....will be rejected.] [To be filled in by the Returning Officer.]**

Extract from rule 20 of the election rules.No voting paper will be accepted unless it is enclosed in the identification envelope supplied with it and any defect, e.g. incompleteness in the entries required on the envelope or its receipt after the latest day and time fixed for its return with the proper voting paper shall invalidate both the envelope and the voting paper enclosed. Every voting paper in respect of which any requirement of these rules (main relevant provisions embodied in the instructions) has not been complied with shall be invalid. Form No. 3/2.(Valid Rule 19 (3)).In respect of election under clause (c) of Section 4. Identification envelop.No.....(The same as the serial No. on the voting paper).I. A.B., the undersigned, hereby declare that I am the person to whom this voting paper was addressed, that I am a member of the Senate of the University of Rajputana and that I have not marked any other voting paper for this election. Signature. In respect of elections under clauses (e) and (f) of Section 4. Identification envelope.No. (The same as the serial No. on the voting paper).I, C.D., (registered qualification).....(address)..... the undersigned, hereby declare that I am the person to whom the enclosed voting paper was addressed, that my name is included in the register of registered practitioners and that I have not marked any other voting paper of this electorate for this election. Signature. N. B. Before return of each voting paper with the relative identification envelope, the instruction printed on the reverse of the voting paper should be followed completely.(Vide instruction 6 and extract from rule 20). Form No. 4(Vide Rule 31)The Register of Registered Practitioners.

S. No.	Date of registration	Name	Address or appointment	Qualification & dates thereof &Registration No. of any other State Medical Council in India	Date and reason of removal	Remarks and receipt No. for registration fee	Initials of Registrar
	Section of the Act under Date which the name is removed						

Form No. 5(Vide Rule 41)Notice to Practitioner to attend proceedings in connection with the enquiry under Section 17 or 25 of the Act.Sir,On behalf of the Rajasthan Medical Council Registration. I give you notice that information and evidence have been laid down before the Council by which the complainants make the following charge against you, namely (here set out the circumstances briefly), and that in relation thereto you have been guilty of infamous conduct in a professional report.And, I am directed further to give you notice that on the day of.....19 a meeting of the Council will be held at O'clock in the to consider the above mentioned charges against you and decide whether or not they should direct that your name shall not be registered in/that your name be removed from the register of registered Practitioners pursuant to section 17/25 of the Rajasthan Medical Act, 1952. You are invited and required to answer in writing the above charges and to attend before the Council at the above named place and time, to establish any defiderial defence that you

may have to make to the above mentioned charges and you are hereby informed that if you do not attend as required, the Council may proceed to hear and to decide upon the said charges in your absence. Any answer or other communication or application which you may desire to make respecting the said charges, or your defence thereto must be addressed to the Registrar of the Rajasthan Medical Council and transmitted so as to reach him not less than.....day. before the day appointed for the hearing of the case. A copy of the 17th/25th Section of the Rajasthan Medical Act, 1952, and of the rules to regulate the procedure for conducting any enquiry referred to in that section, to which your particular attention is invited, is enclosed herewith for your information. Form No. 6(Vide Rule 51 (3)). Application for registration of name to the Medical Register. To the Rajasthan Medical Council.

**2. (i) I. the undersigned [.....] [Insert full name.] now holding the qualification of [.....] [Insert qualifications, if any.] do solemnly and sincerely declare that the following are the facts of my case, and in reason of which I seek restoration of my name to the Medical Register.**

(ii) In the year [.....] [Insert original qualifications.] my name was duly registered in the Medical Register in respect of the following qualifications, namely [.....] [Insert original qualifications.] and on the date of the removal of my name hereinafter mentioned I was registered in respect of the same qualifications, and also in respect of the following additional qualifications, namely [.....] [To be added to, if necessary.] (iii) At an enquiry held on the [.....] [Insert date of enquiry.] day of..... the Rajasthan Medical Council directed my name to be removed from the Medical Register on a complaint made to the said Medical Council by [.....] [Insert name and address of complainant] of..... and the offence for which the Medical Council directed the removal to my name was [.....] [Insert charge on which name was removed.] (iv) Since the removal of my name from the Medical Register I have been residing at [.....] [The blanks in this paragraph must be filled in according to..... circumstances.] and my occupation has been [.....] [The blanks in this paragraph must be filled in according to..... circumstances.] (v) It is my intention if my name is resorted to the Medical Register to [.....] [Insert particulars as to proposed future professional occupation.] (vi) The grounds of application are [.....] [All facts and grounds on which the application is made should be concisely stated.] Declared at ..... on before me. A Commissioner for Oaths, or Magistrate. Form No. 7(Vide Rule 51 (5)). Certificate of good character in support of application for restoration of name to Medical Register. I..... of..... certify as follows:-(i) I am [.....] [State under what Act you have been registered as a qualified practitioner.] (ii) I have read paragraphs (iv) and (v) of the application of and say that I have been and am well acquainted with the said..... both before and since his name was removed from the Medical Register, that I believe him to be now a person of good character, and that the statements in the said paragraphs are to the best of my knowledge, information and belief, true. (Signed)(Name)(Address and qualification).