

# The Rajasthan Indian Medicine Rules, 1956

RAJASTHAN

India

## The Rajasthan Indian Medicine Rules, 1956

### Rule THE-RAJASTHAN-INDIAN-MEDICINE-RULES-1956 of 1956

- Published on 22 March 1957
- Commenced on 22 March 1957
- [This is the version of this document from 22 March 1957.]
- [Note: The original publication document is not available and this content could not be verified.]

The Rajasthan Indian Medicine Rules, 1956 Published vide Notification No.F. 10 (14)(5) MP H/55 dated 22-3-1957, published in Rajasthan Gazette, Part 4-C, Ordinary, dated 16-5-1957(Section 54)In exercise of the powers conferred by section 54 of the Rajasthan Indian Medicine Act, 1953 (Rajasthan Act V of 1953), the Government of Rajasthan is pleased to make the following Rules: the same having been previously published in the Rajasthan Gazette Part 4-C dated the 20th December, 1956, namely:-

#### 1. Short title and Commencement.

(1)These rules may be called the Rajasthan Indian Medicine Rules, 1956.(2)They shall come into force on the date of their publication in the Rajasthan Gazette.

#### 2. Definitions.

- In these rules, unless the context otherwise requires:-(i)'Act' means the Rajasthan Indian Medicine Act, 1953 (Rajasthan Act V of 1953);(ii)'Form' means a Form annexed to these rules;(iii)'Section' means a section of the Act.

#### 3. List of Members to be maintained.

- The Registrar shall maintain the list containing the names of the members elected on the Board, the electorates they represent, the date of election of each such member, the term of his office and the date of death requirement, resignation or removal of each such member. The Registrar shall keep the list always up-to-date so that it may show at a glance when the next election or nomination, as the case may be, has to be made.

#### **4. Report regarding anticipated vacancy.**

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

#### **5. Report regarding casual vacancy and period of filling them up.**

(1) If a vacancy occurs in the office of a member of the Board 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 Chairman if the vacancy be in respect of an elected member and the Government through the Chairman in case the vacancy be in respect of a nominated member. (2) All casual vacancies in the office of the Chairman or a member shall, with reference to section 14(1) be filled up within 6 months of the occurrence of the vacancy.

#### **6. Filling up vacancies of elected Members.**

(1) In the case of vacancies of elected members an election shall be held to fill the vacancy. The Registrar or any other person authorised by him in this behalf shall act as the Returning Officer for such election. If the vacancy is to occur in consequence of the expiry of the term of office of a member such Returning Officer shall sometime not less than 42 days and not more than 60 days before the day on which the term of office of such member is due to expire, or, if the vacancy has already occurred through death, resignation, removal or disability of such member or otherwise, as such as conveniently may be after the occurrence of the vacancy issue a notice to the electorate concerned, requiring the said electorate to elect a member or members by a date mentioned in the notice. (2) The date mentioned in the said notice shall be taken as the prescribed date for the purposes of section 7.

#### **7. Procedure of election of members.**

- The following procedure shall be adopted for the filling of vacancies by election:-(i) The Electoral Roll in Form No.1 shall be prepared by the Registrar from the register and published in the Rajasthan Gazette. It shall contain the name, qualifications and address of every person qualified to vote for the election of a member to fill up the vacancies. Note.-Separate rolls shall be prepared for each of the constituencies of registered Vaidyas, registered Hakims and registered Midwives. (ii) Candidates qualified for being elected shall be proposed and seconded by persons qualified as electors. No elector shall propose or second the nomination of more persons than are required to fill up the vacancy or vacancies. If more nominations than are required to fill up a vacancy or vacancies be subscribed by the same elector, all nominations subscribed by him shall be held to be void. (iii) The candidate shall sign the nomination paper declaring that he is willing to serve on the Board, if elected. (iv) In the absence of such a declaration, the nomination shall be treated as invalid. (v) Every proposal for nomination shall be in writing in a printed form (Form

No.2) which may be had from the Registrar free of cost and shall be signed by the proposer and seconder and sent by post or otherwise, so as to reach the Returning Officer on or before a date fixed by him, which shall not be less than fifteen days before the date appointed by him under sub-rule (2) of rule 6.(vi)Any candidate shall be at liberty to withdraw his candidature in writing signed by him and delivered to the Returning Officer within 7 days of filing the nomination. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be recommended as a candidate for the same election.(vii)The Returning Officer shall decide all questions which may arise as to the validity of any nomination on a date fixed by him for scrutiny of nominations and his decision thereon shall be final.(viii)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.(ix)If in case of any such election more candidates than are necessary to fill up the vacancy or vacancies, the Returning Officer shall forthwith publish their names and addresses in the Rajasthan Gazette and in such other manner as the Returning Officer may deem fit, and shall further cause their names to be entered in Ballot papers in form No.3.(x)Not less than twenty-one days before such date as may be appointed by the Returning Officer under Rule 7(xi) the Returning Officer shall send by registered post to each elector a Ballot paper signed by the Returning Officer. No election shall be invalidated by reason only of an elector not receiving his Ballot paper: provided that a Ballot paper has been issued to him in accordance with these Rules.(xi)Before such date as may be appointed by the Returning Officer in this behalf every elector, desirous of voting shall personally deliver or send by post his ballot paper to the Returning Officer after recording his vote or votes in the manner prescribed therein:Provided that any Ballot paper which is not received by the Returning Officer before 12 Noon on the date so appointed for the counting of votes shall be rejected.(xii)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 by the Chairman in this behalf. The Ballot papers shall then be scrutinized and the valid votes counted. Any candidate may also be present either in person or by an accredited, representative to watch the counting of the votes.(xiii)A Ballot paper shall be invalid if:-(a)it does not in any way confirm to these rules, or(b)it does not confirm to the instructions printed thereon, or(c)it does not bear the initials of the Returning Officer, or(d)no vote is recorded thereon, or(e)a voter signs his name or writes a word or makes any mark on it, by which it becomes recognizable as his Ballot paper, or(f)the number of votes recorded thereon exceeds the number of vacancies to be filled, or(g)it is void for uncertainty of one or more votes exercised:Provided that when more than one vote can be given on the same Ballot paper, if one of the marks is so placed as to render it doubtful to which candidate it is intended to apply, the vote concerned and not the whole Ballot paper shall be invalid on that account.(xiv)If any objection is made to any Ballot paper on the ground that it does not comply with the specified requirement or to any rejection by the Returning Officer of a Ballot paper, it shall be decided at once by the Returning Officer whose decision shall be final.(xv)The Returning Officer shall nominate such number of scrutinizers not exceeding four as he thinks fit in consultation with the Chairman.(xvi)When the counting of the votes has been completed, the Returning Officer shall forth with declare the 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 Board.(xvii)When an equality of votes is found to exist between candidates and the addition of one 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 such manner as the Chairman may determine.(xviii)Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal the Ballot papers and all other documents relating to the election and shall retain the same with himself for a period of 6 months, and thereafter with the approval of the State Government cause them to be destroyed.(xix)The Returning Officer shall notify in the Rajasthan Gazette and in such other manner as the Board may think fit the date, time and place fixed for such of the following proceedings, namely:-(a)the sending of Ballot papers to the electors under rule 7(x).(b)the last date for receiving Ballot papers and the date for the counting of the votes under rule 7(xi) and (xii).(xx)The State Government may, of his own motion, or on an objection made before him, declare any election that has been had, to be void on account of corrupt practice or any other sufficient cause and then call on the electorate to make a fresh election. The decision of the State Government under this rule shall be final.(xxi)If any question arises as to the intention or application of this rule, which in the opinion of the Board should be referred to the State Government, the Board shall refer such question to the State Government whose decision shall be final.

## **8. Election of Vice-Chairman.**

(a)The election of the Vice- chairman shall be by Ballot at a meeting specially convened for the purpose and for which due notice has been given to each member stating the time and place of the meeting.(b)If the Chairman is not present the members shall choose from amongst themselves a person other than a candidate for a election to preside over the meeting for the election.(c)Every candidate shall be duly proposed and seconded.(d)The Chairman of the meeting shall declare the candidate securing the largest number of votes as duly elected.(e)In the event of two or more candidates securing an equal number of votes, the Chairman of the meeting shall decide by drawing lots, the candidate whom he shall declare as duly elected.

## **9. [ Expenses of Chairman. - (1) The Chairman shall be paid:-**

(a)travelling allowance and daily allowance for journeys per-formed in connection with the affairs of the Board in accordance with the rates admissible to category "A" officers, as provided in the Rajasthan Traveling Allowance Rules:Provided that he shall be paid daily allowance @ Rs.50/ at Jaipur.(b)The chairman shall be entitled for boarding and lodging facilities in Circuit Houses as admissible to category "A" officers.]

## **10. Expenses of members.**

- Every member other than an official member shall be paid expenses at the following rates:-

### **1. Travelling expenses at First Class Fare and @ 5/- per day as D.A.**

## **2. Expenses of attending a meeting @ Rs.7/- per meeting.**

### **11. General rule regarding travelling expenses.**

- The following provisions shall apply in respect of the payment of travelling expenses to the Chairman and Members:- (1) Such expenses shall be payable only in respect of journeys performed in connection with business of the Board including journeys performed in connection with attending the meetings of the Board or Committee thereof. (2) Such expenses shall be drawn by means of a bill giving the details of each item and signed by the person drawing the expenses. It shall be countersigned by the Chairman who may also countersign his own bills also. Financial Provisions

### **12.**

An account shall be opened in a bank doing Government treasury business in the name of the Boards and all moneys of the Boards shall be deposited in the Bank, subject, to the reservation mentioned hereafter.

### **13.**

The Registrar shall receive all moneys payable to the Board. He shall not retain in his hand a sum exceeding Rs.200/- the balance being lodged in the Bank to the credit of the Board.

### **14.**

The annual accounts shall be made up by the Registrar. They shall be audited by a Chartered Accountant or an Accountant appointed by the Accountant General, Rajasthan as soon as possible after the close of each financial year.

### **15.**

In the month of September in each or on such other date as the State Government may fix, an estimate of the revenue, and of the expenditure of the Board for the year commencing on 1st April next ensuing, shall be sent to the State Government.

### **16.**

Such estimate shall make provision for the fulfillment of the liability or the liabilities of the Board and for effectually carrying out its objects. It shall include on its revenue side, besides all revenue ordinarily anticipated, such grant as Government may allot and all fees received from registration and other sources.

**17.**

The State Government shall consider the estimate so to submitted to it and shall sanction the same either unaltered or subject to such alterations as it may deem fit.

**18.**

The State Government may at any time during the year for which any estimate has been sanctioned cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimate shall be considered by the State Government in the same manner as if it were an original annual estimate.

**19.**

No expenditure shall be incurred by the Board which is not duly provided for in the budget or in a supplementary budget estimate.

**20.**

The Registrar shall immediately bring into account in the general cash book all moneys received or spent by the Board.

**21.**

All cheques on the Bank shall be signed by the Chairman, or such other person as may be authorised by the State Government.

**22.**

The accounts of the Board shall be maintained in the language in which accounts of the State Government are for the time being maintained. Registers and Lists

**23. Form of registers under section 31 of the Act.**

(1)The registers under section 31 shall be maintained in Form No.4.(2)Separate registers shall be maintained for (i) Vaidyas, (ii) Hakim and (iii) Midwives.(3)Each such register shall be divided into two parts- Part A and Part B- containing, respectively, particulars relating to practitioners of Class A and those of Class B (see sections 31 and 34).

**24. Appeals under section 32(5) from the decision of the Registrar of the Board.**

- The appeals against a decision of Registrar filed under section 32(5) shall be governed by the following rules made under section 54 and particularly under section 54(2) (h) read with section 32(6):-

(1) Such appeal shall be filed by means of a memorandum in writing signed by the appellant, which shall be presented by him in person or sent through a duly authorised person or by post so as to reach the office of the Board within the period of ninety days mentioned in section 32(5). It should state in brief the grounds of appeal.

(2) The Registrar shall maintain a register of such appeals and enter them under serial numbers. The Registrar should contain particulars relating to the appellant, the date of receipt of the memorandum of appeal, the result of the appeal when decided and such other particulars as the Chairman may direct to be entered therein.

(3) A meeting of the Board shall ordinarily be held at least once in three months for the purpose of hearing such appeals.

Note:- Nothing in this sub-rule shall be construed as preventing the Board from transacting any other business at the meeting.

(4) Information of the date, time and place of the meeting shall be sent in writing to the appellant in sufficient time so as to allow him a reasonable interval for attending the meeting if he so chooses.

(5) At the meeting held for the purpose, the appellant shall have a right to appear personally or through a legal advisor duly authorised by him and to be heard.

(6) The provisions of the Act and the Regulations thereunder, applicable to meetings of the Board, including sections 17, 18, 19 and 21, shall apply to meetings held for hearing appeals under this rule.

(7) With reference to proceedings held before the Advisory Committee concerned under section 22(2)(c) read with section 20, this rule shall apply in the same manner as it applies with reference to proceedings before the Board.

(8) Provisions of this rule shall apply, as far as may be, to appeals arising out of applications under sections 34 and 36 also.

(9) While an appeal under this rule is heard before the Advisory Committee, the appellant shall have a right to produce oral and documentary evidence at the meeting, but the person presiding at the meeting shall have the power of regulating the taking of such evidence particularly in order to avoid undue delay. Such evidence as is regarded by him as a relevant need not be recorded at the meeting. (This is within the powers of the Board.)

## 25. Form of lists under section 36(1).

- The list of the practitioners enlisted under section 36(1) (a) shall be maintained in Form No.5.

(2) The list of persons qualified to practise, maintained under section 36(1) (b) shall be in Form No.6.

Form No. 1 See rule 7(1) Electoral Roll List of persons qualified to vote under clause of section of the Rajasthan Indian Medicine Act, 1953 in the.....constituency.

Serial number, Registration number. Name Father's Name Address

1	2	3	4

I certify that all the persons whose names are entered in the above roll are qualified to vote under..... of the Rajasthan Indian Medicine Act, 1953.

Registrar, Board of Indian System of Medicine, Rajasthan.

Form No. 2 See rule 7(v) Nomination Paper Election under clause..... of section..... of the Rajasthan Indian Medicine Act, 1953.

Constituency.

Name of candidate	Father's name	Registration number and name of constituency and serial number on the	Address	Signature of proposer	Signature of Seconder

electoral roll.

1 2 3 4 5 6

I hereby declare that I am the person about whom the above particulars are given and that I agree to this nomination.(Signature).....CandidateReturning OfficerInstructionsNomination papers which are not received by the Returning Officer on or before the.....will be invalid.Form No. 3See rule 7 (ix)Form of Ballot paperBoard of Indian Medicine, Rajasthan outerfoil front .....

Constituency.

Counterfoil

Names of Candidates Marks denoting vote.

Election for Board of Indian Medicine, Rajasthan 19.

S.No. of Ballot paper.

No. of the Roll of the elector in the electoralRoll.....

Name of the Elector.....

Date of Dispatch.....

Initialsof Dispatching Officer.

Initials of Returning Officer.Outerfoil-ReverseInstructions

**1. The number of candidates for whom the elector may vote is.....**

**2. You shall 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 cases where more than one vote is allowed) you need not do so, but more than one note may not be given to any one candidate.**

**3. Under the Rajasthan Indian Medicine Rules, 1956 a ballot paper shall be invalid if:-**

(a)it does not in any way conform to those rules, or(b)it does not conform to the instructions printed thereon, or(c)it does not bear the initials of the Returning Officer, or .(d)no vote is recorded thereon, or(e)a voter signs his name or writes a word or makes any mark on it. by which it becomes recognizable as his Ballot paper, or(f)the number of votes recorded thereon exceeds the number of vacancies to be filled, or(g)it is void for uncertainty of one or more votes exercised: Provided that when more than one vote can be given on the same Ballot paper, if one of the marks is so placed as to render it doubtful to which candidate it is intended to apply, the vote concerned and not the whole Ballot paper shall be invalid on that account.

**4. Ballot papers which do not reach the Returning Officer before 12 noon on the.....day of.....shall be rejected.**

Form No. 4See Rule 24Register of Practitioners of Indian Medicine



S. No. Name Father's Name Full Address of the dispensary.

1 2 3 4

Caste Age. Qualification Whether dispensary is aided by Government or not. Another State Boards registration No., if any.

5 6 7 8 9

Receipt No. and date of receipt or registration fee. Signature of the Registrar Signature of the Chairman Registration No. and date. Remarks

10 11 12 13 14

Form No. 5 See rule 27 List of Practitioners enlisted under section 36(1) (a) of the Rajasthan Indian Medicine Act, 1953.

S. No. Name Father's name Full Address of the dispensary.

1 2 3 4

Age. Caste. Qualification Number of receipt for the payment of fee.

5 6 7 8

Signature of the Registrar Signature of the Chairman Enlistment No. and date Remarks.

9 10 11 12

Form No. 6 See rule 27 List of persons qualified to practise maintained under section 36(1)(b) of the Rajasthan Indian Medicine Act, 1953.

Serial No. Number and date of enlistment Name Father's name Address Remarks

1 2 3 4 5 6

[Substituted by Notification dated 16-7-1984. Pub.in R.G.Gazette Part IV(ga). dated 26-7-1984, page 154.]