

The Bihar Development of Homeopathic System of Medicine (Conduct of Business and Maintenance of Correct Minutes of the Meetings of the Board) Rules, 1954

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Act 24 of 1953

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The Bihar Development of Homeopathic System of Medicine (Conduct of Business and Maintenance of Correct Minutes of the Meetings of the Board) Rules, 1954 Rules made under Section 53(2)(e) of the Bihar Development of Homeopathic System of Medicine Act, 1953 (Bihar Act 24 of 1953) vide Notification No. 32923-H, dated 21st November, 1955

1. Short title and commencement.

(1) These Rules may be called the Bihar Development of Homeopathic System of Medicine (Conduct of Business and Maintenance of Correct Minutes of the Meetings of the Board) Rules, 1954. (2) They shall come into force at once.

2. Definitions.

- In these Rules unless there is anything repugnant in the subject or context-(a)"the Act", means the Bihar Development of Homeopathic System of Medicine Act, 1953;(b)"Board" means the Bihar State Board of Homeopathic Medicine constituted under sub-section (1) of Section 3 of the Act;(c)"President" means the President of the Bihar State Board of Homeopathic Medicine appointed under clause (a) of sub-section (1) of Section 3 of the Act, and for the purpose of presiding at a meeting in the absence of the President, includes the member elected under Section 14 of the Act;(d)"Registrar" means the Registrar of the Bihar State Board of Homeopathic Medicine

appointed under sub-section (1) of Section 19 of the Act.

3.

The Board shall ordinarily meet for the transaction of business on the first Tuesday in the months of January and July in each year. If Tuesday is a public holiday, then the Board shall meet on the following working day.

4.

(a) An extraordinary meeting of the Board of which fifteen days' notice shall be given may be summoned by the President at any time on a written requisition signed by not less than ten members of the Board. (b) Subject to the provision of the foregoing sub-rule, all meetings of the Board shall be convened by the Registrar by a summon addressed to each Member stating the time and place of any such meeting.

5.

(1) Prior to any meeting of the Board, the Registrar shall under the instructions of the President, prepare a provisional programme of business, and shall furnish a copy thereof to each Member of the Board, not less than fifteen days before the day of the meeting. (2) Whenever any matter relating to a disciplinary action against any officer or authority is proposed to be taken by the Board, all documents and relevant papers appertaining to the subject-matter should be circulated to all Members of the Board.

6.

(1) A motion shall not be admissible—(a) if the matter to which it relates is not within the scope of the functions of the Board, or (b) if it raises substantially the same question as a motion or amendment which had been moved and either decided or withdrawn with the leave of the Board within six months of the date of the meeting at which it is sought to move the new motion, or (c) unless it is clearly and precisely expressed and raises substantially only one definite issue, or (d) if it contains arguments, inferences, ironical expression or defamatory statements. (2) The President shall disallow any motion which, in his opinion, is inadmissible under sub-rule (1): Provided that if a motion can be rendered admissible by amendment the President may, instead of disallowing the motion, admit it in an amended form. (3) When the President disallows or amends a motion, the Registrar shall inform the member who gave notice of that motion of the order of disallowance or, as the case may be, the form in which the motion has been admitted.

7.

Notwithstanding anything contained in Rule 7, the President may in his discretion—(a) admit for discussion at any meeting a motion, notice of which has not reached the Registrar in time for

inclusion in the programme of business sent under Rule 7;(b)allow a motion to be discussed at a meeting notwithstanding the fact that notice was received too late to admit it in compliance with Rule 6.

8.

(1)No meeting of the Board shall commence or continue, if the number of Members (including the President) is less than the quorum prescribed in sub-section (2) of Section 13.(2)If, at the expiration of 30 minutes from the time fixed for the holding of any meeting the number present is not equal to the quorum the meeting shall be adjourned to some future date and time to be fixed by the President.

9.

(1)Every matter to be determined by the Board shall be determined on a motion by a Member and put to the Board by the President.(2)Votes shall be taken by show of hands or division, as the President may direct:Provided that votes shall be taken by division, if any member so desires.(3)The President shall determine the method of taking votes by division.(4)The result of a division shall be announced by the President and shall not be challenged.

10.

When motions identical in purport stand in the names of two or more Members the President shall decide which motion shall be moved, and the other motion or motions, identical in purport shall not thereupon be moved.

11.

After a motion has been moved, any Member may, subject to the provisions of Rules 14 and 15, move an amendment to the motion :Provided that the President shall not allow an amendment to be moved which, if it had been a substantive motion, would have been inadmissible under Rule 8.

12.

(1)An amendment must be relevant to and within the scope of the motion to which it is proposed.(2)An amendment shall not be moved which has merely the effect of a negative vote.(3)The President may refuse to put an amendment which is, in his opinion frivolous.

13.

(1)If notice of an amendment has not been given two clear days before the date on which the motion is moved, any Member may object to the moving of the amendment and the objection shall prevail, unless the President allows the amendment to be moved.(2)The Registrar shall, if time permits,

cause a copy of every amendment to be made available for the use of every Member.

14.

(1)When any motion or amendment is under debate no proposal with reference thereto shall be made other than-(a)an amendment of the motion or of the amendment, as the case may be;(b)a proposal for the adjournment of both, either to a specified time or sine die;(c)a motion for the closure, namely, a motion that the question be now put.(2)Unless the President is of opinion that a motion is an abuse of the Rules or an infringement 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 shall allow the mover of the substantive motion to exercise his right of reply before the substantive motion under debate is put.

15.

A motion or an amendment, which has been moved shall not be withdrawn save with the leave of the Board which shall not be deemed to be granted if any Member dissents from the granting of leave.

16.

(1)When a motion has been moved Members other than the mover may speak on the motion in such order as the President may direct.(2)No member other than the mover who shall be entitled to a right of final reply, shall speak more than once on any motion except with the permission of the President and for the purpose of making an explanation or putting a question to the Member addressing the Board :Provided that a Member who has spoken on a motion may speak again on an amendment subsequently moved to the motion.(3)No member shall, save with the permission of the President, speak for more than ten minutes :Provided that mover of a motion when moving the same may speak for twenty minutes.(4)A speech shall be strictly relevant and confined to the subject matter of the motion on which it is made.(5)The business of the Board shall be transacted in Hindi or with the permission of the President, in English.

17.

(1)A Member, desiring to make any observations on any matter before the Board, shall speak from his place, shall rise while speaking and shall address the President.(2)If at any time, the President rises, any Member speaking shall immediately resume his seat.

18.

No Member shall speak except upon the business before the Board or with special permission of the President in personal explanation in connection with a previous debate.

19.

(1)When an amendment to any motion is moved or when two or more such amendments are moved, the President shall before taking the sense of the Board thereon state or read to the Board the terms of the original motion and the amendment or amendments proposed.(2)The President shall decide the order in which amendments which may have been moved to a motion shall be put. As a rule all the amendments shall be put to vote first and then the motion itself.

20.

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

21.

(1)Subject to the consent of the majority of the Members present at the meeting, the President may at any time adjourn any meeting to any future day or to an hour of the same day.(2)Whenever a meeting is adjourned to a future day, the Registrar shall, if time permits, send notice of the adjournment to every Member who was not present at such meeting.(3)When a meeting has been adjourned to a future day the President may change such day to any other day, and the Registrar shall send written notice of the change to each Member.(4)At a meeting adjourned to a future day, any motion standing over from the previous day shall, unless the President otherwise directs, take precedence over new matter.

22.

If any question arises with reference to the interpretation of these Rules or with reference to procedure in respect of a matter for which these Rules make no provision, the President shall decide the same and his decision shall be final.

23.

The proceedings of the meetings of the Board shall be preserved in the form of typed minutes which shall be authenticated after confirmation, by the signature of the President.

24.

The minutes of each meeting shall contain such motions and amendments as have been moved and adopted, or negatived with the names of the mover, but without any comment and without any record of any observation made by any member at the meeting.

25.

The minutes of proceedings of a meeting of the Board shall be read at the next meeting of the Board and confirmed if there is no objection from any member as to their accuracy. The minutes shall be deemed to have been confirmed if the President signs them in token of his approval and correctness.

26.

The minutes of the Board shall, as soon as practicable after their confirmation, be made up in sheets and consecutively pagged for the insertion in a volume, which shall be permanently preserved.

27.

When in the opinion of the Board any matter in which expert or technical opinion is involved or any such matter which requires prolonged enquiry to arrive at a conclusion comes before the Board and the Board finds that proper justice to the case cannot be done without appointing an Advisory Committee, it may appoint an Advisory Committee of as less number of members as are absolutely necessary in the case and in no circumstances it shall exceed eleven including the Convenor.