

# Rules Under Tamil Nadu Medical Registration Act, 1914

TAMILNADU

India

## Rules Under Tamil Nadu Medical Registration Act, 1914

### Rule

### **RULES-UNDER-TAMIL-NADU-MEDICAL-REGISTRATION-ACT-1914 of 1914**

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Rules Under Tamil Nadu Medical Registration Act, 1914 Rules Made by the Governor Under the Tamil Nadu Medical Registration Act Rule Under the Explanation to the Proviso to Sub-Section (2) of Section 16 of the Tamil Nadu Medical Registration Act, 1914 (G O. No. 67, P.H., dated 10th January 1935) The expression "qualified practitioner" shall, for the purposes of the proviso to sub-section (2) of section 16 of the Act, mean a practitioner of Indian Medicine whose name has been registered by the Central Board of Indian Medicine, Chennai. Rules Under Section 16(4) of the Tamil Nadu Medical Registration Act, 1914 (G. O. Ms. No. 911, P. H., dated 31st March 1944)

#### 1.

Every application under sub-section (4) of section 16 of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914) (hereinafter referred to as the Act) by a registered practitioner for the deletion of his name from the medical register, shall be accompanied by a declaration in the following form:—"I hereby declare that I am not aware of any disciplinary proceedings or any reason for the institution of any such proceedings against me on the ground of a defect of character or of infamous conduct in any professional respect, nor have I been convicted of any offence implying a defect of character."

#### 2.

On receiving such application, the Registrar shall ascertain whether there is any objection to the deletion of the name by referring to the medical authorities who granted the applicant his qualification or qualifications, and if the applicant's name has been registered in the medical register of any other Province, also the authority who granted registration.

**3.**

After the replies from the authorities referred to in rule 2 are received or, if no replies are received, after allowing a reasonable time for the receipt of the replies, the application shall, at the earliest opportunity, be placed before the Executive Committee of the Council. The recommendation of the Executive Committee shall be placed before the Council.

**4.**

The Council shall consider the recommendation of the Executive Committee and pass a resolution either accepting or rejecting the application: Provided that no application shall be disposed of during the pendency of any disciplinary proceedings against the applicant or if any disciplinary proceedings are contemplated against him, until such proceedings are completed and orders are passed thereon: Provided further that if any application is made with a view to enable the applicant to pursue a course of conduct which would have brought him under the disciplinary jurisdiction of the Council, had the applicant's name continued to remain on the medical register, it shall be rejected.

**5.**

The Registrar shall carry out the decision of the Council and communicate the decision to the applicant by a letter addressed to the applicant's registered or last known address.

**6.**

When the name of any registered practitioner has been deleted from the Medical Register under sub-section (4) of section 16 of the Act, the Registrar shall notify such deletion to all the Medical Councils in India and the Registrar of each such Council will be requested, on receiving this notification, to remove forthwith from his medical register the name of the registered practitioner, if he is registered in such medical register.

**7.**

The Registrar may restore to the medical register subject to the provisions of sections 13 and 14 of the Act, the name of a practitioner which has been removed under the provisions of sub-section (4) of section 16 of the Act. Rules Under Sub-Section (1) of Section 24 G.O. Ms.No. 1510, P.H., dated the 27th August 1926; G. O. Ms.No. 1950, P.H., dated the 16th October 1936; and G.O. Ms. No. 3309, P.H., dated the 18th September 1939; G.O. Ms.No. 3400, Health, dated the 16th December 1954; G.O. Ms.No. 1479, Health, dated the 26th April 1955; G.O. Ms.No.1596, Health, dated the 5th May 1955 and G.O. Ms.No. 213, Health, dated the 23rd January 1958. Travelling allowance to Members of the Tamil Nadu Medical Council for attending its meetings and for other purposes. Non-official Members of the Tamil Nadu Medical Council shall be paid travelling allowance at the rate allowed to the members of the first class Government Committee with reference to G.O. No. 1271, Finance, dated the 16th March 1953 for journeys performed by them by rail to attend meeting of the Council

or in connection with any of the duties which the Council may, from time to time, assign to them in order to enable the Council to discharge its duties under the Act, and for the return journeys. If a member starts from or returns to a station which is not his usual place of residence, the travelling allowance to be paid for such journey shall not exceed the amount admissible for a journey from or to his usual place of residence. Non-official members of the Council shall be paid travelling allowance for attending the meeting of the Council or in connection with any of the duties assigned to them if they travel by road and the amount so claimed shall not exceed the amount admissible for a journey if performed by rail. Non-official members of the Council travelling by rail should furnish a certificate to the effect that they travelled by the first class. They should also furnish when claiming full travelling allowance for journeys by rail a certificate in one of the following forms according to the circumstances: -

I Certified that concessional rates were not obtainable for any of the journeys covered by this bill.

OR

I Certified that concessional rates obtainable for the journeys on .....(date) could not be availed of for the following reasons: -

Note. - Members of I Class Committees will be entitled to accommodation by the highest class other than air conditioned accommodation provided on the line by which they travel. They may draw, in addition to the actual fare of the class by which they travel, an allowance (for incidental expenses) calculated at the rate of 6 np. per mile, in lieu of the half I class fare to which they are now entitled. A sitting fee of Rs. 20 (Rupees twenty only) per day in case of mufassal non-official members and Rs. 17.50 (Rupees seventeen and np. fifty) in the case of city non-official members be paid on such days of attendance and that no daily allowance be paid to them in addition. Official Members shall be paid travelling allowance at the rates admissible to them for journeys on tour under the Tamil Nadu Travelling Allowance Rules. The expenditure shall, in all cases, be met from the funds of the Tamil Nadu Medical Council. (G.O. Ms.No. 3555, P.H., dated the 10th October 1949)

Notwithstanding anything contained in any of the rules made under Section 24(1) of the Tamil Nadu Medical Registration Act (Tamil Nadu Act IV of 1914), the State Government may, for special reasons, appoint any person or persons to exercise all or any of the powers conferred, or to perform all or any of the duties imposed, upon the President or the Registrar of the Tamil Nadu Medical Council or both. By the rules aforesaid, for such period as the State Government may consider necessary. The President shall be paid a conveyance allowance of Rs. 50 per month to meet the transport charges for attending the office to perform his duties. (G.O. Ms.No. 3400, Health, dated the 16th December 1954)

The registration fee once paid under section 14(1) of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914) is not refundable whether the application for registration is accepted or not. (G.O. Ms.No. 1479, Health, dated the 26th April 1955)

Rules for the Election of President of the Tamil Nadu Medical Council (G.O. Ms.No. 1674, P.M., dated the 14th June 1944)

## 1.

(1) The President shall hold office as such, unless he sooner resigns, for a term of two years from the date of his election. (2) Subject to the provision of sub-rule (1), the President shall be deemed to have vacated his office as such on the expiry of his term as member or on his otherwise ceasing to be a member.

**2.**

(1)The election of the President shall be held by members of the Council by ballot at a meeting of the Council.(2)The meeting shall be presided over-(a)By the President;(b)If the President intends to stand as a candidate at the election or if he is absent, by the Vice- President; and(c)if the President and Vice-President both intend to stand as candidates at the election or if both of them are absent, by a member of the Council, not intending to stand as a candidate at the election, chosen by the meeting to preside for the occasion.

**3. A candidate for the office of President shall be proposed by one of the members of the council and seconded by another. The names of all candidates proposed and seconded shall be read out by the President of the meeting.**

**4.**

(1)If there is only one duly nominated candidate, there shall be no ballot and he shall be declared to have been elected.(2)If there are two or more candidates, the votes of the members of the Council present at the meeting shall be taken by ballot.

**5. Every member of the Council wishing to vote shall be supplied with a voting paper, initialled on the back by the President of the meeting, on which the names of all the candidates shall be printed or typed in the following form: -**

Name

**1.**

**2.**

**3.**

**4.**

The voter shall, then, proceed to the place set apart for the purpose and there place a mark x against the name of the candidate for whom he wishes to vote. He shall then fold up the voting paper so as to conceal his vote and show the initials of the President of the meeting and deposit the same in a ballot box placed in the view of the President of the meeting and so constructed that the paper may be placed therein, but not extracted therefrom without the box being opened. The President of the meeting shall, then, open the box and count the votes in the presence of members of the Council and

declare the result of the election in accordance with the following instructions: -(1)If there are only two candidates, the one who secures the larger number of the votes shall be declared to have been elected. In the event of there being equality of votes between the two candidates, the President of the meeting shall draw lots in the presence of the members of the Council and the person whose name is first drawn shall be declared to have been elected.(2)If there are more than two candidates, the one who obtains the fewest votes shall be eliminated and the votes taken again. If there is an equality of votes among all the candidates or if two or more candidates lowest on the list have obtained an equal number of votes, the President of the meeting shall ascertain by casting lots in the presence of the members of the Council which of them shall be eliminated. The elimination shall be repeated until two candidates only are left, when votes shall be taken for the last time and the candidate who secures the large number of votes shall be declared to have been elected. In the event of there being an equality of votes at the final stage between the two remaining candidates, the President of meeting shall draw lots in the presence of the members of the Council and the person whose name is first drawn shall be declared to have been elected.

**6. Any voting paper, which contains the signature of any voting members of the Council or on which the mark is placed against more than one name, shall be invalid.**

**7. Upon the completion of the counting and after the result has been declared by him, the President of the meeting shall seal up the voting papers and all other documents relating to the election and hand them over to the Registrar who shall retain the same for a period of six months and, thereafter, cause them to be destroyed.**

**8. The State Government may, of their own motion, or on objection made, declare any election that has been held to be void on account of corrupt practice or any other sufficient cause and may call on the council to make a fresh election. The decision of the State Government under this rule shall be final.**

Rules Under Clause (I) of Sub-Section (1) of Section 24(G. O. No. 673, Public, dated the 15th December 1914; G. O. Ms. No. 4093, P. H., Dated the 6th November 1939; G. O. Ms. No. 1547, P. H., dated the 14th April 1940For The First Elections

**1. In these rules, unless there is anything repugnant in the subject or context,**  
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(a)"the Act" means the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914);(b)"Council" means the Tamil Nadu Medical Council constituted under the Act;(c)"Form" means a Form annexed to these rules;(d)"Government" means the Government of Tamil

Nadu;(e)"Returning Officer" means the Surgeon-General with the Government of Tamil Nadu.

## 2.

(1)The Returning Officer shall prepare and publish in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette.], on a date to be fixed by him, preliminary rolls of all electors in Form I in each of the electorates specified in clauses (c), (d) and (e) of sub-section (1) of section 5 of the Act.(2)The Returning Officer shall simultaneously publish a notice in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette.] specifying the mode in which and the time within which claims or objections relating to entries or omissions in the preliminary rolls are to be preferred.(3)On or after the date fixed for the receipt of the claims and objections, the Returning Officer shall pass orders in writing on each claim or objection and revise the electoral rolls in accordance with the orders and the rolls as so revised shall be published in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette.] as the final electoral rolls.(4)The register of medical practitioners prepared under section 11 of the Act as last published in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette.] together with list or lists, published by the Returning officer in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette.] of medical practitioners registered under the said Act subsequent to the, publication of the said register shall be the final electoral role for the electorate specified in clause (f) of sub-section (1) of section 5 of the Act.

## **3. Candidates for election shall be nominated by means of nomination papers, in Form II which shall be supplied free of cost by the Returning Officer to any elector who may apply for the same.**

## 4.

(1)Every nomination paper shall be subscribed by two electors as proposer and seconder:Provided that no elector shall subscribe more nomination papers than there are seats to be filled up:Provided also that if more than the prescribed number of nomination papers be subscribed by the same elector, the prescribed number of nomination papers first received by the Returning Officer shall, if otherwise in order, be held to be valid, and if more than the prescribed number of nominations signed by the same elector, be received simultaneously by the Returning Officer all of such nomination papers shall be held to be invalid.(2)On receipt of each nomination paper the Returning Officer shall forthwith endorse thereon the date and hour of receipt.

## **5. Nomination papers which are not received by the Returning Officer before the date and the time appointed in that behalf shall be rejected.**

## 6.

(1)On or before the date appointed for the receipt of nomination papers each candidate wishing to stand for election under clause (c), clause (d), clause (e), or clause (f) of sub-section (1) of section 5

of the Act, shall deposit with the Returning Officer a sum of fifty rupees in cash, and no candidate shall be deemed to be duly nominated unless such deposit has been made.(2)If a candidate by whom the deposit referred to in sub-rule (1) has been made withdraws his candidature in the manner and within the time specified in rule 8 or if the nomination of any such candidate is rejected, the deposit shall be returned to the candidate; and if any such candidate dies before the commencement of the counting of votes, the deposit shall be returned to his legal representatives.(3)If a candidate by whom the deposit referred to in sub-rule (1) has been made is not elected and the number of votes polled in his favour does not exceed one-eighth of the total number of votes polled, the deposit shall be forfeited to the Council.(4)For the purpose of sub-rule (3), the number of votes polled shall be deemed to be the number of voting papers counted as valid by the Returning Officer.(5)The deposit made in respect of a candidate, whether he is elected or not, shall, if it is not forfeited under sub-rule (3), be returned to the candidate, as soon as may be, after the publication of the result of the election in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette.].

## 7.

(1)On the date and at the time appointed by the Returning Officer for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend the office of the Returning Officer, who shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.(2)The Returning Officer shall examine the nomination papers and may either of his own motion or on objection made, decide all questions which may, arise as to the validity of any nomination and his decision shall be final.

## 8.

(1)If the number of duly nominated candidates who stands for election does not exceed the number of members to be elected the Returning Officer shall forthwith declare such candidate or candidates to be duly elected.(2)If the number of such candidates exceeds the number of members to be so elected the Returning Officer shall, forthwith publish their names and addresses in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette.] and shall further cause their names to be entered in the voting papers in Form IV.(3)Any candidate may withdraw his candidature by notice in writing signed by him and delivered to the Returning Officer not later than fourteen clear days before the date appointed for the poll. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.(4)The Returning Officer shall, on receiving a notice of withdrawal, cause it to be published in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette.].(5)On or before the date appointed by the Returning Officer in this behalf, he shall send by post to each elector a letter of intimation, together with a numbered declaration paper in Form III and a voting paper in Form IV on which the names of the candidates shall be arranged in alphabetical order and which shall bear on it the Returning Officer's initials or facsimile signature. A certificate of posting shall be obtained in respect of each such letter of intimation sent to an elector.(6)An elector who has not received his voting and other connected papers sent by post or who has lost them or whose papers before their despatch back to the Returning Officer have been inadvertently spoilt, may transmit a declaration to that effect signed by himself and require the Returning Officer to send him new

papers in place of those not received, lost or spoilt; and if the papers have been spoilt, the spoilt papers shall be returned to the Returning Officer who shall cancel them on receipt. In every case, when new papers are issued, a mark shall be placed against the number of the elector's name in the electoral roll to denote that new papers have been issued in place of those not received, lost or spoilt.(7)No election shall be invalidated by reason that an elector has not received his voting paper, provided that a voting paper has been issued to him in accordance with these rules.

**9. Every elector desirous of recording his vote shall, after filling up the declaration paper and the voting paper according to the directions given in the letter of intimation, enclose the voting paper in the voting paper cover, stick it up, enclose this cover and the declaration paper in the outer envelope addressed to the Returning Officer and send it by registered post at his own cost to the Returning Officer so as to reach him not later than the day and the latest hour fixed for the poll. All envelopes received by unregistered post shall be rejected:**

Provided that, at his option, the elector may in person or by messenger deposit the envelope in the ballot box which shall be provided at the office of the Returning Officer on the day and during the hours fixed for the poll.

**10. On receipt of the envelopes by registered post containing the declaration paper and the closed cover containing the voting paper, the Returning Officer shall endorse on the outer envelope the date and hour of receipt.**

**11.**

(1)A voting paper cover shall be rejected by the Returning Officer, if-(a)the outer envelope contains no declaration paper outside the voting paper cover, or(b)the declaration paper is not the one sent by the Returning Officer, or(c)the declaration is not signed by the elector, or(d)the voting paper is placed outside the voting paper cover, or(e)more than one declaration or voting paper cover have been enclosed in one and the same outer envelope.In each case of rejection, the word "Rejected" shall be endorsed on the voting paper cover or the declaration paper.(2)After satisfying himself that the electors have affixed their signatures to the declarations, the Returning Officer shall keep all the declaration papers in safe custody, pending disposal under rule 14.

**12.**

(1)The Returning Officer shall attend for the purpose of scrutiny and counting of the votes at the date, time and place appointed in this behalf.(2)All the voting paper covers, other than those rejected under rule 11, shall be opened and the voting papers taken out and mixed together. The voting papers shall then be scrutinized and the valid votes counted.A voting paper shall be invalid if, :- (a)it does not bear the Returning Officer's initials; or(b)a voter signs his name or writes a word or



makes any mark on it, by which it becomes recognizable; or(c)no vote is recorded thereon; or(d)the number of votes recorded therein exceeds the number of vacancies to be filled; or(e)it is void for uncertainty of one or more votes exercised:Provided that where more than one vote can be given on the same voting 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, but not the whole voting paper shall be invalid on that account.(3)Every candidate may be present in person or may send a representative duly authorized by him in writing to watch the process of counting.(4)The Returning Officer shall show the voting papers, if requested to do so, to the candidates or their authorized representatives, at the time of scrutiny and counting of votes.(5)If any objection is made to any voting paper on the ground that it does not comply with the instructions therein or to the rejection by the Returning Officer of a voting paper, it shall be decided at once by the Returning Officer whose decision shall be final.

### **13.**

(1)When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates to whom the largest number of votes have been given to be duly 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 candidates to be elected, the determination of the person 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.

**14. Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election and shall retain the same for a period of six months and, thereafter, cause them to be destroyed.**

**15. The Returning Officer shall publish the result of the election in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette].**

**16. The Returning Officer shall appoint and shall notify in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette.] and in such other manner as he thinks fit, the date, time and place for : -**

(a)the receipt of nomination papers and their scrutiny;(b)the sending of voting papers;(c)the poll; and(d)the scrutiny and counting of votes.

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

# **18. The decision of the Government on any question that may arise as to the intention, construction or application of these rules shall be final.**

Form I(See rule 2)A. List of persons qualified to vote under clause (c) of sub-section (1) of section 5 of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914).

Name Qualification Designation Remarks

1	2	3	4
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B. List of persons qualified to vote under clause (d) of sub-section (1) of section 5 of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914)

Name Qualification Designation Remarks

1	2	3	4
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C. List of persons qualified to vote under clause (e) of sub-section (1) of section 5 of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914)

Name Qualification Designation Remarks

1	2	3	4
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FORM II(See rule 3)Nomination PaperElection under clause (c)/(d)/(e)/(f) of sub-section (1) of section 5 of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914).

1 Name of the candidate	:
2 Father's Name	:
3 Age	:
4 Nature of qualification under section 13 (a) and (b)	:
5 Address	:
6 Signature of proposer	:
7 Signature of seconder	:

Returning Officer.InstructionNomination papers which are not received by the Returning Officer before will be invalid.Form III(See rule 3)Declaration PaperElection to the Tamil Nadu Medical Council under clause (c)/(d)/(e)/(f) of sub-section (1) of section 5 of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914).Serial number -Elector's name -Number on the electoral roll, if any -Elector's DeclarationI,.....(name in full, and designation, if any) declare that I am an elector for the election of a member to the Tamil Nadu Medical Council by theRegistered Medical Practitioners under clause (c)/(d)/(e)/(f) of sub-section (1) of section (5) of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914) and have signed no other voting paper at this election.

StationDated SignatureAddress

Form IV(See rule 8)Voting PaperRegistered Medical Practitioners under clause (c)/(d)/(e)/(f) of sub-section (1) of section 5 of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914).

Serial Number	Name of candidate duly nominated	Vote
1	2	3

Returning Officer.Instructions

**1. The number of vacancies to be filled is**

**2. Place a cross-mark thus "X" against the name of the candidate (or each of the candidates) for whom you wish to vote.**

**3. A voting paper will be invalid, if -**

(a)it does not bear the Returning Officer's initials or facsimile signature; or(b)a voter signs his name or writes a word or makes any mark on it, by which it becomes recognizable; or(c)no vote is recorded thereon; or(d)the number of voters recorded therein exceed the number of vacancies to be filled; or(e)it is void for uncertainty of one or more votes exercised.Letter of IntimationSir/Madam,The persons whose names are printed on the voting paper, sent herewith, have been duly nominated as candidates for election to the Tamil Nadu Medical Council. Should you desire to vote at the election, I have to request that you will : -(a)fill up and sign the declaration paper;(b)mark your vote, in the column provided for the purpose in the voting paper, as directed on the voting paper;(c)enclose the voting paper in the smaller cover, and stick it up; and(d)enclose the smaller cover and the declaration paper in the outer envelope addressed to me and return the same to me by registered post so as to reach me not later than..... p.m. on the..... day of 20..... or deposit or cause to be deposited the envelope addressed to me in the ballot box provided for the purpose at the office of the Returning Officer between ..... a.m. and ..... p.m.on.....

**2. Voting papers will be rejected, if -**

(a)the outer envelope enclosing the voting paper cover is not sent by registered post and received not later than the hour fixed for the closing of the poll or deposited in the ballot box at the office of the Returning Officer on the date and between the hours fixed; or(b)the outer envelope contains no declaration paper outside the smaller cover; or(c)the voting paper is not enclosed in the voting paper cover; or(d)the declaration paper is not the one sent by the Returning Officer to the voter; or(e)more than one declaration paper or cover containing voting paper have been enclosed in one and the same envelope; or(f)the declaration is not in order; or(g)the voting paper is invalid.

**3. A voting paper will be invalid, if -**

(i)it does not bear Returning Officer's initials or facsimile signature; or(ii)a voter signs his name, or writes any word or makes any mark by which it becomes recognizable; or(iii)no vote is recorded thereon; or(iv)the number of votes recorded therein exceeds the number of vacancies to be filled in; or(v)it is void for uncertainty of one or more votes exercised.

**4. If a voter inadvertently spoils a ballot paper, he can return it to the Returning Officer who will, if satisfied of such inadvertence, issue to him another voting paper.**

**5. The scrutiny and counting of votes will begin on.....**

**6. No person shall be present at the scrutiny except the Returning Officer, and such other persons as the Returning Officer may appoint to assist him, the candidates and not more than one representative of each candidate duly authorized by him in writing.**

Office of the Tamil Nadu Medical Council, 100 Feet Road, Vadapalani, Chennai - 26. Returning Officer. For Subsequent Elections [G.O. No. 1606, Public, dated the 15th December 1914; G.O. No. 189 L. & M. (Medical), dated the 21st April 1920; G.O. No. 1231, P.H., dated the 20th May 1930; G.O. No. 1506; P.H., dated the 12th June 1934; G.O. No. 55, P.H., dated the 9th January 1935; G.O. Ms. No. 2046, P.H., dated the 6th August 1935; G.O. Ms. No. 497, dated the 21st May 1936; G.O. Ms. No. 822, P.H., dated the 2nd March 1940; G.O. Ms. No. 171, P.H., dated the 31st January 1942; G.O. Ms. No. 14, P.Y.D. dated the 27th February 1943 and G.O. Ms. No. 140, P.H., dated the 19th January 1944]

## **Part I – Preliminary**

**1. In these rules, unless there is anything repugnant in the subject or context, :-**

(a) "the Act" means the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914); (b) "Council" means the Tamil Nadu Medical Council constituted under the Act; (c) "Form" means a form annexed to these rules; (d) "Government" means the Government of Tamil Nadu; and (e) "Returning Officer" means the Registrar of the Council.

**2. When a vacancy on the Council occurs or at any time within sixty days of the date when such a vacancy will occur in the ordinary course of events, the President of the Council shall, in the case of a nominated member, inform the Government of the vacancy and, in the case of an elected member, issue a precept to the electorate apprising it of the said vacancy and requiring it to elect a substitute within a date mentioned in the precept. Such precept shall be published in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette.] and in any two English daily newspapers of this State.**

## **Part II – Elections Under Clauses (A) And (B) Of Sub-Section (1) Of Section 5 Of The Act**

**3. On receipt of a precept under rule 2, the Registrar of the University of Tamil Nadu or the Andhra University, as the case may be, shall call upon the Senate of that University to elect a member to the Council from among the members of the Faculty of Medicine of that University in accordance with the procedure prescribed by the Statutes of the University for the election of members to the Syndicate with the modification, that the Registrar of the University shall exercise all the powers of the Returning Officer under the said Statutes.**

## **Part III – Elections Under Clauses (C) To (F) Of Sub-Section (1) Of Section 5 Of The Act**

### **4.**

(1)The Returning Officer shall, in consultation with the Principals of the Medical Colleges concerned, prepare and publish in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette.] on a date not later than the 10th August 1940, the preliminary rolls of all electors in the Form I for each of the electorates specified in clauses (c), (d) and (e) of sub-section (1) of section 5 of the Act together with a notice stating that any objection relating to the entries in, or omissions from the said electoral rolls may be preferred on or before the 10th September 1940 to the Returning Officer.(2)After the said date the Returning Officer shall consider the objections so received and shall, if necessary, revise the electoral rolls on or before the 1st October 1940. The electoral rolls as finally published together with the corrections referred to in sub-rule (3) shall be final and conclusive.(3)If any elector whose name is included in the final electoral rolls ceases to be a member of the staff of a college or if a new member is appointed on the staff of a college, the Principal of the college shall, immediately, give the necessary intimation to the Returning Officer, who shall thereupon make the necessary corrections in the final electoral rolls maintained in his office and notify the corrections in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette.].(4)On receipt of any precept under rule 2, the Returning Officer shall forthwith publish on the notice board in his office a copy of the final electoral rolls referred to in sub-rule (2) as corrected up to date. He shall also supply to the Principal of the Medical College concerned an authenticated copy of the rolls so corrected for publication on the college notice board.(5)The register of medical practitioners prepared under section 11 of the Act as last published in the Fort St. George Gazette together with the list or lists, published by the Returning Officer in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette.], of medical practitioners registered under the said Act subsequent to the publication of the said register shall be the final electoral roll for the electorate specified in clause (f) of sub-section (1) of section 5 of the Act.

## 5.

(1) In the case of electorates specified in clauses (c) to (f) of sub-section (1) of section 5 of the Act, the Returning Officer shall, on receipt of the precept, call upon the electorates concerned to elect members from the respective electorates. (2) Candidates for election shall be nominated by means of nomination papers in Form II which shall be supplied free of cost by the Returning Officer to any elector who may apply for the same.

## 6.

(1) Every nomination paper shall be subscribed by two electors as proposer and seconder: Provided that no elector shall subscribe more nomination papers than there are seats to be filled: Provided also that if more than the prescribed number of nomination papers be subscribed by the same elector, the prescribed number of nomination papers first received by the Returning Officer shall, if otherwise in order, be held to be valid, and if more than the prescribed number of nominations signed by the same elector be received simultaneously by the Returning Officer, all such nomination papers shall be held to be invalid. (2) On receipt of each nomination paper, the Returning Officer shall, forthwith endorse thereon the date and hour of receipt over his initials.

**7. Nomination papers which are not received by the Returning Officer before the date and the time appointed in that behalf shall be rejected.**

## 8.

(1) On or before the date appointed for the receipt of nomination papers, each candidate wishing to stand for election under clause (c), clause (d), clause (e), clause (f) of sub-section (1) of section 5 of the Act, shall deposit or cause to be deposited with the Returning Officer a sum of fifty rupees in cash, and no candidate shall be deemed to be duly nominated unless such deposit has been made. (2) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made withdraws his candidature in the manner and within the time specified in rule 10 or if the nomination of any such candidate is rejected, the deposit shall be returned to the person by whom it was made; and if any candidate dies before the commencement of the counting of votes, the deposit, if made by the candidate, shall be returned to his legal representatives or, if not made by the candidate, shall be returned to the person by whom it was made. (3) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is not elected and the number of votes polled in his favour does not exceed one-eighth of the total number of votes polled, the deposit shall be forfeited to the Council. (4) For the purpose of sub-rule (3), the number of votes polled shall be deemed to be the number of voting papers counted as valid by the Returning Officer. (5) The deposit made in the respect of a candidate whether he is elected or not, shall, if it is not forfeited under sub-rule (3), be returned to the candidate or to the person who has made the deposit on his behalf, as the case may be, as soon as may be, after the publication of the result of the election in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette].

## 9.

(1) On the date and at the time appointed by the President of the Council for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend the office of the Returning Officer, who shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid. (2) The Returning Officer shall examine the nomination papers and may, either of his own motion or on objection made, decide all questions which may arise as to the validity of any nomination and his decision on this question shall be final.

## 10.

(1) If the number of duly nominated candidates who stand for election is equal to the number of members to be elected, the Returning Officer shall, forthwith, declare such candidates to be duly elected. (2) (a) If the number of such candidates is less than the number of vacancies, all such candidates, if any, shall be declared to be elected, and the President of the Council shall, in accordance with the provisions of rule 2, take steps to fill the remaining vacancy or vacancies. (b) If the number of such candidates exceeds the number of members to be elected, the Returning Officer shall forthwith publish a list containing the names and addresses of such candidates in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette.]. (3) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer or other person authorised by him at or before 3 O'clock in the afternoon within fourteen days from the date of the publication in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette.] of the list referred to in clause (b) of sub-rule (2): Provided that if the last of such days is a public holiday within the meaning of section 25 of the Negotiable Instruments Act, 1881 (Central Act 26 of 1881) or has been notified by the State Government as a day to be observed as a holiday in the Government offices, the notice shall be considered as having been received in due time if it is presented at or before 3 O'clock on the next succeeding day which is neither such a public holiday nor a day so notified. (4) On receipt of a notice of withdrawal under sub-rule (3), the Returning Officer shall cause it to be published in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette.]. (5) 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. (6) If the number of candidates who are duly nominated and who have not withdrawn their candidature in the manner and within the time specified in sub-rule (3) exceeds that of the vacancies, the Returning Officer shall, forthwith, publish their names in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette.] and shall cause their names to be entered in the voting paper in Form IV in alphabetical order. The alphabetical order is to be determined with reference to the order of the surnames of candidates having surnames and the names proper of other candidates. (7) On or before the date appointed by the President of the Council in this behalf, the Returning Officer shall send by post to each elector a letter of intimation in Form V together with a numbered declaration paper in Form III and a voting paper in Form IV which shall bear on it the Returning Officer's initials or facsimile signature. A certificate of posting shall be obtained in respect of each such letter of intimation sent to an elector. (8) Before the voting paper is issued to an elector, the Returning Officer shall place a mark against the name of the elector concerned in the electoral roll, or a copy of it, used for the purpose of the election. (9) An elector who has not received his voting and other connected

papers sent by post or whose papers before their despatch back to the Returning Officer have been inadvertently spoilt in such manner that they cannot conveniently be used, or who has lost his papers, may apply with a signed declaration to that effect, for new papers in the place of those not received, spoilt or lost. If the papers have been spoilt, they shall be returned to the Returning Officer who shall cancel the same on receipt. On receipt of the application, the Returning Officer shall, if he is satisfied that there is a case for the supply of fresh papers, supply such papers to the elector.(10)In every case where new papers are issued under sub-rule (9), a mark shall be placed against the name of the elector in the copy of the electoral roll referred to in sub-rule (8) to denote that new papers have been issued in place of those not received, spoilt or lost.(11)No election shall be invalidated by reason that an elector has not received his voting paper provided that a voting paper has been issued in accordance with these rules.

**11. Every elector desirous of recording his vote shall, after filling up the declaration paper and the voting paper according to the directions given in the letter of intimation, enclose the voting paper in the voting paper cover, stick it up, enclose this cover and the declaration paper in the outer envelope addressed to the Returning Officer and send it by registered post at his own cost to the Returning Officer so as to reach him not later than the day and the latest hour fixed for the poll. All envelopes received after such day and hour as well as envelopes received by unregistered post shall be rejected:**

Provided that, at his option, the elector may, in person or by messenger deposit the envelope containing the declaration paper and the closed cover containing the voting paper in the ballot box which shall be provided at the office of the Returning Officer on the day and during the hours fixed for the poll.

**12. On receipt of the envelopes by the registered post containing the declaration paper and the closed cover containing the voting paper, the Returning Officer shall endorse on the outer envelope the date and hour of receipt over his initials or facsimile signature.**

**13.**

(1)A voting paper cover shall be rejected by the Returning Officer, if -(a)the outer envelope contains no declaration paper outside the voting paper cover, or(b)the outer envelope, the declaration paper or the voting paper is not the one sent by the Returning Officer, or(c)the declaration is not signed by the elector, or(d)the voting paper is placed outside the voting paper cover, or(e)more than one declaration or voting paper cover have been enclosed in one and the same outer envelope.In each case of rejection, the word "Rejected" shall be endorsed on the voting paper cover or the declaration paper.(2)After satisfying himself that the electors have affixed their signatures to the declarations, the Returning Officer shall keep all the declaration papers in safe custody, pending disposal under rule 16.



## 14.

(1)The Returning Officer shall attend for the purpose of scrutiny and counting and of the votes at the date, time and place appointed by the President of the Council in this behalf.(2)All the voting paper covers, other than those rejected under rule 13, shall be opened and the voting papers taken out and mixed together. The voting papers shall then be scrutinised and the valid votes counted.A voting paper shall be invalid if -(a)it does not bear the Returning Officer's initials or facsimile signature; or(b)a voter signs his name or writes a word or makes any mark on it, by which it becomes recognizable; or(c)no vote is recorded thereon; or(d)the number of votes recorded therein exceeds the number of vacancies to be filled; or(e)it is void for uncertainty of one or more votes exercised:Provided that where more than one vote can be given on the same voting 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, but not the whole voting paper shall be invalid on that account.(3)Every candidate may be present in person or may send a representative duly authorized by him in writing to watch the process of counting.(4)The Returning Officer shall show the voting papers, if requested to do so, to the candidates or their authorized representatives, at the time of scrutiny and counting of votes.(5)If any objection is made to any voting paper on the ground that it does not comply with the instructions therein or to the rejection by the Returning Officer of a voting paper, it shall be decided at once by the Returning Officer whose decision shall be final.

## 15.

(1)When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be duly 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 candidates to be declared duly elected, the determination of the person 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.

**16. Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election and shall retain the same for a period of six months and thereafter cause them to be destroyed.**

**17. The President of the Council shall appoint and notify in the [Fort St. George Gazette] [Now, the Tamil Nadu Government Gazette.] and in such other manner as he thinks fit the date, time and place for -**

(a)the receipt of nomination papers and their scrutiny;(b)the sending of voting papers;(c)the poll; and(d)the scrutiny and counting of votes.

## Part IV – General

**18. The Returning Officer or the Registrar of the University concerned, as the case may be, shall inform the President of the Council of the result of the election, who shall, then, publish it in the Fort St. George Gazette.**

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

**20. The decision of the Council on any question that may arise as to the intention, construction or application of these rules shall be final.**

Annexure Form 1 (See rule 4) A. List of persons qualified to vote under clause (c) of sub-section (1) of section 5 of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914).

Name Qualification Designation Remarks

1	2	3	4
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B. List of persons qualified to vote under clause (d) of sub-section (1) of section 5 of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914).

Name Qualification Designation Remarks

1	2	3	4
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C. List of persons qualified to vote under clause (e) of sub-section (1) of section 5 of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914).

Name Qualification Designation Remarks

1	2	3	4
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Form II (See rule 5) Nomination Paper Election under clause (c)/(d)/(e)/(f) of sub-section (1) of section 5 of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914).

- 1 Name of the candidate and registration certificate number :
- 2 Father's Name :
- 3 Age :
- 4 Registered qualifications of the candidate :
- 5 Address :
- 6 Signature of proposer :
- 7 Signature of seconder :

Declaration by the Candidate I hereby declare that I agree to this nomination. Signature of candidate. This nomination paper was received by me at (date and hour) Returning Officer. Instructions Nomination papers which are not received by the Returning Officer before..... will be invalid.

**2. The names of the proposer and seconder, as they appear on the electoral rolls, their registered qualifications and the registration certificate numbers should also be clearly written below their respective signatures.**

Form III (See rule 10) Declaration Paper Election to the Tamil Nadu Medical Council under clause (c)/(d)/(e)/(f) of sub-section (1) of section 5 of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914). Serial number: Elector's name: Number on the electoral roll, if any: Elector's Declaration I, ..... (name in full, and designation if any) declare that I am an elector for the election of a member to the Tamil Nadu Medical Council by the Registered Medical Practitioners, under clause (c)/(d)/(e)/(f) of sub-section (1) of section 5 of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914), and have signed no other voting paper at this election.

Station: Date: Signature: Address:

Form IV (See rule 10) Voting Paper Election to the Tamil Nadu Medical Council under clause (c)/(d)/(e)/(f) of sub-section (1) of section 5 of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914).

Serial Number Name of candidate Vote

Returning Officer. Instructions

**1. The number of vacancies to be filled is.....**

**2. Place a cross-mark thus 'X' against the name of the candidate (or each of the candidates) for whom you wish to vote.**

**3. A voting paper will be invalid, if -**

(a) it does not bear the Returning Officer's initials or facsimile signature; or (b) a voter signs his name or writes a word or makes any mark on it by which it becomes recognizable; or (c) no vote is recorded thereon; or (d) the number of votes recorded therein exceeds the number of vacancies to be filled; or (e) it is void for uncertainty of one or more votes exercised. Form V (See rule 10) Tamil Nadu Medical Council Election to the Tamil Nadu Medical Council under clause (c)/(d)/(e)/(f) of sub-section (1) of section 5 of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914). Letter of Intimation Sir/Madam, The persons whose names are printed on the voting paper, sent herewith have been duly nominated as candidates for election to the Tamil Nadu Medical Council. Should you desire to vote at the election, I have to request that you will - (a) fill up and sign

the declaration paper against the entry "Elector's name" the name of the elector as it appears in the electoral roll should be clearly written and the number of the registration certificate of the elector should also be entered;(b)mark your vote, in the column provided for the purpose in the voting paper, as directed on the voting paper;(c)enclose the voting paper in the smaller cover, and stick it up;(d)enclose the smaller cover and the declaration paper in the outer envelope addressed to me and return the same to me by registered post so as to reach me not later than..... p.m..... on the day of 20..... or deposit or cause to be deposited the envelope addressed to me in the ballot box provided for the purpose at the office of the Returning Officer between.....a.m. and..... p.m. on.....

## **2. Voting papers will be rejected if -**

(a)the outer envelope enclosing the voting paper cover has neither been sent by registered post so as to reach the Returning Officer not later than the day and the latest hour fixed for the poll nor deposited in the ballot box provided in the office of the Returning Officer on the day and during the hours fixed for the poll; or(b)the outer envelope contains no declaration paper outside the smaller cover; or(c)the voting paper is not enclosed in the voting paper cover; or(d)the outer envelope, the declaration paper or the voting paper is not the one sent by the Returning Officer to the voter; or(e)more than one declaration paper or cover containing voting paper have been enclosed in one and the same envelope; or(f)the declaration is not in order; or(g)the voting paper is invalid.

## **3. A voting paper will be invalid, if -**

(i)it does not bear the Returning Officer's initials or facsimile signature; or(ii)a voter signs his name, or writes any word or makes any mark by which it becomes recognizable; or(iii)no vote is recorded thereon; or(iv)the number of votes recorded therein exceeds the number of vacancies to be filled in; or(v)it is void for uncertainty of one or more votes exercised.

**4. If a voter inadvertently spoils a ballot paper, he can return it to the Returning Officer who will, if satisfied of such inadvertence, issue to him another voting paper.**

**5. The scrutiny and counting of votes will begin on.....**

**6. No person shall be present at the scrutiny except the President (or the Vice-President) of the Council, the Returning Officer, and such other persons as the President of the Council may appoint to assist the Returning Officer, the candidates and not more than one representative of each candidate duly authorized by him in writing**

Office of the Registrar,

Tamil Nadu Medical Council, Chennai. Returning Officer.

Rules Under Clause (ii) Of Sub-Section (1) of Section 24 Election of the Vice-President of the Medical Council

- 1. The Vice-President of the Council shall be elected by ballot at the first meeting of the Council in each calendar year. In the case of an equality in the number of votes balloted for two or more members of the Council, the choice among such members shall be determined by lot.**
- 2. The Vice-President's term of office shall ordinarily continue till the first meeting of the Council in the succeeding year, when he will be eligible for re-election.**
- 3. If he vacates his seat before the expiry of his term of office a substitute shall be elected by ballot; but the Vice-President thus elected shall hold office only until the first meeting referred to in rule 2.**

Rules for the election of members to the executive committee under section 9-A(1)(G.O. No. 1051, P.H., dated the 14th April 1944)

- 1. The election of members of the Executive Committee of the Tamil Nadu Medical Council (hereinafter referred to as the Council) shall be conducted by the President of the Council or in his absence by its Vice-President and in the absence of both the President and the Vice-President, by the person presiding over the meeting of the Council.**
- 2. Every candidate for election shall be duly proposed by a member of the Council and seconded by another. Every candidate shall, at the time of his nomination, signify his consent orally or in writing to serve on the Executive Committee, if elected.**
- 3. Every member of the Council shall be entitled to propose or second as many candidates as there are seats to be filled.**
- 4. If the number of candidates nominated does not exceed the number of members to be elected, the President of the meeting shall declare all such candidates to have been duly elected.**

**5. If the number of candidates nominated exceeds the number of members to be elected, the President of the meeting shall hold an election in the following manner :-**

(a) The names of the candidates nominated shall be conspicuously exhibited in writing on a blackboard or in any other convenient manner so as to be visible to the members. (b) Every member wishing to vote shall be supplied with a voting paper initialed by the President of the meeting and containing the names of the candidates either typewritten or cyclostyled in English, in alphabetical order with some space between one name and another. The member shall, then, proceed to the place set apart for the purpose of voting and there put the mark "X" against the name of the candidate or candidates for whom he wishes to vote. He shall then fold up the voting paper so as to conceal his vote and, after showing to the President of the meeting the President's initials, deposit the same in a ballot box placed in the view of the President and so constructed that the paper may be placed therein, but not extracted therefrom without the box being opened.

**6. The President of the meeting shall declare to have been duly elected the candidates (up to the number of members to be elected) to whom the majority of votes have been given.**

**7. If there is an equality of votes between the two or more candidates, the choice of the member to be elected shall be determined by the President of the meeting by lot.**

**8. Casual vacancies shall be filled in accordance with the provisions of rules 1 to 7.**

**9. If any dispute arises in connection with any election under these rules, the dispute shall be referred to the Government of Tamil Nadu whose decision thereon shall be final.**

Rules under clause (iii) of sub-section (1) of section 24 to regulate the procedure at an inquiry held under section 13 or section 16 [G.O. No. 59, L. & M. (Medical), dated the 14th September 1916, as amended by G.O. No. 170, Medical, dated the 23rd April 1917.] [Note. - In these rules, the term Pleader shall mean a Pleader as defined in the Code of Civil Procedure, 1908 (Central Act V of 1908).] Section I Preliminary Procedure

**1. 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 infamous conduct in a professional respect, the Registrar shall make an abstract of such**

**information.**

**2. Where the information in question is in the nature of a complaint by a person or body charging a medical 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.**

**3. Every declaration must state the description and true place of abode of the declarant, and where the facts stated in a declaration are 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.**

**4.**

(1)The abstract and, where a complaint has been lodged, the complaint, and all other documents bearing on the case, shall be submitted by the Registrar to the President who may, if he thinks fit, instruct the Registrar to furnish the medical practitioner concerned with a copy of the complaint and other documents and invite him by means of registered letter to submit any explanation he may have to offer. The documents, including any explanation submitted by the practitioner to the Registrar, shall, then, be placed before the Council. The Council may then, -(a)order that all further proceedings be stopped,(b)appoint a Committee to consider the matter and submit a report to the Council as to whether proceedings should be instituted under section 13 or section 16 of the Act, or(c)direct that a regular inquiry be held by the Council or a Committee thereof appointed under section 17(1) of the Act. A Committee appointed to make a preliminary inquiry shall have power to cause further investigation to be made and further evidence to be taken and to take any legal advice or procure any legal assistance it may think necessary. The Committee shall report to the Council.(2)If the Council consider that the case is one in which an inquiry under section 13 or 16 of the Act ought to be held, the President shall direct the Registrar to take steps for the institution of any inquiry and for having the case heard and determined by the Council. It is not necessary that declaration under Rules 2 and 3 should be attested by a Magistrate. The declaration is only intended to ensure that there shall be bona fide grounds for proceedings against a medical practitioner and that action is not initiated on mere allegations which are not capable of being verified (Government Memo. No. 1320-1-D.P.H., dated the 5th January 1930)Section II

**5. The Council or Committee thereof appointed under section 17(1) of the Act shall observe in inquiries held by them the procedure laid down in the following rules.**

**6. When the charge is brought by a complainant, they shall require the complaint to be reduced to writing and verified by the oath or solemn affirmation of the complainant. The articles of charge and a list of documents and witnesses by which each charge is to be sustained shall, then, be prepared and the Registrar shall issue a notice in writing on behalf of the Council addressed to the medical practitioner concerned. Such notice shall be accompanied by a copy of the articles of charge and list of witnesses and documents referred to above and shall inform the medical practitioner concerned of the day on which and hour at which the Council or Committee intend to deal with the case and shall call upon him to attend before the Council or Committee on that day and hour. The notice shall be in the form appended to these rules, with such variations as circumstances may require. It shall be served on the medical practitioner fifteen clear days before the beginning of the inquiry, and shall be accompanied by a copy of sections 13, 16 and 17 of the Act and of the rules to regulate the procedure for conducting any inquiry referred to in those sections. Service of the notice may be made either by delivery to the medical practitioner in person or by registered letter addressed to his usual residence.**

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

**8. Any answer, evidence, or statement forwarded, or application made by the medical practitioner between the date of the 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.**

**9. Copies of all material documents which are laid before the Council or Committee as evidence in regard to the case shall be made and furnished to each member of the Council or Committee, as the case may be, before the hearing of the case.**



**10. At the hearing of the case by the Council or Committee, the complainant and also the medical practitioner concerned may, if they so desire, be represented or assisted by pleaders.**

**11. When the complainant appears personally or by Pleader, the order of procedure shall be as follows : -**

(1)The complainant shall exhibit the articles of charge to the Council or Committee, which shall be openly read.(2)The medical practitioner concerned shall, then, be called upon to plead "guilty" or "not guilty" to each of them, which plea shall, forthwith, be recorded with the articles of charge. If the medical practitioner refuses or without reasonable cause neglects to appear to answer the charge either personally or by pleader, he shall be taken to admit the truth of the articles of charge.(3)The complainant may then address the Council or Committee in explanation of the articles of charge and of the evidence by which they are proved.(4)The oral and documentary evidence shall, then, be exhibited. The witnesses shall be examined, by or on behalf of, the complainant and may be cross-examined by or on behalf of the medical practitioner concerned. The complainant shall, then, be entitled to re-examine the witnesses on any point on which they have been cross-examined. No questions should be asked in re-examination on any new matter without leave of the Council. The Council or Committee may put such questions as they think fit.(5)If, before the close of the case for the complainant, it shall appear necessary, the Council or Committee may, in their discretion, allow the complainant to exhibit evidence not included in the list furnished to the medical practitioner concerned or may themselves call for new evidence, and in such case, the medical practitioner shall be entitled to have, if he demands it, an adjournment of the proceedings for three clear days before the exhibition of such new evidence, exclusive of the day of adjournment and of the day to which the proceedings are adjourned.(6)When the case for the complainant is closed, the medical practitioner concerned shall be required to make his defence, orally or in writing, as he shall prefer. If made in writing, it shall be openly read and a copy shall be given at the same time to the complainant.(7)The evidence for the defence shall, then, be exhibited and the witnesses examined, who shall be liable to cross-examination and re-examination and to examination by the Council or Committee in the same manner as the witnesses for the complainant.(8)The Council or Committee or some person appointed by them shall take notes in English of all the oral evidence, which shall be read aloud to each witness by whom the same was given, and, if necessary, explained to him in the language in which it was given, and shall be recorded with the proceedings.(9)If the medical practitioner concerned makes only an oral defence and exhibits no evidence, the inquiry shall end with his defence. If he records a written defence or exhibits evidence, the complainant shall be entitled to a general oral reply on the whole case, and may also exhibit evidence to contradict any evidence exhibited for the defence, in which case the medical practitioner concerned shall not be entitled to any adjournment of the proceedings, although such new evidence were not included in the list furnished to him.(10)When the Council or Committee shall be of opinion that the articles of charge, or any of them, are not drawn with sufficient clearness and precision, the Council or Committee may, in their discretion, require the same to be amended, and may, thereupon, on the application of the complainant or the medical practitioner concerned, adjourn the inquiry for such time as they may consider reasonable. The Council or Committee may also, if they think fit, adjourn the inquiry,

from time to time, on the application of either the complainant or the medical practitioner concerned, on the ground of sickness or unavoidable absence of any witness or such other cause as they may consider reasonable. When such application is made and refused, the Council or Committee shall record the application and their reasons for refusing to comply with it.

**12. When there is no complainant, or no complainant appears, the proceedings shall begin by the Registrar reading to the Council the notice of inquiry addressed to the medical practitioner concerned and the articles of charge and stating the evidence by which the articles of charge are supported. The medical practitioner shall, then, be called upon to plead "guilty" or "not guilty". The further proceedings shall be conducted in substantial accordance with the procedure laid down in rule 11 above.**

**13. The Council or Committee may, at their discretion, hold the inquiry in camera.**

**14.**

(1) Upon the conclusion of the case, the Council or Committee will deliberate thereon in private, and at the conclusion of the deliberations, the Council or the Committee shall vote on the question whether the articles of charge are proved or not and whether they show that the medical practitioner concerned has been guilty of infamous conduct in a professional respect or not. (2) If the Council or Committee by a majority find the medical practitioner guilty of infamous conduct in a professional respect, the President shall direct the Registrar not to register his name if he be an applicant for registration, or to erase his name altogether or for a specified period from the register of medical practitioners, if he is already a registered practitioner, except in cases where the Council or Committee consider that in view of extenuating circumstances, the practitioner may be let off with a warning.

**15. When the registration of the name of any medical practitioner is refused or when the name of any registered medical practitioner is removed from the Register in accordance with the provisions of the proceeding rules, the Registrar shall forthwith send notice of such refusal or removal to the medical practitioner concerned, and such notice shall be sent 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 medical practitioner received his qualification or qualifications and shall request them not to admit him to any examination for any new qualification which is registerable in the Register of Registered Practitioners without previous reference to the Council.**

NoticeSir, On Behalf of the Tamil Nadu Medical Council, I give you notice that information and evidence have been laid before the Council by which the Council by which the complainant makes the following charge (or charges) against you, namely (here set out the circumstances briefly), and that you have thereby been guilty of infamous conduct in a professional respect. And I am directed further to give you notice that on the.....day of 20....., a meeting of the Council will be held at..... O'Clock in the..... to consider the above mentioned charge (or charges) against you and decide whether or not they should direct that your name shall not be registered in the register of that your name be removed from registered practitioners pursuant to section 13/16 of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914). You are invited and required to attend in person or by pleader before the Council at the above named place and time, to establish any denial or 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 decide upon the said charges in your absence. Any reply or other communication or application which you may desire to make respecting the said charges or your defence thereto should be addressed to the Registrar of the Tamil Nadu Medical Council and transmitted so as to reach him not less than three clear days before the day appointed for the hearing of the case. Copies of sections 13, 16 and 17 of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914), and of the rules to regulate the procedure for conducting any inquiry referred to in those sections are enclosed herewith for your information. A copy of the articles of the charge and of list of documents and witnesses by which each charge is to be sustained are attached. Rules under clause (iv) of sub-section (1) of section 24 for the institution, hearing and disposal of appeals under section 15 or section 18 [G.O. No. 59, L. and M. (Medical), dated the 14th September 1916.]

- 1. An appeal to the Council preferred under section 15 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 names of the qualifications and the dates on which and the authorities from whom they were received.**
- 2. On receipt of such an appeal, it shall be referred to a Committee of the Council for consideration and report.**
- 3. The Committee shall have power to call for the original diploma or licence, etc., from the appellant for inspection and also for such other documentary or oral evidence as may be considered necessary by them.**
- 4. At the conclusion of their inquiry, 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.**

**5. 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**

**6. 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 pleader.**

Rules under clause (v) of sub-section (1) of section 24 for the compilation and publication of the medical register and connected matters(G.O. Ms. No. 1165, P. H., dated the 12th July 1923; G.O. Ms. No. 180, P. H., dated the 22nd January 1925; G.O. No. 1946, P. H., dated the 17th July 1925; G.O. No. 1231, PH., dated the 20th May 1930; G.O. No. 55, PH., dated the 9th January 1935; G.O. No. 1750, P H., dated the 11th July 1935; G.O. Ms. No. 1010, P PL, dated the 16th March 1939; G.O. Ms. No. 833, P.H., dated the 2nd March 1940)

**1. The register of medical practitioners which is required to be kept by section 11 of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914), shall be maintained by the Registrar appointed under section 10 of the Act in the form prescribed in Appendix.**

**2. The register shall be verified by the Registrar's signature.**

**3. Every year the Registrar shall, in the month of February, cause to be printed and published the register prescribed above and corrected up to the 31st December preceding. The Registrar shall keep an interleaved copy of such printed list wherein he shall make, during the year, any entry, alteration or erasure that may be necessary.**

**3.**

-A. (1) Where the address of any practitioner is not known or is found to be incorrect, the Registrar shall write to the practitioner at his last known address and ask him to furnish his correct address. The Registrar may also make other endeavours to ascertain the correct address.(2)If no information regarding the correct address is received from the practitioner or from any other authentic source, the words "Address unknown" shall be entered in the address column of the register against the name of the practitioner.(3)Where authentic information is available that a practitioner is dead, the Registrar shall omit his name from the register.

**4. At the end of the register printed as laid down in rule 3, there shall be entered a statement showing (1) the total number of persons at the beginning of the year; (2) the number of persons added by registration during the year; (3) the number restored to the register; (4) the number erased from the register stating the section of the Act under which the name has been erased; (5) the number removed by death; and (6) the total number remaining at the end of the year.**

**5. Every person whose name has been entered in the register shall be entitled to receive from the Registrar a Certificate of Registration in Form I appended to these rules on payment of the [stamp] [G.O. Ms. 2500, Health, dated the 3rd July 1953.] duty leviable thereon under the Indian Stamp Act, 1899 (Central Act II of 1899), or any other law for the time being in force relating to the levy of stamp duty. The certificate shall set forth the full name of the person registered, his address, the date and place of registration and the qualifications in respect of which he has been registered.**

**6. Every person who has obtained a certificate of registration from the Registrar in Form I appended to these rules shall be entitled to receive a duplicate certificate in the same form on payment of a fee of five rupees and the stamp duty leviable thereon under the Indian Stamp Act, 1899 (Central Act II of 1899), or any other law for the time being in force relating to the levy of stamp duty. The word "Duplicate" shall be clearly shown in red ink across a duplicate certificate.**

Appendix Form of Register of Medical Practitioners under Section 11 of the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914) (See rule 1)

**1. Serial number:**

**2. Name:**

**3. Father's Name:**

**4. Qualification:**

## 5. Date of registration:

## 6. Place of profession and address:

## 7. Remarks:

Form I(See rule 5)Medical Registration CertificateCertificate

No.....Tamil Nadu

Medical Council Office20.....

Name	Father's Name	Qualifications	Date and place of registration	Address	Remarks
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It is hereby certified that this is a true copy of the entry of the above specified name in the Medical Register.Registrar's seal.NoticeEvery registered medical practitioner should be careful to send the Registrar immediate notice of any change in his address and also to answer all inquiries that may be sent to him by the Registrar in regard thereto in order that his correct address may be duly inserted in the Medical Register.A copy of the published Medical Register wherein his name first appears registered will be supplied, grant, to every registered medical person, provided that before the end of the year of publication, application be made for such copy to the Registrar accompanied by [one rupee for postal carriage.] [G.O. Ms. No. 2023 Health, dated the 27th May 1953.]The last edition of the Medical Register alone is legal evidence of registration.All persons registered under whatever Diploma or Diplomas are legally qualified for the practice of Medicine, Surgery and Midwifery.Rules under clause (vi) of sub-section (1) of section 24 disposal of fees received under the Act[G. O. No. 59, L. and M. (Medical), dated the 14th September 1916]

**1. All money payable to the Council shall be received by the Registrar who may retain in his hands a sum not exceeding Rs. 100 and shall remit any amount in excess of that maximum to the [Imperial Bank of India] [Now it is renamed as State Bank of India.] where an account in the name of the Council shall be opened.**

**2. All cheques for payment of sums from the Imperial Bank of India shall be signed by the President (or Vice-President) and the Registrar.**

**3. Payment of sums not exceeding Rs.10 may be made by the Registrar and of sums exceeding Rs.10 but not exceeding Rs.200 by the President. Payment of sums in excess of Rs.200 shall be made with the sanction of the Council.**

**4. The Registrar shall maintain a General Cash Book and shall enter therein all sums received or spent by him or by order of the President immediately after the receipt or payment of the money.**