

The Orissa Medical Registration Rules, 1965

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The Orissa Medical Registration Rules, 1965 Published vide Notification No. 2208-H./dated 10.2.1965 Notification No. 2208-H., dated 10th February, 1965. - In exercise of the powers conferred by Sub-sections (1) and (2) of Section 40 of the Orissa Medical Registration Act, 1961 (Orissa Act 18 of 1961), the State Government do hereby make the following rules :Part-I

1. Short title.

- These rules may be called the Orissa Medical Registration Rules, 1965.

2. Definitions.

- In these rules unless the context otherwise requires-(a)"Act" means the Orissa Medical Registration Act, 1961;(b)"Form" means a form appended to these rules;(c)"member" means a member of the Council;(d)"Returning Officer" means the Registrar and includes any officer authorised by him to perform the functions of the Returning Officer; For the first election Returning Officer shall be the Registrar of this existing Orissa Medical Council appointed under the Orissa Medical Regulation, 1936;(e)"section" means a section of the Act;(f)the words and expressions used but not defined in these rules shall have respectively the meanings assigned to them in the Act.Part-II Election of members under Section 4

3. Resignation or any other reasons.

(1)In case of general election of a member under Clause (a) of Sub-section (1) of Section 4 the Registrar shall, at least sixty days before the expiry of the term of office of the member and in case of casual election due to death, resignation or any other reason within 30 days from the date of death request the Registrar of the Utkal University to get elected member under Clause (a) of Sub-section (1) of Section 4 and forward the name of the elected member with the particulars specified in

Sub-rule (2) within a specified date.(2)When election has been completed the name of the person elected with his address, qualification and registration number shall be reported to the President by the Registrar of the Utkal University and the President shall report the same to the State Government for publication in the Orissa Gazette under Section 9.

4.

In case of the first election to the Council under the Act, the Registrar of the existing Orissa Council of Medical Registration, shall, not less than thirty days before the constitution of the new Council, request the Registrar of the Utkal University to get elected under Clause (a) of Sub-section (1) of Section 4 of the Act a member to serve in Council. Thereupon the Registrar of the said University shall take steps for the said election in the manner provided for similar election in the University and shall forward the name of the elected candidate to the President of the existing Council within the specified date showing therein the qualification, registration number and complete address of the elected candidate. The President on receipt of the same shall report it to State Government for publication of the name in the Orissa Gazette. Electoral Roll Election under Clauses (b) and (c) of Sub-section (1) of Section 4

5.

(1)For the purposes of election under Clause (b) of Sub-section (1) of Section 4, the Returning Officer shall cause to be prepared a draft electoral roll separately for each of the Medical Colleges of the State in Form I in which shall be included the names and other requisite particulars of all persons entitled to vote at such election up to the date appointed by the Returning Officer in that behalf. The Returning Officer appointed under the Act shall, prepare the electoral roll for the first as well as the subsequent election under Clause (c) of Subsection (1) of Section 4 in Form I (a) in which shall be included the names and other requisite particulars of all persons entitled to vote at such election up to the date appointed by the Returning Officer in this behalf.(2)The date appointed under Sub-Rule (1) shall be notified by the Returning Officer in the Orissa Gazette and in such other manner as he may think fit, together with the period (with dates) during which the draft electoral rolls shall be kept open for public inspection under Sub-rule (3).(3)The draft electoral rolls under Sub-rule (1) shall be kept open in the office of the Returning Officer for public inspection for a period of not less than fifteen days. Any claim for inclusion of a new name or any objection to any entry in the draft electoral rolls shall be made in Form II (a) or Form II (b) or Form II (c), as the case may be. Such claim or objection shall be filed within the said period of fifteen days and shall be examined and decided by the Returning Officer and his decision shall be final.(4)The draft electoral rolls shall be corrected in accordance with the decision of the Returning Officer and the roll thus corrected shall be the final electoral roll for the election in the respective electorate. In the preparation of the final electoral roll, registrations and restorations after the date appointed under Sub-rule (1) or new qualifications or employment obtained after that date shall be disregarded. No person whose name is not included in the final electoral roll for the election shall be entitled to participate in the election. Changes of address after the final electoral roll has been prepared shall be disregarded.(5)As soon as the final electoral roll has been prepared under Sub-rule (4), the Returning Officer shall notify the same in the Orissa Gazette and in such other manner as he may

think fit and request all electors generally to participate in the election. He shall at the same time appoint and notify, in the above said manner, such date or dates or latest date, as the case may be, and if necessary, such time and place as may be deemed suitable, for each of the following operations, namely : (a) The last date and hour of receiving of nomination papers sent or delivered under Sub-rule (5) of Rule 6; (b) The scrutiny of nomination papers under Sub-rule (9) of Rule 6; (c) The last date for sending of voting papers with the relative identification envelopes under Clause (b) of Sub-rule (3) of Rule 7; (d) The last date and hour for receiving voting papers under Sub-rule (8) of Rule 7; (e) The scrutiny of voting papers and counting of votes, under Rule 8. The Returning Officer shall, in the same notification, invite electors who desired to nominate a candidate or to be nominated as such candidate, to obtain from him on application nomination papers in Form III (a) or Form III (b) according as the nomination is for election under Clause (b) or under Clause (c) of Sub-section (1) of Section 4. Nomination of candidates for election

6.

(1) Any person whose name is included in the final electoral roll prepared under Sub-rule (4) of Rule 5 in respect of a particular Medical College under Clause (b) of Sub-section (1) of Section 4 may be nominated as a candidate for election to the said Medical College under the said Clause (b) and any person, whose name is included in the final electoral roll for the electorate under Clause (e) of Sub-section (1) of Section 4 may be nominated as a candidate for election under Clause (c) : Provided that the person is not disqualified for election to the Council under Section 5 or 6. (2) Every such nomination shall be made in writing Form III (a) or Form III (b), as the case may be, with complete and correct particulars as required therein, and shall be subscribed by a proposer and a seconder qualified to do so under Sub-rule (4) and the candidate shall make and sign the declaration specified in the Form. (3) No elector may subscribe, whether as proposer or seconder, more nomination papers than the number of vacancy or vacancies to be filled at the election by the particular electorate. If more nomination papers be subscribed by the same elector, then only the permissible number of such nomination papers first received by the Returning Officer, shall, if otherwise in order, be held to be valid, but if the Returning Officer is unable to determine the order in which such nomination papers were received by him, all of such nomination papers shall be held to be invalid. (4) The proposer and the seconder of a candidate for election from a particular Medical College under Clause (b) of Sub-section (1) of Section 4 shall be persons whose names are included in the final electoral roll prepared for the said Medical College under Clause (b) and the proposer and seconder of a candidate under Clause (c) of Sub-section (1) of Section 4 shall be persons whose names are included in the final electoral roll prepared for the said Clause (c); otherwise, the nomination paper shall be invalid. (5) A nomination paper may be sent by post or delivered otherwise, but a nomination paper received by the Returning Officer after the last date and hour notified therefor under Sub-rule (5) of Rule 5 shall be invalid. (6) On receipt of each nomination paper the Returning Officer shall forthwith endorse thereon the date and hour of its receipt. (7) The Returning officer shall examine each nomination paper and shall record thereon his decision accepting or rejecting the same, and, if a nomination paper is rejected, shall state in brief, his reason for such rejection, e.g., that it does not comply with the requirements of any particular rule or the provision of any section of the Act, or that it has reached after the last date and time fixed for the receipt of nominations. (8) Every nomination paper in respect of which the requirements of these rules have not been complied with

shall be invalid.(9)On the date and at the time and place notified under Sub-rule (5) of Rule 5 for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend and the Returning officer shall allow them to examine the nomination papers of all candidates which have been received by him and on which he has noted the result of his examination under Sub-rule (7). He shall decide all objections to his decision under that sub-rule as well as any question which may be raised as to the validity of any nomination, and his decision shall, subject to the provisions of Sub-rules (1) and (2) of Rule 14 be final.(10)Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer up to 3 O'clock in the afternoon on the first working day following the date appointed for the scrutiny of nomination, or where an objection is decided under Sub-rule (9), on the first working day following the date of such decision. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election. The candidature of any duly nominated candidate shall remain valid for all purposes of these rules unless withdrawn in accordance with this sub-rule.Election and voting

7.

(1)In general election under Clause (b) of Sub-section (1) of Section 4, if the number of duly nominated candidates in respect of a particular Medical College after withdrawal of candidature if any under Sub-rule (10) of Rule 6, does not exceed the number of members to be elected the Returning Officer shall, without calling for a poll, declare such candidate or candidates to be elected ; and if such number exceeds the number of members to be elected he shall take steps to call for a poll in the manner hereinafter laid down.(2)In a general election under Clause (c) of Sub-section (1) of Section 4-(a)if amongst the number of duly nominated candidates after any withdrawal of candidature under Sub-rule (10) of Rule 6, there be not more than two who are not in the service of any Government, the Returning Officer shall forthwith declare them to be elected and if the number of the remaining duly nominated candidates after any withdrawal of candidature under Sub-rule (10) of Rule 6 be not more than one, the Returning Officer shall also declare him to be elected without calling for a poll, and if the number of such remaining duly nominated candidates be more than one, the Returning Officer shall proceed to take steps to call for a poll in the manner hereinafter laid down, for election to fill up one seat;(b)if amongst the duly nominated candidates after any withdrawal of candidature under Sub-rule (10) of Rule 6, there be more than two who are not in the service under any Government, the Returning Officer shall proceed to take steps to call for a poll for the election of three members of whom at least two shall be not in service of any Government:Provided that if in such case the total number of duly nominated candidates after any withdrawal of candidature under Sub-rule (10) of Rule 6 including the two not in service under any Government and those who are not so be not more than three the Returning Officer shall without calling for a poll, declare all of them to be elected.(3)When in pursuance of Sub-rules (1) and (2), polling is required to be taken, the Returning Officer shall-(a)cause to be prepared serially numbered voting papers in Form IV (a) or Form IV (b) according as the election is to be held under Clause (b) or Clause (c) of Sub-section (1) of Section 4.and thereupon publish in the Orissa Gazette and in such other manner he may think fit, the said names, classified according as they come under Clause (b) or Clause (e) of Sub-section (1) of Section 4, and arranged in alphabetical order of the surnames;(b)proceed to issue by registered post to each elector whose name is included in the final

electoral roll of the electorate under Clause (b) of Sub-section (1) of Section 4, one voting paper in Form IV (a) with one identification envelope in Form V, to his address as mentioned in the final electoral roll; and to each elector, whose name is included in the final electoral roll under Clause (c) of Sub-section (1) of Section 4, one voting paper in Form IV (b) with one identification envelope in Form V, to his address as mentioned in the final electoral roll : Provided that such a voting paper with an identification envelope shall also be issued to any elector to whom a voting paper has not already been sent, on his applying in writing to the Returning Officer for the same at any time before the last date and time notified under Clause (b) of Sub-rule (5) of Rule 6 for receiving voting papers. In no other case shall a voting paper be issued after last date notified under Clause (c) of Sub-rule (5) for sending voting papers nor shall a voting paper not delivered to a voter by the office be re-issued to him on its return to the office of the Returning Officer. (4) No election shall be invalidated by reason of the non-receipt by any elector of a voting paper. (5) When poll is taken under Sub-rule (10) of Rule 7 an elector whose name is borne on the final electoral roll or any of the electorates under Clause (b) of Sub-section (1) of Section 4, may vote for a candidate to be elected from the electorate where he is an elector under that clause; and an elector, whose name is borne in the final electoral roll of the electorate under Clause (c) of Sub-section (1) of Section 4, may vote for three candidates. A voting paper, in which votes are given for more candidates than what is permissible under the rules shall be rejected. (6) An elector, whose name is borne on the final electoral roll and who is desirous of recording votes, shall mark the voting paper issued to him, with a single cross X (and no other mark) in the proper column against the name or names of the candidate or candidates (not exceeding the number of members to be elected) for whom he intends to vote and no elector shall record more than one vote or put more than one cross X, mark against the name of any one candidate. A voting paper on which a vote or votes are marked otherwise than by a cross X as laid down in this sub-rule, or on which more than one such cross mark or other kind of mark is put against the name of any one candidate shall be rejected. (7) A vote recorded otherwise than on the voting paper sent to the elector, shall be rejected and every paper in respect of which any requirement of those rules has not been complied with or on which a mark is placed in such a manner as to make it doubtful to which candidate the vote is given or on which the elector has placed any mark whereby he may be afterwards identified or on which an alteration or erasure occurs indicating a change of vote or which is not received by the Returning Officer on or before the last day and time notified under Clause (d) of Sub-rule (5) of Rule 5, for the receiving of voting papers, shall be invalid. (8) After recording his votes on the voting paper the elector shall enclose it in the relative identification envelope, close the envelope, sign the declaration printed on the envelope, furnishing correctly all particulars required therein. The identification envelope shall then be either delivered personally by the elector or sent singly by post to the Returning Officer. (9) Only one voting paper shall be enclosed in one identification envelope; and if two or more voting papers are enclosed in the same identification envelope, the identification envelope and the voting papers therein, shall be rejected. (10) No voting paper shall be accepted unless it is enclosed in the identification envelope supplied with it, and any defect, e.g., incompleteness (in the entries required on the identification envelope, or its receipt) after the last day and time notified under Clause (d) of Sub-rule (5) of Rule 5 for its receipt with the proper voting paper, shall invalidate both the envelope and the voting paper enclosed. (11) On receiving the identification envelopes, the Returning Officer shall divide them into two or more convenient batches, namely, one for those relating to election under Clause (b) of Sub-section (1) of Section 4 and the other for those relating to election under Clause (c) of the said

section and shall examine the envelope in each batch and where he rejects any of them for non-fulfilment of the requirements of Sub-rules (8) and (10), he shall record his decision 'rejected' noting thereon in which respect it does not fulfil those requirements and make a separate bundle of the rejected envelopes in each batch and deal with them under Sub-rules (3) to (5) of Rule 8. The Returning Officer shall place the identification envelopes, which he provisionally accepts, in a separate bundle for each electorate, without opening the envelopes, and deal with them under Sub-rules (3) to (5) of Rule 8. Scrutiny and counting of votes

8.

(1) The Returning Officer shall attend for the purpose of scrutiny and counting of votes on the date and at the time and place notified under Clause (c) of Sub-rule (5) of Rule 5 and on any such subsequent date, or dates as may be necessary to complete the scrutiny and counting. (2) A candidate may be present in person or may send a representative, duly authorised by him in writing, to watch the process of scrutiny and counting. (3) The Returning Officer shall show all identification envelopes, whether accepted or rejected, to the candidates or their representatives for examination of the propriety of their acceptance or rejection. Any objection taken to his decision of acceptance or rejection of any identification envelope, shall be decided at once by the Returning Officer, and his decision shall be final. (4) The rejected identification envelopes shall be placed in separate bundles for the two electorates, namely, the electorate under Clause (b) of Sub-section (1) of Section 4 and the electorate under Clause (c) of that subsection. The bundles shall then be sealed and kept in safe custody under Rule 10. (5) The accepted identification envelopes shall be opened in the presence of the candidates or their representatives if any appearing under Sub-rule (2), and the voting papers separated from the covers which will be kept aside from view. (6) As the voting papers are separated from the envelopes, the Returning Officer shall proceed to examine the voting papers in convenient batches, to see whether the votes have been recorded in accordance with Sub-rules (6) to (10) of Rule 7. He shall record his decision 'rejected' on every voting paper which is found to be defective in any respect and indicate thereon, the grounds of rejection briefly. The remaining voting papers shall be deemed as accepted. (7) If any objection is taken to his decision of acceptance or rejection of any voting paper, such objection shall be decided by the Returning Officer at once and his decision shall be final. (8) The Returning Officer shall separate or cause to be separated the accepted papers from those that have been rejected and keep them in separate bundles. Declaration of the names of candidates elected

9.

(1) When the counting of the votes of each electorate has been completed by the conduct of the operation one or more days as may be necessary, the Returning Officer shall forthwith declare the first candidate in the case of an election under Clause (b) of Sub-section (1) of Section 4 to whom the largest number of valid votes have been given to the elected from the particular electorate of the Medical College. In the case of an election under Clause (c) of Sub-section (1) of Section 4, if the poll has been taken for the election of two members under Clause (a) of Sub-rule (2) of Rule 7, the Returning Officer shall declare the two candidates to whom the largest number of valid votes have given, to be elected. And if the poll have been taken for the election of three members under Clause

(b) of Sub-rule (2) of Rule 7, he shall first separate the names of the candidates who are not in the service of any Government and declare the first two amongst them to whom the largest number of valid votes have been given, to be elected, and then declare the first candidate amongst the remaining duly nominated candidates (including service holders and the other duly nominated candidates who are not so) to whom the largest number of votes have been given, to be elected.(2)When an equality of votes is found to exist between two or more candidates, and the addition of one vote will entitle any of them to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have given shall be made by the lot be drawn in the presence of the Returning Officer and in such manner as he may determine. This rule will be equally applicable to all the elections whether general, casual or by-election.(3)The Returning Officer shall immediately report the results of the elections to the President, and the President shall forward the report to the State Government.(4)When forwarding the report of the Returning Officer under Sub-rule (3) to the State Government, the President shall report, for action under Section 8, what seats, if any could not be filled by election by any of the electoral bodies with the reasons why the seats could not be so filled, and also report whether the same person has been elected in more than one seat as a result of the election under Clauses (b) and (c) of Sub-section (1) of Section 4, and under any other clause of that sub-section.Disposal of election papers

10.

On the completion of the election proceedings, the Returning Officer shall make into convenient bundles the nomination papers, the voting papers and the identification envelopes, seal each of the bundles, and make over these and all other papers relating to the elections, to the Registrar, who will keep them for a period of six months and thereafter cause them to be destroyed, unless required by any Court of Law.Reporting to Government about information of choice under Sub-section (2) of Section 4 and the consequent vacancies.

11.

(1)If a person is elected as a member under more than one of the Clauses of Sub-section (1) of Section 4, the period within which he is required by Sub-section (2) of the section, to inform the Registrar under which of the clauses he desires to be treated as elected, shall be up to 4 P.M. of the third day after the completion of all the elections under Sub-rule (1) of-Rule 3 and Sub-rules (1) and (2) of Rule 9. If this third day be a holiday, the next working day shall be deemed to be the third day for the purpose. A choice once made by the candidate shall be final, and he shall not be permitted to withdraw or modify it later and when he has not informed the Registrar of his choice before 4 p.m. of the date laid down above, he shall not be permitted to do so after that time.(2)On the expiry of the period mentioned in the foregoing sub-rule, the Registrar shall report to the President whether the person has informed him of his choice or not within the period, and the President shall forward the same to the State Government for taking the same into consideration when notifying in the Orissa Gazette under Rule 13 the names of the candidates who are to be deemed as finally elected and nominated under the several clauses of Sub-section (1) of Section 4.(3)When forwarding the Registrar's report to the State Government, the President shall state what vacancies occur by the operation of Subsection (2) of Section 4, and obtain the orders of the State Government, for taking

action for filling up these vacancies in accordance with the provisions of Rules 17 and 18 of these rules. Appointment of members by nomination of the State Government [Clause (d) of Sub-section (1) of Section 4]

12.

(1) At least sixty days before the expiry of the term of office of any nominated member, the Registrar shall draw the attention of the President to the approaching vacancy, and the letter shall forthwith report it to the State Government for necessary action to fill the vacancy. (2) In the case of a casual vacancy for which a fresh nomination will be necessary under Clause (d) of Sub-section (1) of Section 4, the Registrar shall on receiving information that such a vacancy has occurred report the vacancy to the President forthwith and the President shall intimate the same to the State Government for necessary action for a fresh nomination. Publication of the names of members elected or nominated

13.

The names of the members elected or nominated to fill the several seats under Clauses (a) to (d) of Sub-section (1) of Section 4, excepting the seats that become vacant by the operation of Sub-section (2) of Section 4, shall be published by notification in the Orissa Gazette under Section 9 as soon after receipt of the report of the President made under Sub-rules (2) and (3) of Rule 11 as possible. Similar notification shall be issued later in respect of the seats becoming vacant under Sub-section (2) of Section 4, after action has been taken to fill them according to the provisions under Rules 17 and 18 of these rules. Finality of the decision of the State Government

14.

(1) The State Government may of their own motion or on objection made within three months from the date of the election, declare any election or nomination to the Council to be void on account of corrupt practice or any other sufficient cause, only after giving due consideration raised in respect of any candidate under Section 10 of the Act, and may call on the electorate effected to make a fresh election with a specified date, and any decision of the State Government under this rule shall be final. Due consideration will also be made by Government if any objection is made against any candidate before nomination of election under Section 6 of the Act and the decision of the State Government shall be final. (2) The decision of the State Government on any question that may arise as to the intention, construction or application of these rules, shall be final. Miscellaneous

15.

If a Registered Practitioner having been elected or nominated as a member, is found guilty of infamous conduct in any professional respect and his name is removed from the Register of registered practitioners, the Council shall declare his seat to be vacant. The President shall report the fact to the State Government and the vacancy shall be filled in the manner laid down in Rules 17 and

18 of these rules.

16.

A register shall be maintained in Form VI showing the names of the members, elected or nominated constituting the Council on a general election under these rules and also subsequent changes till the next general election. Filling up of casual vacancies amongst members elected [Under Clause (a) or (b) of Section 4 (1)]

17.

(1) When the office of a member elected under Clause (a) of Subsection (1) of Section 4 becomes vacant by his resignation or death or under Sub-section (2) of Section 4 or Clause (1) of Section 10, the Registrar shall forthwith report the vacancy to the President and under his order thereon request the Registrar of the Utkal University to elect a member in the vacancy within two months from the date on which the vacancy occurs and intimate to the President the name of the person elected, with his qualifications, registration number, and address. The President shall thereupon report the same to the State Government for notification in the Orissa Gazette. (2) When such vacancy occurs amongst the members elected under Clause (b) of Sub-section (1) of Section 4, an election shall be held in accordance with the same rules as laid down for general election by the electoral body referred to in the said clause except that the period of publication of the draft electoral roll [vide Sub-rule (3) of Rule 5] shall not be more than 15 days. The programme of time for the several stages of the operation shall also be so arranged that the election may be completed within two months from the date of occurrence of the vacancy. Filling up of a casual vacancy amongst members elected [Under Clause (c) of Section 4 (1)]

18.

When the office of a member elected under Clause (c) of Subsection (1) of Section 4 becomes vacant by his resignation or death or under Sub-section (2) of Section 4 or Section 10, the Registrar shall forthwith report the vacancy to the President and under his orders thereon take steps to hold a bye-election in accordance with the same rules as laid down for general election. Election of President and Vice-President under Section 13

19.

(1) The election of the President and the Vice-President shall be held at the first meeting of the members of the Council. (2) The President under the Orissa Medical Regulation, 1936 (to be called Chairman for the purpose of this rule) shall convene and preside over the first meeting of the members of the Council and shall invite the members present at the meeting to make their nomination for the office of the President in such manner as the Chairman considers fit. Every nomination shall be supported by another member present at the meeting as seconder; provided that no one member shall nominate or second more than one member. (3) If there be only one person

so nominated the Chairman shall declare him as duly elected President.(4)If there be more than one such person the Chairman shall proceed to take ballot in the following manner, namely :(i)A slip of paper shall be given to every member present who shall write on it the name of the person he votes for, fold the slip and hand it over to the Chairman;(ii)The Chairman shall then count the number of votes secured by each nominee; and declare the member who secures the largest number of votes as the duly elected President;(iii)If the largest number of votes be secured by two or more nominees, the Chairman may make the selection by lot drawn in such manner as he thinks fit and the person so selected by lot shall be declared as the duly elected President;(iv)When the office of the President or Vice-President falls vacant by reason of death, resignation or otherwise, another President or Vice-President shall be elected as the case may be from the members of the Council in the same manner as laid down in Rule 19.

20.

(1)The elected President shall then preside over the meeting and proceed for election of Vice-President.(2)The procedure for nomination of Vice-President shall be the same as laid down in Sub-rules (2) to (4) of Rule 19.Election of the members of the Executive Committee under Section 14

21.

(1)The election of the three members for the Executive Committee as required by Section 14 shall be held at a meeting of the Council at which the President, or in his absence, the Vice-President shall be the Chairman.(2)The procedure for nomination shall be the same as laid down in Sub-rules (2) to (4) of Rule 18 for the election of the President, with this difference that a member may nominate or second as many as three persons.(3)If there be only three persons so nominated, all these three persons shall be declared as duly elected members of the Executive Committee.(4)If there be more than three persons so nominated, the Chairman shall proceed to take ballot in the following manner, namely :(i)Voting paper with the names of the candidates nominated shall be given to every member present who shall put a cross mark against the name of the person he votes for, fold the slip and hand it over to the Chairman;(ii)The Chairman shall then count the number of votes secured by each candidate in the voting paper and declare the three with the largest number of votes as duly elected members of the Executive Committee;(iii)When an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the said candidates to be declared elected, the determination of the person or persons to whom such an additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Chairman and in such manner as he may determine.Functions of the President and the Vice-President under Sub-section (6) of Section 13

22.

The President shall perform such functions as are required to be done by the President under the provisions of the Act, and the rules and regulations made thereunder. He shall also do such acts as he considers necessary for the furtherance of the objects for which the council is established.

23.

If the office of the President is vacant or if, for any reason, the President is unable to perform the function of his office, the Vice-President shall act in his place and shall perform the functions of the President. Rules under Clause (d) of Sub-section (2) of Section 40 of the Act

24.

(1) After the publication of names of all the members of the Council under Section 9, the President of the existing Council under the Orissa Medical Regulation, 1936, shall convene and preside over the first meeting. (2) After the election of the President under Rule 19 the President of the existing Council shall cease to function. Part-III Form of the Register of Registered Practitioners

25.

The Register of Registered Practitioners shall be maintained in Form VII in the Appendix to these rules.

26.

The names shall be entered in the Register in the order in which the applications are admitted and sufficient space shall be left for future additions or alterations in the qualifications and address in respect of each entry.

27.

Each page of the Register shall be verified by the Registrar's signature. Application of fees

28.

The Registrar shall receive all fees payable under the Act and shall credit the same to the account of the Council in the Treasury. All fees received by the Council shall go to the Council funds and be utilised for the purposes of meeting, pay, dearness allowance. Provident fund contributions of the Council office shall also be met from the funds so constituted. Any other expenditure not specified in the above items, may also be incurred from the Council funds with the previous approval of the State Government.

29. Procedure to be followed in conducting any enquiry referred to in Clause (b) of Section 20 and Clause (a) of Section 27 of the Act.

- 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 Register shall make an abstract of such information

and of such further informations as he may have subsequently obtained.

30.

Where the information in questions is in the nature of a complaint by a person or body charging the practitioner with infamous conduct in a professional respect such complaint shall be made in writing addressed to the Registrar, and shall state the grounds of complaint and shall be accompanied by one or more declarations as to the facts of the case except when the complainant is by a Government Department.

31.

Every declaration must state the description and true place of abode of the declarant, and where the fact stated in a declaration is not within the personal knowledge of the declarant, the source of the information and grounds for the belief of the declarant in its truth must be accurately and fully stated.

32.

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

33.

The enquiry shall be instituted by the issue of a notice in writing on behalf of the Council, by the Registrar, addressed to the practitioner, such notice shall specify the nature and particulars of the charge, shall inform the practitioner of the day on which the Council intend to deal with the case, and shall call upon him to answer the charge in writing and to attend before the Council on that day.

34.

The notice referred to in Rule 33 shall be in Form VIII in the Appendix to these rules, with such variations as circumstances may require. It shall be sent at least twenty-one days before the date of the enquiry, and shall be accompanied by a copy of Section 26 or 27 of the Act, as the case may be, and of the rules to regulate the procedure for conducting any enquiry referred to in these sections. A

copy of the notice shall at the same time be sent to the complainant, if any.

35.

In every case in which the Council resolve that an enquiry shall be instituted and a notice for an enquiry is issued accordingly, the complainant (if any) and the Medical Practitioner charged shall, upon request in writing for that purpose signed by him or his legal representative, 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 shall be entitled on proper proof to use at the hearing and evidence in support of or in answer to the charge specified in the notice of enquiry.

36.

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

37.

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

38.

At the hearing of the case by the Council, the complainant and also the practitioner may be represented or assisted by a legal representative.

39.

Where a complainant appears personally or by a legal representative, the order of procedure shall be as follows : (1) The Registrar shall read to the Council the notice of the enquiry addressed to the practitioner. (2) The complainant shall then be invited to state his case himself or by his legal representative and to produce his proofs in support of it. At the conclusion of the complainant's proofs his case will be closed. (3) The practitioner shall then be invited to state his case himself or by his legal representative, and to produce his proofs in support of it. He may address the Council either before or at the conclusion of his proofs, but only once. (4) At the conclusion of the practitioner's case, the Council shall, if the practitioner has produced evidence, hear the complainant in reply on the case generally, but will hear no further evidence except in any special case in which the Council may think it right to receive such further evidence. If the practitioner produces no evidence, the complainant will not be heard in reply, except by special leave of the Council. (5) Where a witness is produced by any party before the Council, he shall be first examined

by the party producing him, and then cross examined by the adverse party, and then re-examined by the party producing him. The Council may decline to admit in evidence any declaration where the declarant is not present for or declines to submit to, cross-examination.(6)The President may put questions to any witness and the members of the Council, through the President, may also put questions to any witness.

40.

Where there is no complainant, or the complainant does not appear the order of procedure shall be as follows ;(1)The Registrar shall read to the Council the notice of enquiry addressed to the practitioner and shall state the facts of the case and produce before the Council the evidence by which it is supported.(2)The practitioner shall then be invited to state his case himself or by his legal representative, and to produce his evidence in support of it. He may address the Council either before or at the conclusion of his evidence, but only once.

41.

(1)Upon the conclusion of the case the Council shall deliberate thereon in private, and at the conclusion of the deliberations the President shall call upon the Council to vote on the question whether the Medical Practitioner charged is guilty of infamous conduct, in a professional respect.(2)If the Council, by a majority of two-thirds of the members present and voting at the meeting, find the Medical Practitioner guilty of infamous conduct in a professional respect, the Council shall direct the Registrar not to register his name, if he be an applicant for registration, or to remove his name from the Register of Registered Practitioners, if he is already a Registered Practitioner or to warn or to censure him.

42.

When the registration of the name of any practitioner is refused, or when the name of any Registered Practitioner is removed from the register in accordance with the provisions of the preceding rules, the Registrar shall forthwith send notice of such refusal or removal to the practitioner, by a registered letter addressed to his last known address. The Registrar Shall also send, forthwith intimation of any such refusal or removal to the body or bodies from whom the practitioner received his qualification or qualifications and shall request them not to admit him without previous reference to the Council to any examination for any new qualification, which is registrable in the Register of Registered Practitioners. If a name is removed from the register, the Registrar shall issue a notification in the Orissa Gazette, announcing the removal.Disposal of appeals form the decision of the Registrar preferred under Section 30 of the Act

43.

An appeal to the Council, preferred under Section 30 of the Act, against 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 ground on which registration is claimed, the names of the qualifications, and dates on which and the authorities from whom they were received.

44.

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

45.

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

46.

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

47.

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.

48.

The date on which the appeal is to be taken up by the Council shall be notified to the appellant. The appellant shall also be allowed, if he so chooses, to represent his case before the Council, either by himself or by his legal representative.

49.

(1)The Council may restore to the register, if they see fit, the name of any person which may have been erased therefrom under Section 19 of the Act.(2)No application for the restoration of a name so removed shall be entertained unless it be accompanied by a declaration from the applicant setting forth the facts of the case and stating that he is the person originally registered and by one of the following documents;(a)Applicant's diploma;(b)His certificate of registration in original;(c)A certificate in Form IX from two practitioners registered under the Act as to his identity;(d)If the applicant is not resident in Orissa, a certificate signed by the resident practitioners registered under the Medical Acts of any other State of the Indian Union.Restoration after penal removal under Section 27 of the Act

50.

An application for restoration to the register of a name removed under Section 27 of the Act shall not be entertained before the ordinary meeting of the Council next succeeding that in which the removal was ordered. If any person whose name has been removed from the register by direction of the Council, and who still possesses a qualification entitled him to be registered wishes to make an application to the Council for the restoration of his name to the register, he shall follow the following procedure: (i) The application shall be in writing, addressed to the Council and signed by the applicant, and must state the grounds on which the application is made in Form X; (ii) The application shall be accompanied by (1) a declaration made by the applicant setting forth the facts of the case, and stating that he is the person originally registered; and (2) by one of the following documents- (a) Applicant's diploma; (b) His certificate of registration in original; (c) A certificate in Form XI from two practitioners registered under the Act as to his identity; (d) If the applicant is not resident in Orissa, a certificate signed by two resident practitioners registered under the Medical Acts of any other State of the Indian Union; (iii) The statements in the application shall also be verified by certificates in writing, to be given by two practitioners registered under the Act or the Medical Acts of the State where the applicant had been residing since his removal who were and are well-acquainted with him before and since the removal of his name, and they must testify to his present good character.

51.

(a) On receipt of the application, it shall be referred by the Registrar to the Committee, for consideration and report. Before an application is considered by the Committee, the Registrar shall notify the same to the Licensing Bodies whose qualifications were held by the applicant at the time his name was removed; and shall further by letter addressed to the person or body (if any) on whose complaint the applicant's name was removed, give notice of the application and of the time, when the Committee intend to consider the same. (b) The Committee shall consider the application and may if they think fit, adjourn the consideration of it to a future date or require further evidence or explanation from the applicant. (c) The Committee shall make a report upon the application to the Council in camera embodying in that report such recommendations as the Committee shall think fit to make, with the reasons for the recommendations. (d) The application and the certificates referred to in Clause (iii) of the preceding rule shall be in the Forms VI and VII. Printed forms shall be kept by the Registrar who shall supply them to intending applicants. Appendix Form I [Vide Rule 5 (1)] Form of Electoral Roll for an election under Clause (b) of Sub-section (1) of Section 4 of the Orissa Medical Registration Act, 1961

Serial No.	Name	Academic qualification	Name of the Medical College where employed	Capacity in which employed	Registration number of a Registered Medical Practitioner
1	2	3	4	5	6

Form I (a) [Vide Rule 5 (1)] Form of Electoral Roll for an election under Clause (b) of Sub-section (1)

of Section 4 of the Orissa Medical Registration Act, 1961

Serial No.	Name	Academic qualification	Whether in service under any Government	Capacity in which employed	Registration number
1	2	3	4	5	6

Form II (a)[Vide Rule 5 (3)]Form for filing claim for inclusion of name in the Electoral Roll under Clause (b) of Section 4 (1)ToThe Returning OfficerOrissa Council of Medical Registration.Sir,I beg to file under Rule 5 (3) of the rules for election under Clause (b) of Section 4 (1) of the Orissa Medical Registration Act, 1961 (Orissa Act 18 of 1961), this claim for inclusion of my name in the electoral roll for the ensuing election to the Orissa Council of Medical Registration.Name (in block letters).....Academic qualifications.....Name of the Medical College in which employed and the date of appointment :.....Capacity in which employed.....Grounds for the claim.....I declare that I am a citizen of India and that I reside/carry on any profession/am employed, in Orissa.Dated.....Signature of claimant (in full)Form II (b)[Vide Rule 5 (3)]Form for filing claim for inclusion of name in the Electoral Roll under Clause (c) of Section 4 (1)ToThe Returning OfficerOrissa Council of Medical Registration.Sir,I beg to file under Rule 5 (3) of the rules for election under Clause (c) of Section 4 (1) of the Orissa Medical Registration Act, 1961 (Orissa Act 18 of 1961), this claim for inclusion of my name in the electoral roll for the ensuing election to the Orissa Council of Medical Registration.Name (in block letters).....Qualification.....Registration No.....Address.....Grounds for claim.....I also declare that I am a citizen of India and that I reside/carry on my profession/am employed, in Orissa.Dated.....Signature of claimant (in full)Form II (c)[Vide Rule 5 (3)]ToThe Returning OfficerOrissa Council of Medical Registration.Sir.I beg to file under Rule 5 (3) of the rules for election under Clause (b)/ Clause (c) of Section 4 (1) of the Orissa Medical Registration Act, 1961 (Orissa Act 18 of 1961) this objection to the following entry in the draft electoral roll under Clause (b)/Clause (c) for the ensuing election to the Orissa Council of Medical Registration.Name of the person to whom the entry objected to relates.....The particulars of the entry objected to.....The grounds of objection to the entry.....Dated.....Signature of the objector (in full)Address.....Form III (a)[Vide Rule 6 (2)]Form for nomination of a candidate under Clause (b) of Sub-section (1) of Section 4

1. Name of candidate (in full).....

2. Registration number of the candidate.....

3. Serial number of the candidate in the final electoral roll under Clause (b) of Section 4 (1).....

I (name in full) with serial No.in the final electoral roll under Clause (b) of Sub-section (1) of Section 4, hereby propose the above-named candidate for election under that clause, and declare, that to the best of my knowledge and information the candidate satisfies the requirements of the clause and I further declare that I am a citizen of India and that I reside/carry on my profession/am employed in Orissa.Signature of ProposerDated the.....20....I (name in full).....with serial No.....in

the final electoral roll under Clause (b) of Sub-section (1) of Section 4 hereby second above proposal and declare that to the best of my knowledge and information the candidate satisfies the requirements of the clause and I further declare that I reside/carry on my profession/am employed in Orissa. Dated the..... Signature of Secunder Declaration by the candidate I..... (name in full) hereby declare that I agree to this nomination, that the particulars stated above about myself are correct; that I am a citizen of India and reside/carry on my profession/am employed, in Orissa, and that I have no intention of changing my residence/place of practice/ employed in the near future. I also declare that I have had the experience required by Clause (b), of Sub-section (1) of Section 4, details of this being as below, namely :

Name of appointments held College or institution in which each such appointment was held

1

2

Dated..... Signature of the candidate N.B. - Nomination papers which are not received by the Returning Officer in his office at..... before..... on..... day of..... 20 shall be invalid. See also copies of Section 4 (1), Clause (b) and Section 6 of the Act, and of Sub-rules (1) to (10) of Rule 6 annexed herewith. (To be filled in by the Returning Officer) Certificate of Delivery This nomination paper was delivered to me at my office at..... (date and hour) Returning Officer Certificate of Scrutiny Rejected as time-barred or for breach of rule..... Or I have scrutinised the eligibility of the candidate, the proposer and seconder, and find that they are respectively qualified to stand for election, to propose and to second the nomination. Returning Officer Form III (b) [Vide Rule 6 (2)] Form for nomination of a candidate under Clause (c) of Sub-section (1) of Section 4

1. Name of the candidate (in full).....

2. Registration No. of the candidate.....

3. Registered qualifications of the candidate.....

4. Whether the candidate is/is not in the service of any Government....

I (name in full)..... hereby propose the above-mentioned candidate for election under Clause (c) of Sub-section (1) of Section 4, and state that my name is borne on the final electoral roll; and I declare that I am a citizen of India and that I reside/carry on my profession/am employed, in Orissa. Date..... Registered qualification of the Proposer..... Registration No. of Proposer..... I (name in full)..... hereby second the above proposal and state that my name is borne on the final electoral roll and I declare that I reside/carry on profession/am employed, in Orissa. Signature of the seconder Dated..... Registered qualification of the seconder..... Registration No. of the seconder..... Declaration of the candidate I (name in full)..... hereby declare that I agree to this nomination, that the particulars' stated about myself are correct, that I am a citizen of India and reside/carry on my profession/am employed in Orissa and that I have no intention of

changing my residence/place of my profession/ employment, in the near future. Signature of the candidate Dated.....N.B. - Nomination papers which are received by the Returning Officer, in his office at.....before.....on the.....day of.....shall be invalid. See also copies of Section 4 (1), Clause (c) and Section 6 of the Act, and of Sub-rules (1) to (10) of Rule 6 annexed herewith. Certificate of Delivery (To be filled in by the Returning Officer) This nomination paper was delivered to me at my office at (date and hour).....Returning Officer Certificate of Scrutiny Rejected as time-barred or for other breach of rules.....Or I have scrutinised the eligibility of the candidate, the proposer and seconder, and found that they are respectively qualified to stand for election, to propose, and to second the nomination. Returning Officer Form IV (a) [Vide Rule 7 (3) (a)] Voting paper for an election under Clause (b) of Section 4 (1) of the Act Serial No.....Subject to the rules, extracts from which are given herewith, one member of each Medical College to be elected by the electorate under Clause (b) of Sub-Section (1) of Section 4 to the Orissa Council of Medical Registration by persons whose names are included in the final electoral roll of this electorate. The latest date and hour for receiving voting papers, are.....and any voting paper received by the Returning Officer after that time will be rejected [vide Rule 7 (8)].

Serial No. of candidates duly nominated	Names, registered qualifications, registration Nos. and address of the candidates duly nominated	Name of the Medical College in which the candidate is employed and the capacity in which employed	Column for the voter's mark X
1	2	3	4

Extracts from the relevant rules [Rule 7 (5)].....an elector whose name is borne in the final electoral roll of the electorate under Clause (b) of Sub-section (1) of Section 4, may vote for a maximum number of candidates under that clause. A voting paper in which votes are given for more candidates than what is permissible under this rule, shall be rejected. [Rule 7 (b) to (12) to be reproduced]. Form IV (b) [Vide Rule 7 (3) (a)] Voting paper for an election under Clause (c) of Section 4 (1) of the Act Serial No.....Subject to the rules, extracts from which are given herewith, three members (of whom two shall be persons not in service of any Government) are to be elected by the electorate under Clause (c) of Sub-section (1) of Section 4 of the Act, to the Orissa Council of Medical Registration by persons whose names are included in the final electoral roll of this electorate. The latest date and hour for receiving voting papers are.....and any voting paper received by the Returning Officer after that time will be rejected [Vide Rule 7 (8)].

Serial No. of candidates duly nominated	Names, registration Nos. registered qualifications and addresses of candidates duly nominated	Column for voter's mark X
1	2	3

Extracts from the relevant rules [Rule 7 (5)].....an elector whose name is borne in the final electoral role of the electorate under Clause (c) of Sub-section (1) of Section-4, may vote-(1)for a maximum number of three candidates when the poll is taken for election of three members under Sub-rule (2) (a). (2)A voting paper in which votes are given for more candidates than what is permissible under this rule, shall be rejected. [Rule 7 (6) to (12)-To be reproduced] Form V [Vide Rule 7 (3) (b)] Identification envelope Obverse To The Returning Officer Orissa Council of Medical

RegistrationReverseNo.....I..... hereby declare that I am the person to whom the enclosed voting paper was addressed ; that I have not marked any other | voting paper of this electorate for this election;And I further declare that I am a citizen of India and that I reside/carry on my profession/am employed in Orissa.SignatureDated the.....20.....Form VI[Vide Rule 16]Register showing particulars of the CouncilColumns

1. Name.....

2. Address.....

3. Clause of Section 4 (1) under which the person is a member. [In case of Clause (c), whether elected as an employee under Government.]

4. No. and date of Government notification under Section 9 and Rule 13.....

5. The date of commencement of the term of the member.....

6. The date on which the term of the office of the member is to expire.....

7. If the office terminates before the due date mentioned in Column 6 then the date and reason of earlier termination.....

8. Remarks.....

Form VII[Vide Rule 25]The Register of Registered Practitioners

Serial No.	Date of registration	Name of birth	Dates of birth	Father's name	Qualifications and dates thereof	Appointment and address	Date and reason of removal	Previous registration No. of registration and the date thereof and State	Remarks	
	Section of the Act under which the name is removed									
1	2	3	4	5	6	7	8	9	10	11

Registrar of the Orissa Council of Medical Registration Form VIII [Vide Rule 34] Notice to practitioner to attend proceeding in connection with the enquiry under Section 20 or 27 of the Act Sir, On behalf of the Orissa Council of Medical Registration, I give you notice that information and evidence have been laid before the Council by which the complainants make the following charge against you, namely..... (here set out the circumstances briefly), and that in relation thereto you have been guilty of nefarious conduct in a professional respect; And I am directed further to give you notice that on the..... of..... 20, a meeting of the Council will be held at O'clock in the..... to consider the above-mentioned charges against you and decide whether or not they should direct that your name shall not be registered in/that your name be removed from the Register of registered practitioners pursuant to Section 20/27 of the Orissa Medical Registration Act, 1961. You are invited and required to answer in writing the above charges and to attend before the Council at the above-mentioned 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 to decide upon the said charges in your absence. Any answer or other communication or application which you may desire to make respecting the said charges or your defence thereto must be addressed to the Registrar, Orissa Council of Medical Registration and transmitted so as to reach him not less than..... days before the day appointed for the hearing of the case. A copy of Section 20/27 of the Orissa Medical Registration Act, 1961 and of the rules to regulate the procedure for conducting any enquiry referred to in that section to which your particular attention is invited, is enclosed herewith for your information. Registrar Form IX [Vide Rule 49] I hereby certify that the aforesaid applicant is the above specified..... whose name formerly stood in the Medical Register with the following address and qualifications : Name..... Address..... Registered qualification..... Date..... Form X [Vide Rule 50] Statutory declaration by applicant for restoration of name to the Medical Register To The Orissa Council of Medical Registration (i) I, the undersigned'..... now holding the qualification of 2..... do solemnly and sincerely declare that the following are the facts of my case, and by reason of which I seek restoration of my name to the Medical Register. (ii) In the year 3 my name was duly registered in the Medical Register in respect of the following qualification, namely 4..... and on the date of the removal of my name hereinafter mentioned I was registered in respect of the same qualifications, and also in respect of the following additional qualifications, namely 5..... (iii) At an enquiry held on the 6..... day of..... the Orissa Council of Medical Registration directed my name to be removed from the Medical Register on complaint made to the Medical Council by 7..... of and the offence for which the Medical Council directed the removal of my name was 8..... (iv) Since the removal of my name from the Medical Register I have been residing at 9..... and my occupation has been..... (v) It is my intention if my name is restored to the Medical Register to 10..... (vi) The grounds of application are 11..... (Signed) Declared at..... on..... before me. Magistrate, 1st Class

1. Insert full name.

- 2. Insert qualifications, if any.**
- 3. Insert date.**
- 4. Insert original qualifications.**
- 5. To be added to, if necessary.**
- 6. Insert date of enquiry.**
- 7. Insert name and address of complainant.**
- 8. Insert charge on which name was removed.**
- 9. The blanks In this paragraph must be filled in according to circumstances.**
- 10. Insert particulars as to proposed future professional occupation.**
- 11. All facts and grounds on which the application is made should be clearly and concisely stated.**

Form XI[Vide Rule 50]Certificate in support of applicationI.....of.....certify as follows
:(i)I am a.....(ii)I have read paragraphs (iv) and (v) of the application of.....and say that
I have been and well-acquainted with the said..... both before and since his name was
removed from the Medical Register, that I believe him to be now a person of good character, and
that the statements in the said paragraphs are to the best of my knowledge, information and belief,
true.(Signed)(Name)(Address and qualification)(Registration No.....)