

The Maharashtra Council of Indian Medicine Rules, 1961

MAHARASHTRA

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Rule

THE-MAHARASHTRA-COUNCIL-OF-INDIAN-MEDICINE-RULES-1961 of 1961

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The Maharashtra Council of Indian Medicine Rules, 1961 Published vide Notification G.N., U.D., No. MMP. - Unification, dated 18th October, 1961 (M.G., Part 4-B, page 998) In exercise of the powers conferred by clauses [(b) and (c)] [Substituted by G. N. dated 4-4-1964.] of sub-section (2) of section 30 of the Maharashtra Medical Practitioners Act, 1961 (Maharashtra XXVIII of 1961), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby, after previous publication, makes the following rules, namely:-

Part I – Preliminary

1. Short Title.

- These rules may be called the [Maharashtra Council of Indian Medicine Rules, 1961.] [Substituted by G.N. of 21.3.1985.]

2. Definitions.

(1) In these Rules, unless the context otherwise requires, (a) "Act" means the Maharashtra Medical Practitioners Act, 1961. (b) "Presiding Authority" means a person for the time being presiding over a meeting of the Council: (c) "Section" means a section of the Act. (2) The words and expressions used in these Rules but not defined therein shall have the meanings respectively assigned to them in the Act.

Part II – [Meetings on the Council] [Deleted by G.N. of 21.3.1985.]

3. Ordinary meetings.

- The [Council] [Substituted by G.N. of 21.3.1985.] shall ordinarily meet for the transaction of business in the first week of each of the months of March and September in each year. The exact date, hour and place of such meetings shall be decided by the President, [* * *] [Deleted by G.N dated 21-3-1985.]

4. Extraordinary meetings.

- The President [* * *] [Deleted by G.N dated 21-3-1985.] may, whenever he thinks fit, and shall, upon a written requisition of not less than one-third of the members of the Council, convene an extraordinary meeting of the Council.

5. Notice of meeting.

(1) All meetings of the [Council] [Substituted by G.N. of 21.3.1985.] shall be convened by the Registrar by a notice addressed and sent to each of the respective members not less than thirty clear days before the date fixed for an extraordinary meeting. (2) The notice shall, (i) State the date, hour and place of the proposed meeting; (ii) Declare the purpose of the meeting i.e. whether it is general business or any (named) special business; (iii) in the case of an extraordinary meeting, be accompanied by a copy of the agenda for the proposed extraordinary meeting. The agenda shall be prepared by the Registrar under the instructions of the President [* * *] [Deleted by G.N dated 21-3-1985.]; (iv) In the case of inquiry under section 20, be accompanied by copies of the relevant documents and evidence. (3) Not less than ten clear days before the date fixed for an ordinary meeting, the Registrar shall send to the respective members a copy of the agenda for the meeting. The agenda shall be prepared by the Registrar under the instructions of the president [* * *] [Deleted by G.N dated 21-3-1985.]; (4) At any meeting which is convened for special business, no other business than that specified in the notice shall be transacted, unless the Council, by a resolution at the meeting agrees to consider any further business.

6. Motions for insertion in agenda.

(1) Notice of any motion to be inserted in the agenda for an ordinary meeting of the [Council] [Substituted by G.N. of 21.3.1985.] shall be in writing, shall be signed by the member giving it and by another member who is willing to second the motion and shall be sent so as to reach the Registrar not less than twenty clear days before the date fixed for the meeting. All such notices shall be placed by the Registrar before the President [* * *] [Deleted by G.N dated 21-3-1985.] for deciding the admissibility of the motions. (2) A motion shall not be admissible—(a) if the notice thereof has not been signed by the proposer and the seconder; or (b) if the matter to which it relates is not within the scope of the functions of the [Council] [Substituted by G.N. of 21.3.1985.]; or (c) if it raises substantially the same question as a motion or amendment which has been moved and either

decided or withdrawn with the leave of the Council within a period of six months immediately before the date of the meeting at which it is proposed to move the new motion; or(d)unless it is clearly and precisely expressed and raises substantially only one definite issue; or(e)if it contains arguments, inferences, ironical expressions or defamatory statements.(3)The President [* * * *] [Deleted by G.N dated 21-3-1985.] shall disallow any motion which in his opinion is inadmissible under sub- rule (2) :Provided that, if a motion can be rendered admissible by an amendment the President [* * * *] [Deleted by G.N dated 21-3-1985.] may admit the motion in an amended form.(4)When the President [* * * *] [Deleted by G.N dated 21-3-1985.] disallows or amends a motion, the Registrar shall inform the member, who gave notice of the motion, of the order of disallowance or, as the case may be, of the form in which the motion had been admitted.

7. Amendments to motions.

(1)Any member who desire to move an amendment to any motion included in the agenda shall send to the Registrar a notice in writing, of such amendment so as to reach the Registrar not less than two clear days before the date fixed for the meeting. All such notices shall be placed by the Registrar before the President, [* * * *] [Deleted by G.N dated 21-3-1985.] for deciding the admissibility of the amendments,(2)No amendment shall be admitted by the President [* * * *] [Deleted by G.N dated 21-3-1985.](a)if it is not relevant to, or within the scope of the motion to which it is proposed:(b)if it were a substantive motion, it would have been inadmissible under sub rule (2) of rule 6;(c)if it has merely the effect of a negative vote; or(d)if, in the opinion of the President [* * * *] [Deleted by G.N dated 21-3-1985.] it is frivolous.(3)After an amendment had been admitted, the Registrar shall cause a copy of such amendment to be made available for the use of every member at the meeting.

Part III – Conduct of Business at Meetings

8. Discretionary power of presiding authority to allow motions or amendments without notice.

- Notwithstanding anything contained in rules 6 and 7, the presiding authority may in his discretion allow any member to move at a meeting-(a)any motion which in the opinion of the presiding authority is of an urgent nature and of which no notice has been given or the notice given has not reached the Registrar in time for inclusion in the agenda under rule 6:(b)any amendment to a motion which in the opinion of the presiding authority is of an urgent nature and of which no notice has been given or the notice given was received so late that the Registrar was unable to make a available to the members copies of the amendment:Provided that, such motion or amendment is not inadmissible under sub-rule (2) of rule 6 or sub-rule (2) of rule 7, as the case may be.

9. Manner of taking votes.

(1)Every matter to be determined by the [Council] [Substituted by G.N. of 21.3.1985.] shall be determined on a motion moved at the meeting of the [Council] [Substituted by G.N. of 21.3.1985.], by a member and put to the [Council] [Substituted by G.N. of 21.3.1985.] by the presiding authority

(2) Votes shall be taken by voices, show of hands or division as the presiding authority may direct; Provided that, votes shall be taken by division or by ballot if any member so desires. (3) The presiding authority shall determine the method of taking votes by division (4) The result of the votes shall be announced by the presiding authority.

10. [Motions identical in purport. [Substituted by G.N. of 21.3.1985.]

(1) When motions identical in purport stand in the names of two or more members they shall be arranged by the Registrar in the order in which the notices in respect of such motions under sub-rule (1) of rule 6 were received by him and the member whose notice stands first in the order of priority shall be called upon to move his motion. If such member moves his motion, other motion or motions identical in purport shall not be moved. (2) When any member so called upon to move his motion is absent or does not wish to move the same, his motion shall be deemed to have been withdrawn and the member whose name appears next in the order of priority shall be called upon to move his motion and the same procedure shall be followed if necessary, till the last member in the order of priority is called upon to move his motion.]

11. Motion shall be seconded.

- Every motion shall be seconded and, if not seconded, shall be deemed to have been withdrawn.

12. Amendments to motions shall be seconded.

- After a motion is moved and seconded, amendments if any, to the motion admitted under rule 7 or allowed under rule 8 may be moved in their serial order. Every amendment shall be seconded and, if not seconded, shall be deemed to have been withdrawn.

13. [Withdrawal of motion and amendment. [Substituted by G.N. of 4.4.1964.]

- A member who has made a motion or an amendment to a motion may withdraw the same by leave of the [Council]; Provided that, the said motion or amendment shall not be allowed to be withdrawn if any other member objects to the withdrawal thereof.]

14. Adjournment of business and closure.

(1) When any motion or amendment is under debate no proposal with reference thereto shall be made other than (a) an amendment of the motion or of the amendment, as the case may be; (b) a proposal for the adjournment of the debate on the motion or amendment or both either to a specified time or sine die; (c) a motion for the closure, namely, a motion that the question be now put. (2) [Unless the presiding authority is of opinion that a proposal of the nature referred to in clause (b) of sub-rule (1) is such as if allowed to be moved, will infringe the right of a reasonable debate or is made for the purpose of securing the adjournment of the meeting, he shall without further debate, put it to the [Council] [Substituted by G.N. of 21.3.1985.]. (3) Unless the presiding

authority is of opinion that a motion for the closure is an abuse of the right of reasonable debate, he shall forthwith put a motion. that the question be now put and if that motion is carried the substantive motion or amendment under debate shall be put forthwith ;Provided that, the presiding authority shall allow the mover of the substantive motion to exercise his right of reply before the substantive motion under debate is put.

15. Right of speech and reply and duration of speech.

(1)When a motion has been moved and seconded members other than the mover and seconder may speak on the motion in each order as the presiding authority may direct;Provided that, the seconder may, with the permission of the presiding authority confine himself to seconding the motion and speak thereon at any subsequent stage of the debate before the final reply.(2)No member, other than the mover who shall be entitled to a final right of reply, shall speak more than once on any motion except with the permission of the presiding authority and for the purpose of making an explanation or putting a question to the member addressing the [Council] [Substituted by G.N. of 21.3.1985.];Provided that a member who has spoken on a motion may speak again on an amendment subsequently moved to the motion.(3)No member shall, save with the permission of the presiding authority, speak for more than ten minutes;Provided that, the mover of a motion when moving the same may speak for twenty minutes.(4)A speech shall be strictly relevant and confined to the subject-matter of motion on which it is made.

16. Member to rise and then speak.

(1)A member desiring to make any observations on any matter before the [Council] [Substituted by G.N. of 21.3.1985.] shall rise in his seat, and if called upon by the presiding authority, address his remarks to that authority, If he is not called upon by that authority, he shall resume his seat;Provided that, a member disabled by sickness or infirmity may be permitted to address the meeting sitting.(2)If at any time the presiding authority rises, any member speaking shall immediately resume his seat.

17. Limitations on speech.

- No member shall be heard except upon the business before the [Council] [Substituted by G.N. of 21.3.1985.], or with the permission of the special permission of the presiding authority in personal explanation in connection with some previous debate.

18. Putting the question, order of amendment and motion.

(1)When an amendment to any motion is moved or when two or more such amendments are moved the presiding authority shall before taking the sense of the [Council] [Substituted by G.N. of 21.3.1985.] thereon, state or read to the [Council] [Substituted by G.N. of 21.3.1985.], the terms of the original motion and the amendment or amendment proposed.(2)[The presiding authority shall put to vote the original motion and the amendments, if any, in such order as that authority deems

fit; Provided that, where any amendment is carried, the motion shall be put to vote in the amended form.] [Substituted by G.N. of 4.4.1964.]

19. Division of motion.

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

20. Adjournment of meeting.

(1) The presiding authority may at any time for reasons to be recorded in writing adjourn the meeting to any future day or to any hour of the same day. (2) Whenever a meeting is adjourned to a future day, the Registrar shall, if possible send notice of the adjournment to every member who was not present at such meeting. (3) When a meeting has been adjourned to a future day, the President [* * *] [Deleted by G.N dated 21-3-1985.] may change such day to any other day, and the Registrar shall send written notice of the change to each member. (4) At a meeting adjourned to a future day any motions standing over from the previous day shall, unless the president [* * *] [Deleted by G.N dated 21-3-1985.] otherwise direct, take precedence over new matter.

21. Points of order.

- The presiding authority shall decide all points of order which may arise.

22. Circulation of proposition, in lieu of meeting.

- The President or the chairman, whenever it appears to him unnecessary to convene a meeting, may instead of convening a meeting circulate by hand delivery or by registered post a written proposition with the reasons for such proposition for the observations and votes of the members of the Council.

Part IV – Minutes

23. Minutes of meeting.

(1) The proceeding of the meeting of the Council shall be preserved in the form of printed minutes which shall be authenticated, after confirmation, by the signature of the presiding authority. (2) The minutes of each meeting shall contain such motion and amendments as have been moved and adopted, or negatived with the names of the mover and the seconder, but without any comment and without any record of any observation made by any member at the meeting.

24. Copies of minutes to be sent to members.

- A copy of the minutes of, each meeting of the [Council] [Substituted by G.N. of 21.3.1985.] shall be sent by the Registrar to, each member of the [Council] [Substituted by G.N. of 21.3.1985.], within sixty days of the meeting and copy of the minutes shall also be sent to the state Government.

25. Confirmation of minutes of meeting.

- The minutes of a meeting shall be deemed to have been confirmed if no objection to their correctness is received by the Registrar from any member within thirty days of the dispatch of a copy of the minutes to a member in accordance with rule 24. If any objection is received, confirmation of each minutes shall await the next meeting of the Council.

26. Volumes of minutes of meetings.

- The minutes of the meetings of the [Council] [Substituted by G.N. of 21.3.1985.] shall, as soon as is practicable after their confirmation, be made up in sheets and consecutively pagged for insertion in separate volumes, which shall be permanently preserved.

Part V – Fees for Attending Meeting and Travelling Allowances

27. Fees for attendance at meeting.

- Every member shall be entitled to a fee of Rupees fifteen for each day of attendance at a meeting of the [Council] [Substituted by G.N. of 21.3.1985.] [or a Committee appointed under sub-section (9) of Section 17 or the appellate authority referred to in] [Added by G.N. of 15.11.1963.] [Council.] [Substituted by G.N. of 21.3.1985.]

28. [Travelling allowance for attending meeting. [Added by G.N. of 15.11.1963.]

- The travelling expenses of the members of the Council for attending the meeting of the Council, shall be paid, as follows:- (a) Officials who are Government servants may draw the travelling and halting allowances which they may be entitled to claim for travelling on official duties according to their grades under the Bombay Civil Services Rules. (b) A non-official member shall draw travelling allowance according to rule 1(1) (b) in section 1 of the Appendix XLII-A to the Bombay Civil Services Rules, Volume II.]