

# **The Orissa Medical Regulation Appeal Rules, 1941**

ODISHA

India

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### **Rule**

### **THE-ORISSA-MEDICAL-REGULATION-APPEAL-RULES-1941 of 1941**

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The Orissa Medical Regulation Appeal Rules, 1941Published vide Notification No. 3365-L.S.G., dated 25th August, 1941, Orissa Gazette Part-3/5.9.1946Notification No. 3365-L.S.G., dated 25th August, 1941. - In exercise of the powers conferred by Section 25 of the Orissa Medical Regulation, 1936 (Orissa Regulation II of 1936), the Governor of Orissa is pleased to make the following rules to regulate the procedure to be followed by the Orissa Council of Medical Registration in conducting any inquiry under Section 12 or Section 14 and in hearing appeals under Section 16 of the said Regulation and to regulate the disposal of fees received under the said Regulation and accounts to be kept of such fees.Part-I Rules for the hearing of appeals against the decision of the Registrar preferred under Section 16 of the Regulation (Orissa Regulation II of 1936)

**1. An appeal to the Council, preferred under Section 16 of the Orissa Medical Regulation, 1933 (hereinafter referred to as the Regulation), against the refusal of the Registrar to enter the name of any title or qualification or any person in the Register of Registered Medical Practitioners, shall be in writing and shall state the grounds on which the registration is claimed, the names of the title and the qualifications and the dates on which, and the authorities from whom, they were received.**

**2. Such an appeal 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 such other documentary or oral evidence as may be considered necessary by them.**
- 4. At the conclusion of their enquiry, the Committee shall make a report to the Council embodying such recommendation as they shall think fit to make, with the reasons for the recommendations.**
- 5. The appeal, the report of the Committee on it and all other necessary documents in connection with the case, shall be laid before the Council at their next sitting.**
- 6. The date on which 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 in person or through his legal representative.**

Rules for removal of names from the Registers of the Registered Medical Practitioners and procedure to be followed in conducting any enquiry referred to in Sections 12 and 14 of the regulation

- 7. 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.**
- 8. Where the information in question is in the nature of 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.**
- 9. Every declaration must state the description and the 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 the grounds for the belief of the declarant in its truth must be accurately and fully stated.**

**10. (i) 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 shall, if he thinks fit, instruct the Registrar to ask the Practitioner by means of a registered letter for any explanation he may have to offer. The documents, including any explanation forwarded by the Practitioner to the Registrar, shall then be referred to a Committee appointed by the Council, who shall consider the same and shall have power to cause further investigation to be made and further evidence to be taken and to refer, if necessary, to a legal practitioner for his advice and assistance and otherwise to obtain such advice and assistance as they think fit.**

**(ii) The Committee shall report to the Council, and, if the Council considers that the case is one in which an enquiry ought to be held, the President shall direct the Registrar to take steps, for the institution of an enquiry and for having the case heard and determined by the Council.**

**11. 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, and 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 in person or by a legal representative before the Council on that day.**

**12. The notice referred to in Rule 11 shall be in the form appended to these rules, with such variations as circumstances may require. It shall be sent thirty days before the date of the enquiry and shall be accompanied by a copy of Section 12 or 14 of the Regulation, as the case may be, and of the rules to regulate the procedure for conducting any enquiry referred to in those sections.**

**13. 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 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 enquiry.**

**14. 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.**

**15. 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.**

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

**17. Where a complainant appears personally or by a legal practitioner the order of procedure shall be as follows :**

(i)The Registrar shall read to the Council the notice of the enquiry addressed to the Practitioner.(ii)The complainant shall then be invited to state his case in person or through his legal representative and to produce his evidence in support of it. At the conclusion of the complainant's evidence his case shall be closed.(iii)The Practitioner shall then be invited to state his case in person or through 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.(iv)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 shall 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 shall not be heard in reply except by special leave of the Council.(v)Where a witness is produced by any party before the Council, he shall first be 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.(vi)The President may put questions to any witness, and members of the Council, through the President, may also put questions to any witness.

**18. Where there is no complainant or no complainant appears the order of procedure shall be as follows :**

(i)The Registrar of the Council 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.(ii)The Practitioner shall then be invited to state his case in person or through 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.

**19. (i) 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.**

(ii) If the Council, by the majority of the members present and voting at the meeting, find the Medical Practitioner guilty of infamous conduct in a professional respect, the President shall direct the Registrar, if he is an applicant for registration, not to register his name, or if he is already a Registered Practitioner, to erase his name from the Register of Registered Practitioners.

**20. 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 registered letter addressed to him at 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 qualifications, and shall request them not to admit any such Practitioner to any examination for any new qualification which is registrable in the Register of Registered Practitioners without previous reference to the Council.**

Form prescribed under Rule 12 Notice to Practitioner to attend proceedings in connection with the enquiry under Section 12 or 14 of the Regulation 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 complainant or complainants make the following charge against you, namely (here set out the circumstances briefly, and that in relation thereto you have 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 charges against you and decide whether or not they should direct that your name shall not be registered in/your name be removed from the Register of Registered Medical Practitioners pursuant to Section 12/14 of the Orissa Medical Regulation, 1936. You are invited and required to answer in writing the above charges, and to attend in person or by a legal representative 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 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 of the Orissa Council of Medical Registration and transmitted so as to reach hour not less than days before the day appointed for the hearing of the case. A copy of the 12th/14th section of the Orissa Medical Regulation, 1936 and of the rules to regulate the procedure for conducting any inquiry referred to in that section to which your particular attention is invited, is enclosed herewith for your

information. Part-II Account Rules for the Orissa Council of Medical Registration

- 1. The Registrar shall be the Treasurer of the Council, and the funds at disposal of the Council shall be designated "The Orissa Medical Registration Fund".**
- 2. All payments and contributions to the Council shall be paid to the Treasurer, and shall be for the use of the Council.**
- 3. All investments or deposits shall be made in the name of "The Orissa Council of Medical Registration".**
- 4. All cheques upon the Treasury shall be signed both by the President and the Treasurer. In absence of the President the cheques shall be signed by the Treasurer and a member of the Council, specially authorised by the President for this purpose.**
- 5. Every year in the month of January, the Treasurer shall prepare a statement of income and expenditure of all funds of the Council received and expended in the preceding financial year and shall draw the attention of the Council to such matters in connection therewith as are deserving of notice. As estimate of income and expenditure for the next financial year shall be prepared by the Treasurer and shall be laid before the Council in the month of January of each year. Such budget estimate shall make provision for the fulfilment of the liabilities of the Council and for effectually carrying out its objects. The Council shall consider the budget estimate so submitted and shall sanction the same either unaltered or subject to such alteration as shall be deemed fit.**
- 6. At any time during the year for which any estimate has been sanctioned, the Council may cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimate shall be considered and sanctioned by the Council in the same manner as if it were an original estimate. In cases of emergency the President may, however, incur expenditure in excess of the budget provision sanctioned for any one head subject to such expenditure being reported to the Council at its next session and further subject to equivalent savings being anticipated under other heads of the budget.**

- 7. The Council shall have a Cash Book maintained by the Treasurer in such form as may be approved by the Examiner of Local Accounts, in which all receipts and payments with necessary details, shall be entered, as soon as the transactions occur. The Cash Book shall be closed every month and a memorandum reconciling the balance with that shown in the Pass Book mention of which is made in the Rule 12 shall be recorded and signed by the President. The vouchers and sub vouchers of the payments, paid out of the imprest shall be preserved to be produced at the time of audit.**
- 8. The word "Paid" or "Cancelled" shall be stamped over every voucher and sub-voucher after payment.**
- 9. The annual account shall be prepared under the direction of the President from the details of the Cash Book.**
- 10. The Treasurer shall maintain a printed Receipt Form Book with counterfoil for the purpose of receipt of fees for registration.**
- 11. The amounts realised from registration fees and other sources shall be remitted to the Treasury by duplicate challans; the second copy of each challan shall be filed in the office of the Council.**
- 12. Every transaction of the Council with the Treasury shall be shown in a Pass Book which will be supplied free of charge by the Treasury. The Pass Book shall be closed and balanced at the end of every month. The Treasurer shall examine the Pass Book every time it is received back from the Treasury to ascertain whether all the transactions have been duly entered therein or not.**
- 13. A permanent advance of Rupees fifty (Rs. 50) shall be allowed to the Registrar. This shall be recouped every month or oftener, if necessary.**
- 14. No expenditure exceeding Rupees fifteen (Rs. 15) shall be incurred and no articles the value of which exceeds Rupees fifteen (Rs. 15) shall be purchased without the previous sanction of the President. The Registrar shall be authorised to purchase article up to the value not exceeding Rupees fifteen (Rs. 15) in any one month.**

**15. A register of contingent expenditure shall be kept in the form prescribed for the purpose in the Civil Account Code. The headings of the form shall be according to the needs of the Council. The rules of the Civil Account Code shall, mutatis mutandis, be observed in the maintenance of the contingent register.**

**16. A stock register of all articles and properties of the Council shall be maintained and shall be checked by the Registrar once a year.**

**17. All claims shall be discharged either by payments from the imprest at the disposal of the registrar or by cheques drawn upon the Treasury in favour of the actual payees.**

**18. The accounts of the Council shall be audited once a year by the Examiner of Local Accounts, Orissa.**