

## **GUJARAT MEDICAL COUNCIL RULES, 1969**

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## **GUJARAT MEDICAL COUNCIL RULES, 1969**

In exercise of the powers conferred by Section 31 of the Gujarat Medical Council Act, 1967 (Gujarat 10 of 1968), the Government of Gujarat hereby makes the following

### CHAPTER 1

Preliminary

#### **1. Short title :-**

These rules may be called the Gujarat Medical Council Rules, 1969.

#### **2. Definition :-**

In these rules, unless the context requires otherwise.

(a) "Act" means the Gujarat Medical Council Act, 1967;

(b) "Form" means a form appended to these rules:

(c) "Section" means a section of the Act:

(d) The words and expression used in the Act but not defined in these rules shall have the meaning assigned to them In the Act.

### CHAPTER 2

Election

#### **3. Representatives of Medical Faculties of Universities :-**

(1) For the purpose of election of member under clause (b) of sub-section (3) of section 3, the President shall by notice in writing inform the Registrar of every University established by law in the State that the term of office of the member elected under clause (b) of sub-section (3) of section 3 is due to expire on the date specified in the notice, such notice being given not later than sixty days before the expiry of such term: and likewise inform the Registrar of every casual vacancy within thirty days of its occurrence, and request the Registrar to hold the election before the date specified in the notice. The notice shall be sent by registered post.

(2) On receipt of notice under sub-rule (1), the Registrar shall hold election and communicate to the State Government the name of the person elected as soon as possible but not later than seven days after the date of declaration of the result of the election.

#### **4. Preparation of Electoral Rolls :-**

(1) For the purpose of election of members under clause (c) of sub-section (3) of section 3 (hereinafter in this chapter referred to as "election"), the registrar shall prepare the electoral roll of registered practitioners from the register of medical practitioners. The electoral roll shall include the names of all practitioners on such date prior to the date of election as may be fixed by the Council for each election.

(2) The electoral roll shall be kept open for inspection in the office of the Council at least thirty days before the last date fixed for receipt of nomination papers under rule 6. The Registrar shall at the same time issue in the [Official Gazette] and in such other manner as he thinks fit, a notice in Form 1, calling upon the registered practitioners to send their objections or suggestions, if any, with regard to the entries in the electoral roll before a date specified in the notice, which shall not be earlier than fifteen days of the publication of the notice. All objections received before the date specified in the notice shall be considered by the Registrar and corrections made, if necessary, in the electoral roll.

(3) Any practitioner aggrieved by the decision of the Registrar may, within five days from the date of receipt of the order, prefer an appeal to the State Government.

#### **5. Returning Officer :-**

The Registrar or any other person authorised by the State Government shall be the Returning Officer.

#### **6. Fixation of the stages of election :-**

(1) The Returning Officer shall fix the date, hour and place for the following stages of the election, namely.

- (a) receipt of nomination papers;
- (b) scrutiny of nomination papers;
- (c) receipt of voting papers; and
- (d) scrutiny and counting of votes.

(2) The date of the receipt of nomination papers shall be not less than forty days before the date fixed for the receipt of voting papers. The date fixed for scrutiny of nomination papers shall be not less than thirty-five days before the date fixed for receipt of

voting papers.

**7. Notice of Election :-**

At least twenty days before the date fixed for the receipt of nomination papers, the Returning Officer shall publish in the [Official Gazette] and in such other manner as he thinks fit, a notice in Form 2 notifying the dates fixed under rule 6 and calling upon the electors to elect new members and to send nominations for the purpose.

**8. Nomination of candidates :-**

(1) Every registered practitioner whose name appears in the electoral roll prepared under rule 4 (hereinafter referred to as the elector in this Part) shall be qualified for election under this part.

(2) Candidates qualified for election shall be proposed and seconded by practitioners, qualified as electors.

(3) The nomination papers shall be in Form 3 and the forms shall be supplied by Registrar to every candidate on his requisition.

(4) Every nomination paper duly completed and signed by the proposers and the seconders and subscribed by the candidate himself as assenting to the nomination shall be sent by post or otherwise so as to reach the Returning Officer on or before the date and the time appointed under rule 6 for receipt of nomination papers. Nomination papers received after the time so fixed shall be rejected. The Returning Officer shall Immediately on receipt of a nomination paper record thereon the date and the time of its receipt by him.

**9. Scrutiny of Nomination Papers :-**

On the date appointed for scrutiny of nomination papers, the candidates and one proposer and seconder of each candidate may attend at the appointed time and place, and the Returning Officer shall give them all reasonable facilities to examine the nomination papers which have been delivered within the time fixed for their receipt under rule 6.

**10. Disposal of objections. Rejection of Nomination :-**

(1) The Returning Officer shall examine the nomination papers and shall decide all objections and may either on such objection or on his own motion after such summary enquiry if any, as he thinks necessary, refuse any nomination for any of the following reasons

namely:

(a) that the candidate or his proposer or his seconder is not an elector;

(b) that there has been any failure to comply with the provisions of the act or the rules made thereunder,

(c) that the signature of the candidate or his proposer or his seconder is not genuine or has been obtained by fraud.

(2) Where an elector has subscribed as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, only such of the papers so subscribed as have been first received, upto the number of vacancies to be filled shall be deemed to be valid, and the rest shall be deemed to be invalid and rejected.

### **11. Completion of Scrutiny :-**

(1) The Returning Officer shall endorse on each nomination paper his decision whether the nomination paper has been accepted or rejected: and in case the nomination paper has been rejected the reasons therefor.

(2) The scrutiny shall be completed on the date appointed in this behalf and no adjournment of proceeding shall be allowed.

### **12. Withdrawal of Candidature :-**

Any candidate may withdraw his candidature within three days of completion of scrutiny of nominations by a notice in writing signed by him and delivered to the Returning Officer.

### **13. List of Valid Nominations :-**

On completion of the scrutiny of the nominations and after the expiry of the period within which a candidate may withdraw his candidature under rule 12, the Returning Officer shall forthwith under his signature publish on the notice board at the office of the council a list of valid nominations.

### **14. Procedure at Uncontested Election :-**

After the publication of the list of valid nominations if the number of validly nominated candidates does not exceed the number of vacancies to be filled in, the Returning Officer shall forthwith declare such candidates to be duly elected to fill such vacancies and report the names of such candidates to the State Government.

### **15. Contested Election :-**

(1) When there are more candidates than there are vacancies, the voting shall be by postal ballot.

(2) The Returning Officer shall forthwith publish the names and addresses of the contesting candidates in the [Official Gazette] and on the notice board at the office of the council.

### **16. Printing of Voting papers :-**

The Returning Officer shall arrange for the printing of voting papers in form 4 with the names of the contesting candidates entered therein in alphabetical order.

### **17. Despatch of Voting papers to Electors :-**

(1) Twenty one days before the date fixed for the receipt of voting papers under rules 6, the Returning Officer shall send to every elector by post under certificate of posting:

(a) One voting paper in form 4 bearing his initials or facsimile signature,

(b) a smaller blank cover with the words "voting paper" printed thereon: and

(c) a larger cover addressed to himself in Form 5.

(2) The Returning Officer shall make a mark in one copy of the electoral roll against the name of every elector to whom a voting paper and covers have been sent. The marked copy of the electoral roll and the counterfoils of the voting papers sent shall be sealed in a packet immediately after the date fixed for receipt of voting papers under rule 6.

### **18. Issue of Duplicate voting paper :-**

If any elector has not received his voting paper and covers or his inadvertently spoilt the papers or lost, them, he may send to the Returning Officer at least seven days before the date fixed for receipt of voting papers under rule 6 a declaration to that effect signed by himself and the spoilt papers, if any, and require the Returning Officer to send him duplicate papers in place of those not received, spoilt or lost. When duplicate papers are issued record thereof shall be kept by the Returning Officer and a mark "Duplicate" made on the larger cover and on the voting papers issued. The Returning Officer shall cancel any spoilt papers received



back from the elector.

**19. Delivery of voting paper to Elector in person :-**

Any elector whose voting paper is returned undelivered may apply to the Returning Officer in person for such voting paper before the date fixed for receipt of voting paper under rule 6 and take delivery of the voting papers after satisfying the Returning Officer of his identity and giving a receipt.

**20. Recording of votes by Electors :-**

(1) On receipt of the voting paper, an elector shall record his votes by putting crosses in column 3 of the voting paper against the names of candidates to whom he wishes to give his votes. The elector shall have as many votes as there are vacancies and can give only one vote to each candidate. The elector shall not reveal his identity on the voting paper by putting his signature or by any other means.

(2) After recording his vote, the elector shall put the voting paper in the smaller cover, close it and put it in the larger cover. The elector shall then close the larger cover and write his full name and sign at the places marked on the larger cover. The larger cover shall be sent by post or otherwise so as to reach the Returning Officer or before the date and the hour appointed under rule 6 for receipt of voting papers.

(3) Any elector, who is under any disability which incapacitates him from recording his vote in the above manner, may take the assistance of a Gazetted Officer or a Magistrate in recording his votes. Such Officer shall, in such case, record on the back of the larger cover a certificate in the following manner namely:-  
"I..... (Name of the Officer)., hereby certify that ..... (Name of the elector), being incapable of recording his votes due to ..... (Cause of incapacity) requested me to record his votes and I have recorded his votes according to his desire and in his presence. Signature.....  
Designation....."

**21. Custody of Voting papers :-**

All covers containing voting papers shall be kept in sealed box by the Returning Officer after noting the date and time of receipt on each cover. Any covers received after the date and time fixed for receipt of voting papers under rule 6 shall be kept in a separate packet and shall not be opened.

## **22. Scrutiny and counting of Votes :-**

(1) The scrutiny and counting of votes shall be undertaken by the Returning Officer at the time on the day and at the place appointed under rule 6.

(2) A candidate or not more than one representative duly authorised by him may remain present at the time of counting of votes.

(3) The whole voting papers shall be treated as Invalid

(a) if the elector has failed to write his full name and make his signature on the larger cover in which the smaller cover containing the voting paper is kept;

(b) if the mark (X) is placed opposite the name of more candidates than the number of seats to be filled or if more votes are given than he is entitled to under sub-rule (1) of rule 20.

(c) if the elector has put his signature on the voting paper or has made any other mark thereon which may reveal his identity.;

(4) If the Returning Officer receives more than one voting paper from one smaller cover or more than one smaller cover in any larger cover, all such voting papers shall be treated as invalid.

(5) If the mark (X) (cross mark) is so placed as to make it doubtful to which candidate the elector has given his vote the vote shall be deemed to be invalid; and the voting paper treated as invalid.

(6) If any elector has given more than one vote to any candidate, the voting paper shall be deemed to be Invalid.

(7) The Returning Officer shall nominate such number of scrutinizers not exceeding four as he thinks fit. The scrutinizers shall be Gazetted Officers of Government.

## **23. Declaration of Result of Election :-**

(1) When the counting of votes is completed the Returning Officer shall forthwith declare the candidates to whom the largest number of votes has been given to be elected. If there is an equal number of votes in favour of two or more candidates for one vacancy the selection for that vacancy shall be determined by the Returning Officer by drawing lot.

(2) The Returning Officer shall also inform each successful candidate by letter of his having been elected to the council and a report to the State Government the date of declaration of the election and the result thereof.

(3) After the result of the election has been declared by him the Returning Officer shall seal the voting papers and all other documents relating to the election and shall retain the same with himself in safe-custody for a period of six months, and thereafter cause them to be destroyed.

**24. Filing of Casual vacancy :-**

If there is a vacancy of member elected under clause (c) of sub-section (3) of section 3, the President shall subject to the provision contained in the proviso to sub-section (1) of section 5, take steps of till it up as soon as possible by election in accordance with the procedure in rule 4 to 23 above.

**25. Election of President and Vice-President :-**

As soon as possible after the President or Vice-president as the case may be, cease to hold office either because of the expiry of the term of office or for any other reason whatsoever the council shall proceed to elect the successor President or Vice-president in the manner specified in rule 26.

**26. Procedure for election of President or Vice-president :-**

(1) At the meeting called for the election of the President, the members present shall elect from amongst themselves a temporary chairman by ballot if necessary, to be taken by the Registrar, Such chairman shall preside over the meeting until the President has been elected.

(2) Any member of the Council may nominate any other member for the office of the President. The temporary chairman shall announce the names of the members so nominated and if only one member has been to nominated shall declare that member to have been elected as President. If more than one member has been so nominated, the meeting shall proceed to elect the President by ballot.

(3) When an equality of votes is found to exist between any two or more members and the addition of a vote will entitle a member to be declared elected as President, the determination of the member to whom such additional vote shall be deemed to have been given

shall be made by lot to be drawn by the Chairman in such manner, as he thinks fit.

(4) At the meeting called for the election of the Vice President any member of the Council may nominate any other member except the President for the office of the Vice-president. The President shall announce names of the members so nominated and, if only one member has been so nominated shall declare that member to have been elected as Vice President. If more than one member has been so nominated, the meeting shall proceed to elect the Vice-President by ballot. In cases of equality of votes between any two or more members and the addition of a vote will entitle a member to be declared elected as Vice President, the determination of the member to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn by the President in such manner as he deems proper.

**27. Time limit for referring election disputes :-**

The time limit for referring any dispute referred to in sub-section (7) of the section 3 to the State Government shall be [forty five days] in the case of elected members from the date of declaration of the result of election and in the case of election of the President or Vice-President, from the date of their election.

CHAPTER 3

Conduct of Business of the Council

**28. Calling of Meetings :-**

(1) The Council shall ordinarily meet for the transaction of business in the months of February and September in each year. The President may, whenever he thinks fit, and shall, upon at written requisition of not less than seven members and on a date not later than 15 days after the receipt of such requisition, call an extraordinary meeting.

(2) The date, hour and place of such meetings shall be decided by the President.

**29. Notice for calling a meeting :-**

(1) All members of the Council shall be given thirty clear days' notice of an ordinary meeting and ten clear days' notice of an extraordinary meeting. Every notice shall also be posted at the office of the Council. Such notice shall specify the date time, and place of the meeting and state whether the meeting is for general

business or for any special business. If the meeting is for a special business the nature of such business shall also be mentioned in the notice.

2. The Registrar shall send to all members a copy of the agenda and explanatory notes thereon ten clear days before the date fixed for an ordinary meeting

### **30. Motions for insertion in Agenda :-**

(1) Any member may send a motion to be inserted in the agenda for an ordinary meeting so as to reach the Registrar twenty clear days before the date fixed for the meeting. The Registrar shall take the orders of the President for inclusion of such motion in the agenda, and where any motion is disallowed the reasons for doing so shall also be communicated along with the agenda to the member who sent the motion.

(2) A motion for the consideration of the Council shall not be admissible:

(a) if the matter to which it relates is not within the scope of the function of the Council, or

(b) if it raises substantially the same question as a motion or amendment, which had been moved and either decided or withdrawn with the leave of the Council, within six months of the date of the meeting at which it is designed to move such new motion unless and otherwise agreed to by the President; or

(c) if it is not clearly and precisely expressed and does not raise substantially only one definite issue; or

(d) if it contains arguments, inferences, ironical expressions or defamatory statements.

### **31. Attendance at Meetings :-**

At each meeting an attendance Register shall be placed in the meeting room and every member present shall sign against his name in the register.

### **32. Business to be transacted at Meetings :-**

At an ordinary meeting no business or proposition other than that specified in the agenda and in the case of an extraordinary meeting other than that specified in the requisition shall be transacted:

Provided that, the presiding authority may permit any business or

proposition to be discussed which is of an urgent nature and which could not reasonably be entered in the notice.

**33. Member not to leave seat without permission :-**

No member after taking his seat shall leave the meeting without the permission from the Presiding authority.

**34. Conduct of business at meeting :-**

(1) Every question to be determined by the Council shall be determined on a motion moved by a member and put to the Council by the Presiding authority.

(2) The votes at the meetings shall be taken by show of hands.

(3) In all cases where [voting] has taken place, any member of the Council may require that the names or the numbers, or both, of the majority, of the minority, of those who decline to vote and those who are absent be entered in the minutes.

(4) The result of the votes shall be announced by the Presiding authority and shall not be called in question.

**35. Identical motions :-**

When motions identical in purport stand in the names of two or more members [the priority to move the motion shall be regulated in accordance with the order in which notices therefor have been tabled. If any mover of the motion is absent or does not wish to move his motion, the presiding authority shall call upon the mover next in the order of priority to move his motion].

**36. Method of moving Motions :-**

(1) All motions and amendments shall be in writing and shall be signed by the mover. Every motion or amendment shall be seconded and, if any motion or amendment is not seconded, it shall be deemed to have failed.

(2) When a motion is admitted, it may be discussed as question to be resolved either in the affirmative or in negative. Any member may, subject to Rules 37 and 38 move an amendment to the motion.

(3) The Presiding authority may not allow an amendment to be moved which, were it a substantive motion, would have been inadmissible under the rules.

### **37. Amendment to motion :-**

(1) An amendment must be relevant to an within the scope of the motion to which it relates.

(2) No amendment shall be moved, which has merely the effect of a negative vote.

(3) The Presiding authority may disallow any amendment, which is in his opinion irrelevant or frivolous.

### **38. Form of amendment of motion :-**

A motion may be amended by the omission, insertion, substitution, or addition of words there- from or therein.

### **39. Debates :-**

(1) When a 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 motion for the adjournment of the debate on the motion or amendment or both either to a specified date and hour or sine die;

(c) a motion for the closure of the debate, namely that the Council do now proceed to vote on the motion:

(d) a motion that the Council instead of proceeding to deal with the motion should pass to the next item on the programme of business:

(e) a motion that the Council be now adjourned:

Provided that no such motion or amendment shall be moved so as to interrupt a speech.

Provided further that no motion of the nature referred to in clause (b), (c), (d) or (e) shall be moved or seconded by a member, who has already taken part in the debate.

Provided also that a motion referred to in clause (c), (d) or (e) shall be moved without speech.

(2) It shall be in the discretion of the Presiding authority to put or refuse to put to the Council a proposal of the nature referred to in clause (b) of sub-rule (1).

(3) The proposal for the closure shall be made and seconded without debate and shall, unless the Presiding authority rules otherwise be put forthwith. Should the proposal be carried, the motion or amendment under debate shall at once be voted on by the Council.

**40. Withdrawal of motion :-**

A motion or an amendment, which has been admitted shall not be withdrawn except with the consent of the Council, which consent shall not be deemed to be granted, if any member dissents from the granting thereof.

**41. Mover to start debate :-**

After a motion has been placed before the meeting for consideration under rule 36 the mover may speak in support of the motion and the seconder [will follow].

**42. Right of reply :-**

The mover, or if the mover waives his right, the seconder of a substantive motion may reply at the conclusion of the debate thereon but no other member shall, without the express permission of the Presiding authority, speak more than once on the same motion except for the purpose of making a personal explanation, but in such case, no debatable matter shall be brought forward.

**43. Time limits for speech :-**

The Presiding authority may fix a reasonable time limit within which the mover, the seconder and any other member shall finish his speech.

**44. Points of order :-**

(1) The Presiding authority shall decide all points of order and his decision thereon shall be final.

(2) The member may at any time raise a point of order for the decision of the Presiding authority but in doing so he shall confine himself to setting the point.

(3) No discussion on any point of order shall be allowed except with the consent of the Presiding authority.

**45. Right of Presiding authority, to take part in debate :-**

During the meeting the Presiding authority may, at any time make any observation or suggestion or give information to elucidate any point to help the members in the discussion.



**46. Speech to be confined to subject matter and conduct of member during meeting :-**

(1) A member shall confine his speech to the subject matter of the motion of amendment:

(2) Any motion or amendment standing in the name [of the member may be moved only by the member in whose name it stands]

(3) A member desiring to make any observations on any matter before the Council shall speak from his place and shall rise when he speaks and shall address the presiding authority.

(4) If at any time the presiding authority rises, any member speaking shall immediately resume his seat.

**47. Motions to be relevant to business :-**

No member shall be entitled to propose a motion other than the one directly arising out of the subject before the meeting and relevant thereto, except in the case of emergency and with the consent of the Presiding authority.

**48. Procedure regarding amendments :-**

(1) When an amendment to any motion is moved or when two or more such amendments are moved, the Presiding authority shall, before ascertaining the decision of the Council thereon, read to the Council the terms of the original motion and the amendment or amendments proposed.

(2) An amendment to a motion shall be put to the vote first.

(3) If there be more than one amendments to a motion the Presiding authority shall decide in what order they shall be taken.

**49. Power to divide motion or amendment :-**

The Presiding authority may divide a motion into two or more distinct motions, or an amendment into two or more distinct amendments, as he may deem necessary.

**50. Adjournment of Meeting :-**

(1) Subject to the provisions of the sub-section (5) of section 8, 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 a notice of the adjournment to every member.

(3) When a meeting has been adjourned to a future day, the President may change such day to any other day, and the Registrar shall send a written notice of the change to each member of the Council.

(4) At an adjourned meeting the business that is left run disposed of at the original meeting from which the adjournment took place shall, unless the President otherwise directs, take precedence over new business.

**51. Minutes of Meetings :-**

Minutes of the proceedings of each meeting of the Council shall be kept in a book to be provided for the purpose and shall include the names of the members and if any member present at the meeting so desire, the names of the members voting respectively for or against any motion. The book shall be signed, by the President at the next meeting after the minutes are confirmed and shall at all reasonable times, be open to inspection by any member of the Council. Copies of the minutes shall be supplied to every member of the Council.

**52. Circulation of written proposition :-**

Whenever it appears unnecessary to the President to convene a meeting, he may, instead of convening a meeting, circulate a written proposition with the reasons for such proposition for the observation and votes of the members of the Council and there upon the provisions of rule 51 shall [mutatis mutandis]

**53. Fees for attendance at meetings :-**

Every member of the Council (including the President) shall be paid a fee of Rupees fifty per day for attending a meeting of the Council.

**54. Travelling Allowance for attending meetings :-**

The members of the Council (Including the President) shall be paid travelling expenses for attending the meetings of the Council, as follows:

(i) Members who are Government servants may draw the travelling and halting allowance which they may be entitled to claim for travelling on official duties according to their grades under the Bombay Civil Services Rules, 1959.

(ii) Non-Official members shall draw travelling allowance and daily allowance in accordance with scale 1 of para 1 (i) of section 1 of Appendix XLII-A of Bombay Civil Services Rules- Vol. II.

#### CHAPTER 4

Executive Committee

#### **55. Number of Members :-**

The Executive Committee shall have six elected members in addition to the President.

#### **56. Term of office :-**

The members of the Executive Committee shall hold office for one year from the date of their election:

Provided that, the term of office of the outgoing members shall be deemed to extend to expire with the day immediately preceding the date on which their successors are elected.

#### **57. Disability to continue as member :-**

A member shall cease to be a member of the Committee.

(a) if he ceases to be a member of the Council; or

(b) if he remains absent from two consecutive meetings of the Committee without the leave of the Committee.

#### **58. Section 58. :-**

#### **59. Casual vacancies :-**

(1) The Council shall as soon as there is a casual vacancy in the office of a member of the Executive Committee fill it up by electing a member from amongst its members:

Provided that, any such vacancy, occurring within two months prior to the expiry of the term of the members, shall not be filled.

(2) A member elected under sub-rule (1) shall hold office so long as the member in whose place he is elected would have held it, if the vacancy had not occurred.

#### **60. Calling of meetings :-**

The Committee shall ordinarily meet once every two months on such date as may be fixed by the President. The President, may, whenever he thinks fit and shall, upon a written requisition of not less than 3 members and on a date not later than seven days after the receipt of such request, call an extraordinary meeting.

**61. Notice of meetings :-**

All members of the Executive Committee shall be given seven clear days' notice of an ordinary meeting and three clear days' notice in the case of an extraordinary meeting. Such notice shall specify the place, date and time of the meeting, and state whether the meeting is an ordinary meeting or an extra-ordinary meeting and the business to be transacted thereat.

**62. Presiding authority :-**

The President, when present, shall preside at every meeting of the Committee. If at any meeting the President is absent, the members present shall elect the presiding authority from amongst themselves.

**63. Attendance at meeting :-**

(1) At each meeting an attendance register shall be placed in the meeting room and every member present shall sign before his name in the register.

(2) Three members including the President shall form a quorum.

**64. Business to be transacted at meeting :-**

At any ordinary meeting no business other than that specified in the notice calling such meeting and in the case of an extraordinary meeting in the written request made for convening such meeting shall be transacted:

Provided that, the presiding authority may permit any business to be discussed which is of urgent nature and which could not reasonably be entered in the notice.

**65. Adjournment of meetings :-**

(1) If there is no quorum present, the presiding authority shall adjourn the meeting to another day, and cause a notice to be posted on the notice board at the office of the Council and sent to each member of the committee. The business which would have been brought before the original meeting had there been a quorum thereat shall be brought before the adjourned meeting and may be disposed of at such meeting whether there be a quorum or not.

(2) Any special or ordinary meeting may, with the consent of a majority of members present, be adjourned from time to time; but only the business left undisposed of at the meeting from which the adjournment took place shall be transacted at the adjourned

meeting subject to the proviso to rule 47

**66. Decision at meetings :-**

(1) All questions at a meeting of the Executive Committee shall be decided by a majority of votes of the members present, and voting.

(2) The presiding authority shall have second or casting vote in all cases of equality of votes.

**67. Minutes of meeting :-**

Minutes of the proceedings of each meeting of the Committee shall be kept in a book to be kept for the purpose and shall include the names of the members and if any member present at the meeting so desires, the names of the members voting for or against any question. This book shall be signed by the Presiding Authority at the next meeting after the minutes are confirmed, and shall, at all reasonable times, be open to inspection by any member of the Committee. Copies of the minutes shall be supplied to every member.

**68. Powers, duties and functions of Executive Committee :-**

(1) The Executive Committee shall consider all petitions or applications addressed to the Council and shall submit its report thereon to the Council.

(2) The Committee shall consider and prepare a report on any subject which may seem to require the attention of the Council or on such subjects as may be indicated to it by the Council.

(3) The Committee shall consider and report to the Council on all matters concerning the inclusion or deletion of any qualification in or from the Schedule to the act.

(4) The Committee shall call from the authorities of any Medical College or School or from any examining body such Information as may be required by the Council and place it before the Council with its report.

(5) The returns of professional examinations and their results shall be collected by the Executive Committee which shall prepare annually a table of results of such examinations to be laid before the Council.

**69. Fees for attendance at meetings :-**

Every member, shall be paid a fee of Rs. 30/- per day for attending

a meeting of the Executive Committee.

**70. Travelling allowance for attending meetings :-**

The members shall be paid travelling expenses for attending meetings of the Executive Committee as per rates specified in rule 54.

**CHAPTER 5**

**Registration**

**71. Form of register and further particulars to be included :-**

The register shall be In Form 6.

**72. Division of register :-**

Part I shall contain the names of practitioners who possess any of the qualifications included in the First or the Second Schedule or in Part II of the Third Schedule to the Indian Medical Council Act, 1956. Part II shall contain the names of practitioners who possess any of the qualifications included in Part I of the Third Schedule to the Indian Medical Council Act, 1956: Part III shall contain the names of the other registered practitioners. Part IV shall contain the names of practitioners registered provisionally under section 25 of the Indian Medical Council Act, 1956.

**73. Application for registration :-**

The application to be made under sub-section (3) of section 16 shall be made in Form 7.

**74. Notices to certain practitioners in register :-**

For the purpose of clause (b) of sub-section (5) of section 16, the Registrar shall publish a general notice in Form 8, and also send an individual notice in Form 9, to every person whose name is entered in the register under clause (a) of sub-section (5) of section 16. The fee to be paid under clause (b) of sub-section (3) of section 16.

**75. Manner of Paying Fee :-**

The fee to be paid under clause (b) of sub-section (3) of section 16 and other provisions of Chapter III of the Act shall be paid either in cash in the office of the Council or by crossed postal order or by money order.

**76. Certificate of Registration :-**

The certificate of registration to be given to every registered practitioner under sub-section (7) of section 16 shall be in Form 10.

## **77. Provisional Registration :-**

(1) The application to be made under sub-section (1) of section 19 shall be in Form 17.

(2) The form of certificate to be given under sub-section (2) of section 19 shall be in Form 12. The certificate shall be printed on paper of a colour different from the paper on which the certificate of registration under rule 76 is printed.

## **78. Renewal of Registration :-**

(1) The Registrar shall publish the first notice under clause (a) of section 23 in Form 13, and the second notice thereunder in Form 14.

(2) The notice sent by the Registrar to every registered practitioner under clause (b) of section 23 shall be in Form 15 and the accompanying form of application in Form 16. The further notice sent to individual registered practitioners failing to return the applications in response to the earlier notice shall be in Form 17.

## **CHAPTER 6**

### **Inquiries**

## **79. Complaints against registered practitioners :-**

(1) The Council may suo-motu or on any complaint made to it in that behalf hold an Inquiry as respects the misconduct of any registered practitioner for the purposes of section 22 of the Act.

(2) Any complaint or Information received in the office of the Council about the misconduct of any registered practitioner shall be submitted by the Registrar to the President.

(3) No complaint shall be entertained unless it is in writing addressed to the Council and signed by the person making it, and shall state grounds of complaint, and shall be accompanied by declarations as to the facts of the case. All anonymous complaints shall be disregarded.

(4) Every declaration shall state the description and true place of abode of the declarant, and where a fact stated in a declaration is not within his personal knowledge, the source of the information, and grounds for the belief of the declarant in its truth shall be accurately and fully stated. Any declaration or part thereof which is made in contravention of this rule shall not be accepted as

evidence.

(5) If the President has reason to believe that a complaint is pseudonymous, he may call upon the complainant to furnish further particulars, for ascertaining if the complaint is genuine.

**80. Procedure for submission of complaint to Executive Committee :-**

(1) Subject to the provisions of rule 79 the President may, on going through the complaint and all papers submitted by the complainant, instruct the Registrar to ask the practitioner by means of a registered letter for any explanation he may have to offer.

(2) All documents pertaining to the complaint including any explanation forwarded by the registered practitioner shall then be referred to the Executive Committee along with the remarks of the President, if any.

**81. Power of Executive Committee to refer complaint to Council :-**

(1) The Executive Committee shall consider the complaint and may cause further investigation to be made and may take such legal advice by consulting any legal practitioner [who has been for not less than five years

(i) an advocate enrolled under the Advocates Act, 1961, or

(ii) an attorney of a High Court.

Explanation.-For the purpose of this rule, in computing the period during which a person has been enrolled as an advocate, there shall be included any period during which he was enrolled as an Advocate under the Indian Bar Council Act, 1926].

(2) If the Committee is of opinion that a Prima facie case is not made out and that the case should therefore be filed or that the circumstances of the case suggest that a warning to the practitioner would be adequate, or that the case is one where the name of the practitioner should be removed from the register, the Committee shall record its findings accordingly, and direct the Registrar to take steps for having the case heard and determined by the Council.

**82. Procedure for referring the case to Council :-**



(1) Where the Executive Committee is of opinion that the case should be filed or that a warning would be adequate, the Committee may require the Registrar to call by a letter sent by registered post for the explanation of the registered practitioner, if any, within fifteen days of the date of receipt of that letter.

(2) After the expiry of the time limit referred to in sub-rule (1), all the papers of the case including the explanation if any, of the registered practitioner, shall be referred to the Council.

(3) On receipt of the papers under sub-rule (2), the Council shall consider the case and may decide,

(a) to file the papers;

(b) to exonerate the registered practitioner of the charge; or

(c) to direct an inquiry to be held as laid down in rule 83 to 90.

**83. Cases in which Council to hold inquiry, power of Council to appoint assessor :-**

(1) In all cases in which an inquiry for purposes of clause (b) of sub-section (1) of section 22 is necessary an inquiry shall be held by the Council in accordance with the procedure prescribed in rules 84 to 90 and for that purpose the Council may appoint an assessor to advise it as provided in sub-section (8) of Section 22 of the Act,:

Provided that, such Inquiry shall not be necessary in cases where a registered practitioner has been convicted for misconduct within the meaning of clauses (a) and (b) of the Explanation to sub-section (1) of section 22. In such cases, the President shall obtain and place before the Council a copy of the judgment of the Court and the Council shall thereupon decide upon the penalty to be imposed under rule 91 read with section 22.

(2) An assessor appointed shall be paid a remuneration of Rs. 100/- per day for attendance at an inquiry.

**84. Notice of charges on Registered Practitioner :-**

(1) The President shall cause to be served on the registered practitioner a notice in Form 18 subject to such variations as the circumstances of the case may require. Such notice shall specify the nature and particulars of the charge and shall inform him of the day on which the Council intend to deal with the case, and shall call upon the practitioner to put in his written statement of his defence

within a period of not less than fifteen days or such other period not exceeding sixty days as may be permitted by the Council, and to attend before the Council on such day. The notice shall be sent three weeks before the date of inquiry. Such charge shall be drawn clearly and precisely.

(2) The notice shall be accompanied by a statement of allegations on which each charge is based. The relevant allegations as to facts, the inferences which they lead to, and the circumstances supporting such inferences shall be clearly mentioned along with any other circumstances proposed to be considered while passing orders on the case.

(3) Copies of the relevant documents if any (including any 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 as evidence in support of or in answer to the charge specified in the notice of inquiry) shall also be supplied to the registered practitioner along with the notice and statement of allegations.

(4) Copies of any other documents or statements required by such practitioner to prepare his defence may also be supplied to him on request or he may be allowed to take copies.

**85. Reply to notice :-**

The registered practitioner shall, within the time specified in the notice or such extended period as is permitted by the President, put in written statement of his defence, and state whether he desires to be heard in person by the Council.

**86. Council and complainant, if any, to be supplied with copies of all documents etc. :-**

(1) Copies of all material documents Including the written statement of defence, if any, which is placed before the Council as evidence in regard to the case shall be supplied to all members of the Council before the hearing of the case commences.

(2) The complainant may, on application in writing obtain copies of any explanation, statement, or other documents put forth in his defence by the registered practitioner.

**87. Legal assistance at Inquiry :-**

At the hearing of the case by the Council, the Council may be

represented by any legal practitioner and the complainants, if any, and the registered practitioner may also be represented or assisted by their legal practitioner:

Provided that, where any advice is tendered to the Council by an assessor appointed under section 22 on any question of law, as to evidence, procedure, or any other matter, such advice shall be subject to the provisions of section 22 of the Act.

**88. Procedure of Inquiry :-**

(1) Where a complainant appears personally or by a legal Practitioner, the following procedure shall be followed, namely:

(a) The Registrar shall read to the Council the notice of inquiry addressed to the practitioner.

(b) The complainant shall then be invited to state his case by himself or by his legal practitioner and to produce his evidence in support of it. At the conclusion of the evidence of the complainant, his case shall be closed.

(c) The registered practitioner shall then be invited to state his case by himself or by his legal practitioner 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.

(d) At the conclusion of the case of the practitioner, the Council shall, if the practitioner has produced evidence, hear the complainant in reply on the case generally, but will no further evidence except in any special case in which the hear 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.

(e) Whether a witness is produced by any party before the Council, he will be first examined by the party producing him, and be cross examined by the adverse party, and then re-examined by the party producing him. The Council reserves to itself the right to decline to admit in evidence any declaration where the declarant is not present or declines to submit to cross- examination.

(f) The president and the assessor, if any, appointed under section 22, may put questions to the complainant and registered practitioner, including any of their witnesses; and members of the Council, through the President, may likewise put questions to them.

(2) Where there is no complainant or no complainant appears, the following procedure shall be followed, namely:

(a) The Registrar shall read to the Council the notice of inquiry addressed to the practitioner and will state the facts of the case, and produce before the Council the evidence by which it is supported.

(b) The practitioner shall then be invited to state his case by himself or by his legal practitioner 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.

(c) The legal practitioner of the Council, if any, may be heard in reply if the Council so desires.

**89. Record of proceedings at Inquiries :-**

The President shall keep a record of proceedings at the inquiry held under rule 88 including the evidence of each witness.

**90. Power of Council to give further opportunity to practitioner to make statement :-**

Notwithstanding anything contained in rules 88 after completion of the inquiry the registered practitioner shall be given a further opportunity of making any oral or written statement. Copies of such evidence as are required by the registered practitioner for making such statement shall be supplied to him.

**91. Decision of Council and implementation :-**

As soon as the hearing of the case is over and the registered practitioner has made his oral or written statement, if any, the Council shall deliberate thereon in private at the conclusion of the deliberation, the President shall pronounce its decision immediately, thereafter or at any time there- after in terms of clause (a) or (b) or sub-section (1) of section 22 and thereupon the President shall direct the Registrar to implement the decision after the parties concerned are informed of the same by Registrar.

**92. Re-entry of name of practitioner in register under section 22(4) :-**

(1) If a registered practitioner desires to have his name re- entered in the register under sub-section (4) of section 22, he shall make an application in Form 19 and specify the grounds on which the application is made. The application shall be accompanied by the

applicant's certificate of degree, diploma or licence, and also by a certificate from any Gazetted Officer of the State Government or from a justice of peace as to his good character since the removal of his name from the register.

(2) The President shall cause such inquiries to be made as he deems fit in respect of the application and place it before the Council at its next meeting for decision.

(3) The decision of the Council shall be communicated to the applicant, and if the Council agrees to re-enter the name in the register, a fee of fifty rupees be paid by the practitioner before his name is re-entered in the register by the Registrar.

#### CHAPTER 7

##### Appeals

#### **93. 93 :-**

(1) Every appeal by a person aggrieved by any decision of the Registrar shall be addressed to the President, shall state the grounds for the appeal and shall be accompanied by all relevant documents in original which shall be returned along with the decision communicated under sub-rule (3).

(2) The President may call for any additional particulars that may be required after going through the appeal, and the original papers on which the Registrar has given his decision.

(3) The appeal shall be placed before the next ordinary meeting of the Council. The Council shall, after giving a hearing to the appellant and the Registrar, take a decision which shall be communicated to the appellant by registered post.

#### CHAPTER 8

##### Conditions of Service of Registrar and other Staff Supervisory Powers and Duties of Registrar

#### **94. Registrar :-**

(1) The post of Registrar shall be permanent. The Registrar shall be on full-time Officer of the Council and shall not engage himself in any other work for remuneration except with the permission of the Council. Any person, on his first appointment to a clear vacancy in the office of the Registrar, shall be on probation for one year.

(2) The Registrar shall draw pay in the scale of Rs. 2000-60- 2300-EB.75-3200-100-3500 and dearness allowance and such other

allowances at the rates admissible to Government servants drawing an equivalent pay.

**95. Other employees of Council :-**

No Officer or Servant of the Council shall without the previous permission of the Council engage himself in any work for remuneration.

**96. Attendance :-**

(1) The Registrar and other employees of the Council shall attend office at the hours prescribed by Government for Government Offices in Ahmedabad and at other times when considered necessary.

(2) The Registrar shall not absent himself from duties without permission of the President. The other employees of the Council shall not be absent from duties without the permission of the Registrar.

**97. Leave :-**

(1) Leave cannot be claimed as of right. Leave other than C.L. shall be granted by the President to the clerical staff of the Council. Leave to peons shall be granted by the Registrar. Discretion to refuse or cancel leave of any description is reserved to the authority competent to sanction leave.

(2) Casual leave as may be admissible to Government Servants may be given for special and unforeseen circumstances to the Registrar by the President and to other staff by the Registrar.

(3) Every employee of the Council (including the Registrar and temporary employee) may be granted leave according to the provisions of Bombay Civil Service Rules, 1959.

**98. Retirement :-**

The normal age of retirement for all employees Including the Registrar shall be 58 years:

Provided that the Council may grant extension of service or re-employment to any employee for periods not exceeding one year at a time.

**99. Resignation :-**

(1) The Registrar may resign from the service of the Council after

giving three months' notice. If he resigns without giving notice, he shall forfeit three months' pay.

(2) Any other employee of the Council may resign from the service after giving one month's notice if he is temporary and three months' notice, if he is permanent. In the case of failure to give the required notice, the employee shall have to forfeit pay for the notice period.

(3) The Council may, however, waive the forfeiture in genuine cases.

#### **100. Termination of services :-**

(1) The Council may terminate the services of any employee other than the Registrar after due enquiry giving such employee fair opportunity to explain as to why his services should not be terminated. The Council may also impose any other minor penalty on any employee other than the Registrar after giving such employee a show cause notice:

Provided that, it shall be lawful for the Council to terminate the services of its employee who is appointed on a purely temporary basis and who has given an undertaking that his services are liable to be terminated at any time without notice and without assigning any reason.

(2) In case of serious default by any employee other than the Registrar, the President may suspend such employee pending a full fledged enquiry. During the period of suspension, such employee may be paid subsistence allowance according to the provisions of the Bombay Civil Services Rules.

#### **101. Provident Fund :-**

(1) The Council shall establish a provident fund, which shall be administered, maintained and used in accordance with the rules prescribed in Schedule "A" to these rules.

(2) The provident fund of the Gujarat (Bombay Area) Medical Council shall be merged with and form part of the provident fund established under these rules.

(3) Subscription to the provident fund shall be compulsory for all permanent officers and servants of the Council and for all temporary officers and servants, who have put in more than one

year's continuous service.

**102. Duties of Registrar :-**

(1) The Registrar shall have general control over the management of the office. All the other employees shall be directly under the Registrar, who shall assign to them their duties.

(2) The Registrar shall keep the registers in accordance with the provisions of the Act and these rules.

(3) The Registrar, as Secretary of the Council shall conduct and have charge of the correspondence of the Council and shall issue all requisite notices in the manner required under these rules.

**103. Maintenance of account books and other registers :-**

The Registrar shall maintain the following books and registers:- (1) Cash book; (2) Ledger; (3) Inward and Outward Register; (4) Dead stock register; (5) Stock register for printed certificates; (6) Receipt books; (7) Postage Account Book; (8) Voucher files; (9) Attendance roll; (10) Register of leave accounts; (11) Registers required for the Provident Fund of the Council; (12) Service Book; and (13) Other registers that may be necessary.

**104. Opening of Bank Account :-**

An account shall be opened in the State Bank of India, Ahmedabad in the name of the Council and all monies of the Council shall be deposited in the Bank, subject to the provisions of rule 105. All cheques on the Bank shall be signed by any one member of the Executive Committee and by the Registrar.

**105. Receipt of Money :-**

The Registrar shall receive all monies payable to the Council. He shall not retain in his hands a sum exceeding [Rs. 1500/-] the balance being lodged in the Bank to the credit of the Council.

**106. Annual statement of income and expenditure :-**

The Registrar shall in the month of July in each year prepare a statement of the income and expenditure of the preceding financial year, and draw the attention of the Council to such matters as are considered necessary.

**107. Annual accounts of Audit :-**

The annual accounts shall be made up by the Registrar under the direction of the Executive Committee. They shall be audited by the Senior Auditor, Local Fund Accounts, as soon as possible after the



close of each financial year.

**108. Estimates of revenue and expenditure :-**

(1) In the month of September in each year, an estimate of the revenue and of the expenditure of the Council for the year Commencing on 1st April then next ensuing shall be laid before the Council.

(2) Such estimate shall make provision for the fulfillment of the liabilities of the Council and for effectually carrying out its objects. It shall include on its revenue side besides all revenue ordinarily anticipated, all fees received from registration and other sources.

(3) The Council shall consider the estimate so submitted to it and shall, sanction the same without modifications or subject to such modifications as it may deem fit.

**109. Supplementary estimates :-**

The Council may at any time during the year for which any estimates has been sanctioned cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimates shall be considered and sanctioned by the Council in the same manner as if it were an original annual estimate. No expenditure shall be incurred by the Council which is not duly provided for in the budget or in a supplementary budget estimate.

**110. Scrutiny of claims :-**

A bill or other voucher presented as a claim for money shall be received and examined by the Registrar. If the claim is for a sum not exceeding [Rs. 500/-] and the bill is in order, he shall pay it. If the claim is for a sum of exceeding [Rs.500/-] but not exceeding [Rs. 3000/-] payment shall be made after the claim is sanctioned by the President. If the claim is for a sum exceeding [Rs.3000/-] payment shall not be made until it has been examined and passed by the Executive Committee.

**111. Accounting of all sums received or spend :-**

The Registrar shall immediately bring into account in the cash book all monies received or spend by the Council.

**112. Application of Bombay Civil Services Rules :-**

Save as otherwise expressly provided in these rules, the provisions of the Bombay Civil Services Rules, 1959 shall apply to the employees of the Council as they apply in relation to Government

servants.

CHAPTER 9

Miscellaneous

**113. Form of list and particulars to be included :-**

(1) The list of registered practitioners printed and published under sub-section (1) of section 21 shall be in Form 20. The list shall be divided into four parts corresponding to the parts of the register. Every list to be published subsequent to the first list shall show the names of all persons entered in the list as on the 31st December preceding the year of such publication, and shall be published on or before a date to be decided by the Council.

(2) There shall be made every year and entered in the printed list of registered practitioners, enumeration of

(i) the total number of persons before on the register on the 31st December, immediately preceding such year:

(ii) the number of persons added by registration during such preceding year:

(iii) the number restored to the register;

(iv) the number removed from the register, stating the section of the Act under which the name has been removed; and

(v) the number removed by reason of death.

**114. Manner of publication of list :-**

(1) A printed copy of the list shall be published by the Registrar by exhibiting it on the notice board of his office. A notice that the printed copy of the list has been exhibited on the notice board and is available for perusal shall be given by the Registrar in the [Official Gazette].

(2) The printed copies of the list shall be distributed to such officers, institutions and other organisations as the State Government may from time to time direct and the Council may from time to time decide. Copies shall also be kept for sale to the public.

**115. Fees :-**

The fees payable under the provisions of the Act specified in column 2 of the Table below shall be as specified against the said

provisions in column 3 of the Table. TABLE

**116. Repeal and Savings :-**

On the commencement of these rules, the rules made by the Bombay Medical Council under section 19 of the Bombay Medical Act, 1912 and any other corresponding rules in force in Saurashtra areas and Kutch areas of the State before such commencement shall stand repealed:

Provided that anything done or any action taken under any of the rules so repealed shall be deemed to have been done or taken under the corresponding provisions of those rules.