

# THE DELHI MEDICAL COUNCIL ACT, 1997

(Delhi Act No. 5 of 1997)

[11th February, 1997]<sup>1</sup>

An Act to provide for the constitution of the Delhi Medical Council, and the maintenance of a register of Medical Practitioners who are engaged in the practice of modern scientific system of medicine and all its branches in the National Capital Territory of Delhi and for matters connected therewith.

Be it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Forty-eighth year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

**1. Short title, extent and commencement.**—(1) This Act may be called the Delhi Medical Council Act, 1997.

(2) It extends to the whole of the National Capital Territory of Delhi.

(3) This section shall come into force at once, and the remaining provisions of this Act shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

**2. Definitions.**—In this Act, unless the context otherwise requires—

(1) "*appointed day*" means the date on which the provisions of this Act other than Section 1 shall come into force under sub-section (3) of Section 1;

(2) "*casual vacancy*" means a vacancy occurring otherwise than by efflux to time in any office filled by election or nomination;

(3) "*Council*" means the Delhi Medical Council constituted under this Act;

(4) "*Delhi*" means the National Capital Territory of Delhi;

(5) "*Executive Committee*" means the Executive Committee of the Council constituted under Section 11;

(6) "*Government*" means the Government of National Capital Territory of Delhi;

(7) "*Medical practitioner*" or "*practitioner*" means a person who is engaged in the practice of modern scientific system of medicine and all its branches and has qualifications as prescribed in the First, Second or Third Schedule to the Indian Medical Council Act, 1956 (102 of 1956);

(8) "*Medicine*" means the modern scientific system of medicine and includes surgery and obstetrics but does not include veterinary medicine or veterinary surgery or the Homoeopathic or the Ayurveda or the Siddha or the Unani system of medicine and the expression "medical" shall be construed accordingly;

(9) "*member*" means a member of the Council;

(10) "*Prescribed*" means prescribed by rules made under this Act;

(11) "*President*" means the President of the Council;

1. Published in the Delhi Gazette, Extra. Pt. IV, dated 22-8-1997.

- (12) "Vice-President" means the Vice-President of the Council;
- (13) "register" means the register of medical practitioners prepared or deemed to be prepared and maintained under this Act;
- (14) "registered practitioner" means a medical practitioner having registerable qualification as prescribed in the Indian Medical Council Act, 1956 (102 of 1956) whose name is, for the time being, entered in the register, but does not include a person whose name is provisionally entered in the register;
- (15) "Registrar" or "Deputy Registrar" means the Registrar or the Deputy Registrar, as the case may be, appointed under Section 14 of this Act;
- (16) "rules" means rules made under Section 31 of this Act;
- (17) "section" means a section of this Act.

## CHAPTER II

### ESTABLISHMENT OF COUNCIL

**3. Constitution, functions and powers of the Council.**—Constitution and incorporation of the Council—

(1) With effect from such date as the Government may, by notification in the Official Gazette notify, there shall be constituted for the purposes of this Act a Council to be called "the Delhi Medical Council"

(2) The Council shall be a body corporate, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, whether movable or immovable, and to contract and to do all things necessary for the purposes of this Act, and may by the name aforesaid sue or be sued.

(3) The Council shall consist of the following members, namely:—

- (a) four members having registerable qualification as prescribed in the Indian Medical Council Act, 1956 (102 of 1956) to be nominated by the Government;
- (b) one member from each medical college established by law in Delhi having a medical faculty, elected by members of the medical faculty of that college from amongst its permanent members of teaching faculty;
- (c) nine members to be elected by registered practitioners from amongst themselves including one member elected by the Delhi Medical Association:

Provided that no registered practitioner shall be entitled to vote or stand as a candidate for election, unless:

- (i) he is a citizen of India; and
  - (ii) he either resides or carries on his profession or is employed in Delhi;
- (d) Dean of the Medical Faculty of the University of Delhi as *ex-officio* member; and
  - (e) Director of Health Services of the Government as *ex-officio* member.

(4) The President and Vice-President shall be elected by the members from amongst themselves.

(5) The election of the members, and of the President and Vice-President, shall be held at such time, and at such place, and in such manner, as may be prescribed.

(6) If at any election, the electors fail to elect the requisite number of members, of the President or the Vice-President, the Government shall nominate members from amongst persons qualified to be elected as members of the respective category, as it deems fit to fill in the vacancy or vacancies; and the persons so nominated shall be deemed to have been elected for the period till such time the vacancies are filled in on regular basis under this section.

(7) Where any dispute arises regarding any election of a member or of the President or Vice-President, it shall be referred to the Government, and the decision of the Government shall be final.

(8) Notwithstanding anything contained in sub-section (3)—

(a) in respect of the constitution of the Council for the first time under this Act, the members thereof shall be nominated by the Government from amongst persons qualified to be elected or nominated as members of the respective category; and

(b) the members so nominated shall hold office for such period not exceeding three years in the aggregate as the Government may, by notification in the Officer Gazette, specify.

**4. Term of office.**—(1) The Government, shall, by notification in the Official Gazette, publish the names of the members.

(2) Save as otherwise provided by this Act, a member, shall hold office for a term of five years from the date of publication of the notification under sub-section (1):

Provided that where a person is elected by members of medical faculty of a medical college, or is an *ex-officio* member, he shall cease to hold office as a member if he ceases to belong to that faculty or, as the case may be, ceases to hold such office, before the expiry of his term.

(3) Save as otherwise provided by this Act, the President or the Vice-President shall hold office from the date of his election upto the day on which his term of office as member expires.

(4) The term of office of an outgoing member shall, notwithstanding anything contained in sub-section (2) be deemed to extend and to expire with the day immediately preceding the day on which the names of the successor members are published under sub-section (1).

(5) The term of office of an outgoing President or Vice-President shall, notwithstanding anything contained in sub-section (3), be deemed to extend and to expire with the day immediately preceding the day on which the successor President or Vice-President, as the case may be, is elected.

(6) An outgoing member, President or Vice-President, shall be eligible for re-election or re-nomination for one more consecutive term only.

(7) Leave of absence may be granted by the Council to any member for a period not exceeding six months.

**5. Casual vacancies.**—(1) A casual in the office of the President or the Vice-President or a member elected under Clause (b) of sub-section (3) of Section 3 or Clause (c) of said sub-section, shall be filled by election:

Provided that any such vacancy in the office of an elected member occurring within six months prior to the date on which the term of office of all the members expires, shall not be filled.

(2) A casual vacancy in the office of a member nominated under Clause (a) of sub-section (3) of Section 3 or sub-section (8) of that section shall be reported forthwith by the Registrar to the Government, and shall, as soon as possible thereafter, be filled by the Government by nomination.

(3) Any person elected under sub-section (1) or nominated under sub-section (2) to fill a casual vacancy shall, notwithstanding anything contained in sub-section (8) of Section 3 or Section 4, hold office only so long as the person in whose place he may be elected or nominated, as the case may be, would have held office, if the vacancy had not occurred.

**6. Resignation.**—(1) The President or the Vice-President may at any time resign his office by a notice in writing addressed to the Council and delivered to the Registrar. The registration shall take effect from the date on which it is accepted by the Council or on the expiry of sixty days from the date of the delivery of the notice, whichever event occurs earlier.

(2) An elected member may, at any time, resign his office by a notice in writing addressed to the President. A nominated member may at any time resign his office by a notice in writing addressed to the Government and delivered to the Registrar. Every such resignation shall take effect from the date on which it is accepted by the President or, as the case may be, the Government or on the expiry of sixty days from the date of the receipt of the notice, whichever event occurs earlier.

**7. Disqualification and disability.**—(1) A person shall be disqualified for being elected or nominated as, and for continuing as, a member—

- (a) if he is an undischarged insolvent; or
- (b) if he is of unsound mind and stands so declared by a competent court; or
- (c) if his name has been removed from the register and has not been re-entered therein; or
- (d) if he is a whole-time officer or servant of the Council; or
- (e) if he has been convicted for an offence involving moral turpitude.

(2) If any member absents himself from three consecutive meetings of the Council, without leave of the Council granted under sub-section (7) of Section 4 or without such reasons as may, in the opinion of the Council, be sufficient, the Council may declare his seat vacant and take steps to fill the vacancy.

(3) If any member becomes, or is found to be, subject to any of the disqualifications mentioned in sub-section (1), the Council shall submit a report to the Government, and the Government, if satisfied about the disqualifications, shall declare his seat vacant.

**8. Meetings of Council.**—(1) The meetings of the Council shall be convened, held and conducted in such manner as may be prescribed.

(2) The President, when present, shall preside at every meeting of the Council. If at any meeting the President is absent, the Vice-President, and in the absence or both, some other member elected by the members present from amongst themselves, shall preside at such meeting.

(3) All issues at a meeting of the Council shall be decided by a majority of members present and voting.

(4) The presiding authority at a meeting shall have and exercise a second or casting vote, in case of an equality of votes.

(5) Eight members (including the President and Vice-President) shall form a quorum. When a quorum is required but not present, the presiding authority shall, after waiting for not less than thirty minutes for such quorum, adjourn the meeting to such hour or some future day as it may notify on the notify board at the office to the Council; and 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 or any subsequent adjournment thereof, whether there be a quorum present, or not.

**9. Proceedings of meetings and validity of acts.**—(1) The proceedings of every meeting of the Council, shall be treated as confidential; and no person, shall, without the previous resolution of the Council, disclose any portion thereof:

Provided that nothing in this section shall be deemed to prohibit any person from disclosing or publishing the text of any resolution adopted by the Council, unless the Council directs such resolution also to be treated as confidential.

(2) No disqualification or defect in the election or nomination of any person as a member, or as the President or as the Vice-President, or as a presiding authority of a meeting shall by itself be deemed to vitiate any act or proceedings of the Council in which such person has taken part, if the majority of persons who are parties to such act or proceedings, were entitled to vote.

(3) During any vacancy in the Council, the continuing members may act, as if no vacancy had occurred.

(4) Any act done by the Council shall not be questioned on the ground merely of the existence of any vacancy in or any defect in the constitution of the Council.

**10. Powers, duties and functions of the Council.**—Subject to such conditions as may be prescribed by or under the provisions of this Act, the powers, duties and functions of the Council shall be—

- (a) to maintain the live register and to provide for the registration of medical practitioners;
- (b) to hear and decide appeals against any decision of the Registrar;
- (c) to prescribe a code of ethics for regulating the professional conduct of practitioners;
- (d) to reprimand a practitioner, or to suspend or remove his name from the register, or to take such other disciplinary action against him as may, in the opinion of the Council be necessary or expedient;
- (e) to exercise such other powers, perform such other duties and discharge such other functions, as are laid down in this Act, or as may be prescribed;

- (f) to receive complaints from public (including patients and their relatives) against misconduct or negligence by a medical practitioner, to proceed for inquest, take a decision on the merits of the case and to initiate disciplinary action or award compensation and similarly to take action against frivolous complaints;
- (g) to provide protection to its members in discharging professional duties;
- (h) to ensure that no unqualified person practices modern scientific system of medicine.

**11. Executive Committee.**—(1) The Council shall, as soon as may be, constitute an Executive Committee consisting of the President as *ex-officio* member and such other number of other members, elected by the Council from amongst its members, as may be prescribed.

(2) The term of office of, and the manner of filling casual vacancies among, and the procedure to be followed by, the members of the Executive Committee shall be such as may be prescribed.

(3) In addition to the powers, duties and functions conferred, imposed and entrusted by this Act, the Executive Committee shall exercise such powers, perform such duties, and discharge such functions of the Council as may be delegated to it by rules or entrusted to it from time to time, by the Council.

(4) The President shall be the *ex-officio* Chairman of the Executive Committee.

**12. Fee and allowances to members of the Council and of the Executive Committee.**—There shall be paid to the President, the Vice-President and other members of the Council, and to the members of its Executive Committee, such fees and allowances for attendance at meetings, and such reasonable travelling allowance, as shall from time to time be prescribed.

**13. Income and expenditure of the Council.**—(1) The income of the Council shall consist of—

- (a) registration fees received from the practitioners;
- (b) grants received from the Government, if any; and
- (c) any other sums raised by the Council.

(2) It shall be competent for the Council to incur expenditure for the following purposes, namely:—

- (i) salaries and allowances of the Registrar and the staff maintained by the Council;
- (ii) fees and allowances paid to the members of the Council and of the Executive committee;
- (iii) remuneration paid to the assessors; and
- (iv) such other expenses as are necessary for performing the duties and discharging the functions under this Act.

**14. Appointment of Registrar and/or Deputy Registrar of the Council, their duties and functions.**—(1) The Council shall, with the previous sanction of the Government, appoint a Registrar and/or a Deputy Registrar.

He shall be a qualified medical graduate as prescribed in Schedules I, II and III of the Indian Medical Council Act, 1956 (102 of 1956).

(2) The Executive Committee may, from time to time, grant leave to the Registrar:

Provided that if the period of leave does not exceed one month, the leave may be granted by the President.

(3) During the temporary vacancy in the office of the Registrar due to leave or any other reasons, the Deputy Registrar, shall act as Registrar. In case of non-availability of Registrar and Deputy Registrar the Executive Committee may, with the previous sanction of the Government, appoint another person to act in his place, and any person so appointed shall for the period of such appointment, be deemed to be the Registrar for the purposes of this Act:

Provided that, when the period of such vacancy does not exceed one month, the appointment may be made by the President, who shall forthwith report such appointment to the Executive Committee and the Government.

(4) The Council may, with the previous sanction of the Government, suspend, dismiss or remove any person appointed as the Registrar, or impose any other penalty upon him in the manner as may be prescribed.

(5) Save as otherwise provided by this Act, the salary and allowances and other conditions of service of the Registrar shall be such as may be prescribed.

(6) The Registrar shall be the Secretary and the Executive Officer of the Council. He shall attend all meetings of the Council, and of its Executive Committee, and shall keep minutes of the meetings and names of members present and of the proceedings of such meetings.

(7) The accounts of the Council shall be kept by the Registrar, in the prescribed manner.

(8) The Registrar shall have such supervisory powers over the staff as may be prescribed, and may perform such other duties and discharge such other functions as may be specified in this Act, or as may be prescribed.

(9) The Registrar shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code (45 of 1860)

### CHAPTER III

#### PREPARATION AND MAINTENANCE OF REGISTER

**15. Preparation of Register.**—(1) As soon as may be after the appointed day, the Registrar shall prepare and maintain thereafter a register of medical practitioners for Delhi, in accordance with the provisions of this Act.

(2) The register shall be in such form, and may be divided into such parts, as may be prescribed. The register shall include the full name, address and qualifications with the name of college and university of the registered practitioner, the date on which each qualification was obtained, and such other particulars as may be prescribed.

(3) Any person who possesses any of the qualifications in the First, Second or Third Schedule to the Indian Medical Council Act, 1956 (102 of 1956) shall subject to any condition laid down by or under the Indian Medical

Council Act, 1956, at any time on an application made in the prescribed form to the Registrar and on payment of a prescribed fee and on presentation of proof of his registerable qualification, be entitled to have his name entered in the register.

(4) (a) Every person, whose name was entered on a date prior to 1st May, 1961 in Indian Medical Council Register and continued in such register on the day immediately preceding the appointed day, shall be entitled to have his name continued in the register prepared under this Act.

(b) Within a period of three months from the appointed days or such further period as the Government may allow, the Registrar shall publish a general notice in the Official Gazette and in such newspapers, as the Council may select, in such form as may be prescribed, calling upon every person to whom Clause (a) applies, to pay to the Registrar in the prescribed manner the prescribed fee if he desires to have his name on the register under this Act, and shall also send individual notice for a like purpose by registered post to every such person at his last known address in such form as may be prescribed. The name of every such person who pays such fee before the expiry of the period of two months from the date of publication of the general notice in the Official Gazette shall be enlisted on the register.

(5) After the last date for payment of the prescribed fee under Clause (b) of sub-section (4) has expired and the register prepared in accordance with foregoing provisions is ready, the Registrar, shall publish notice in the Official Gazette and such newspapers as the Council may select, about the register having prepared, and the register shall come into force from the date of the publication of such notice in the Official Gazette.

(6) Any person servicing or practising modern scientific system of medicine in Delhi shall be registered with the Council under this Act. Without registration with the Council any person though qualified in modern scientific system of medicine shall be liable for action as specified by the Council.

(7) Every registered practitioner shall be given a certificate of registration in the prescribed form. The registered practitioner shall display the certificate of registration in a conspicuous part in the place of his practice and if he has more than one such place in any one of them.

**16. Special procedure for registration in certain cases.—**(1) No person who possesses a medical qualification granted by any authority in any place outside the territory of India (other than the qualification specified in the Second Schedule or the Third Schedule to the Indian Medical Council Act, 1956), shall be registered under this Act, unless the procedure specified in sub-section (2) has been followed.

(2) Any person, who holds such medical qualification may apply to the Council for registration by giving a correct description of his qualification, with his decree, diploma, licence or certificate. The Council shall transmit the same to the Medical Council of India for opinion and shall act according to the opinion.

**17. Persons who may not be registered.—**Notwithstanding anything contained in Sections 15 and 16 no person whose name has been removed whether before or after the appointed day, from any register kept under this Act or any other law for the time being in force in India regulating the



registration of medical practitioners on the ground of professional misconduct, shall be entitled to have his name entered in the register, unless his name is duly ordered to be restored to the register from which it was so removed.

**18. Fee for and certificate of provisional registration.**—(1) Any person who desires to be registered provisionally under Section 25 of the Indian Medical Council Act, 1956 (102 of 1956), shall make an application in the prescribed form to the Registrar and shall pay the prescribed fee.

(2) Every person whose name is entered in the register under sub-section (1) shall be given a certificate of provisional registration in the prescribed form. Such certificate shall remain in force for such period as may be specified therein.

**19. Maintenance of register.**—(1) It shall be the duty of the Registrar to make entries in the register, from time to time, to revise the same and to issue certificate of registration in accordance with the provisions of this Act, and the rules made thereunder.

(2) (a) Every Registrar of Deaths on receiving notice of the death of a medical practitioner registered under this Act shall forthwith transmit by post to the Registrar appointed under this Act a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificate and transmission as an expense of his office.

(b) The names of registered practitioners, who die or whose names are directed to be removed from the register under Section 22 shall be removed therefrom.

(3) Any person whose name is entered in the register and who subsequent to his registration desires to record in the register any change in his name shall, on an application made in this behalf and on payment of prescribed fee be entitled to have such change in his name recorded in the register.

(4) Subject to the provisions of Section 26 of the Indian Medical Council Act, 1956 (102 of 1956), any person whose name is entered in the register and who subsequent to his registration obtains any additional qualification specified in any of the Schedules to the Indian Medical Council Act, 1956, shall on an application made in this behalf, and on payment of the prescribed fee, be entitled to have an entry stating such additional qualification made against his name in the register.

(5) where it is shown to the satisfaction of the Registrar that a certificate of registration has been lost or destroyed, the Registrar may, on payment of prescribed fee and on furnishing an indemnity bond issue a duplicate certificate after due confirmation and approval of the Executive Committee.

**20. Publication of list of registered practitioner.**—(1) At such time, after the publication of the notice under sub-section (5) of Section 15 as the Council deems fit and thereafter every five years, the Registrar shall cause to be printed and published a correct list of all persons for the time being entered in the register but not later than three months of the start of election process.

(2) The Registrar shall cause to be printed and published annually on or before a date to be decided by the Executive Committee an addendum and a corrigendum to the list published under sub-section (1) showing—

- (a) the names of all persons for the time being entered or re-entered in the register, and not included in any subsisting list already printed and published;
- (b) the names of all practitioners included in any subsisting list, whose names have since been removed on account of any reason whatsoever from, and not re-entered in, the register; and
- (c) any other amendments to the subsisting list.

(3) The form of the list published under sub-section (1), the particulars to be included therein, and the manner of its publication, shall be such as may be prescribed.

(4) A copy of the list referred to in sub-section (1) shall be conclusive evidence in all Courts, and in all judicial or quasi-judicial proceedings, that the persons therein specified are registered according to the provisions of this Act, and the absence of the name of any person from such copy shall be evidence, until the contrary is proved, that such person is not registered according to the provisions of this Act:

Provided that in the case of any person whose name does not appear in such copy, a certified copy under the hand of the Registrar of the entry of the name of such person on the register shall be evidence that such person is registered under the provisions of this Act.

**21. Disciplinary action including removal of names from the register.**—(1) The Council shall have a Disciplinary Committee comprising of—

- (i) a Chairman to be nominated by the Council;
- (ii) a Member of Legislative Assembly of the National Capital Territory of Delhi, nominated by the Speaker;
- (iii) a Legal Expert to be nominated by the Council;
- (iv) an eminent publicman nominated by the Government;
- (v) an eminent medical specialist in the relevant speciality to which the complaint pertains, to be nominated by the Council; and
- (vi) a member nominated by Medical Association of Delhi with minimum ten year standing.

(2) If a registered practitioner has been, after due inquiry held by the Council or by the Executive Committee in the prescribed manner, found guilty of any misconduct by the Council or the Executive Committee, the Council may—

- (a) issue a letter of warning to such practitioner; or
- (b) direct the name of such practitioner—
  - (i) to be removed from the register for such period as may be specified in the aforesaid direction; or
  - (ii) to be removed from the register permanently.

*Explanation.*—For the purpose of this section a registered practitioner shall be deemed to be guilty of misconduct if—

- (a) he is convicted by a criminal court for an offence which involves moral turpitude and which is cognizable within the meaning of the Code of Criminal Procedure, 1973 (2 of 1974), or

(b) in the opinion of the Council his conduct is infamous in relation to the medical profession particularly, under any Code of Ethics prescribed by the Council or by the Medical Council of India constituted under the Indian Medical Council Act, 1956 (102 of 1956) in this behalf.

(3) The Council may, on sufficient cause being shown, direct on any subsequent date that the name of a practitioner removed under the sub-section (1) shall be re-entered in the register on such conditions, and on payment of the prescribed fee, as the Council may deem fit.

(4) The Council may, of its own motion, or on the application of any person, after due and proper inquiry and after giving an opportunity to the person concerned of being heard, cancel or alter any entry in the register, if in the opinion of the Council, such entry was fraudulently or incorrectly made.

(5) In holding any inquiry under this section, the Council or the Executive Committee, as the case may be, shall have the same powers as are vested in civil Court under the Code of Civil Procedure, 1908 when trying a suit, in respect of the following matters, namely:—

- (a) enforcing the attendance of any person, and examining him on oath;
- (b) compelling the production of documents;
- (c) issuing of commissions for the examination of witnesses.

(6) All the inquiries under this section shall be deemed to be judicial proceedings within the meaning of Sections 193, 219 and 228 of the Indian Penal Code (45 of 1860).

(7) (a) For the purpose of advising the Council or the Executive Committee, as the case may be, on any question of law arising in any inquiry under this section, there may in all such inquiries be an assessor, who has been for not less than ten years—

- (i) an advocate enrolled under the Advocates Act, 1961, or
- (ii) an attorney of a High Court.

*Explanation.*—For the purpose of this sub-section, 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.

(b) Where an assessor advises the Council, or the Executive Committee, as the case may be, on any question of law as to evidence, procedure or any other matter, he shall do so in the presence of every party or person representing a party to the inquiry who appears thereat or if the advice is tendered after the Council or the Executive Committee has begun to deliberate as to its findings, every such party or person as aforesaid shall be informed what advice the assessor has tendered. Such party or person shall also be informed if, in any case, the Council or the Executive Committee does not accept the advice of the assessor on any such question as aforesaid.

(c) Any assessor under this section may be appointed either generally, or to any particular inquiry, and shall be paid the prescribed remuneration.

**22. Renewal of registration.**—(1) Notwithstanding anything contained in Sections 15 and 20 on such date, after the date of publication of

the notice under sub-section (5) of Section 15, as the Executive Committee may, with the previous sanction of the Government, decide, and every five years thereafter, the Registrar shall cause two notices in the prescribed form to be published, at an interval of not less than thirty days, in the Official Gazette calling upon in the manner provided in sub-section (2) all registered practitioners to make an application to the Registrar for the continuance of their names on the register.

(2) The Registrar shall, after the publication of the first notice under sub-section (1), send a notice by registered post enclosing therewith the prescribed form of application to the registered practitioners at their addresses as entered in the register, calling upon them to return the application to the Registrar for continuance of their names on the register within forty-five days of the date of the notice. If any of the registered practitioners fails to return such applications within the time specified, the Registrar shall issue a further notice to such registered practitioner by registered post after the publication of the second notice under sub-section (1) enclosing therewith the prescribed form of application to the Registrar for the continuation of his name on the register within thirty days of the date of the further notice together with a fee as may be prescribed from time to time.

(3) If the application is not made on or before the date fixed by further notice sent by registered post under sub-section (2), the Registrar shall remove the name of the defaulter from the register and shall inform him of such removal by registered post:

Provided that if an application for continuance of the name so removed is made within a period of six months from the date fixed by the said further notice by registered post under sub-section (2), the name so removed may be re-entered in the register on payment of a prescribed fee.

**23. Appeals.**—(1) Any person aggrieved by any decision of the Registrar under this Act may, within a period of one month from the date on which the decision is communicated to him, appeal to the Council which shall hear and determine the appeal in the prescribed manner.

(2) Save as otherwise provided in the Indian Medical Council Act, 1956 (102 of 1956) the decision of the Council under this Act shall be final.

**24. Rights of registered practitioners.**—Notwithstanding anything contained in any law for the time being in force—

(i) the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word importing a person recognised by law as a medical practitioner or member of the medical profession shall in all Acts of the Legislative Assembly of Delhi and all the Central Acts (in their application to Delhi) in so far as such Acts relate to any matter with respect to which the Legislative Assembly has powers to make laws, under Clause (3) of Article 230 AA of the Constitution, include a practitioner whose name is entered in the register under this Act;

(ii) every registered practitioner shall be exempt, if he so desires, from serving on an inquest.

**25. General provision application to medical practitioners.**—The provisions of this Act are in addition to, and not in derogation of the

provisions of the Indian Medical Council Act, 1956 (102 of 1956) containing general provisions applicable to all medical practitioners.

**26. Penalty for falsely claiming to be registered.**—If any person whose name is not for the time being entered in the register, falsely represents that it is so entered, or uses in connection with his name or title any words or letters reasonably calculated to suggest that his name is so entered, he shall, on conviction, be punished with fine which may extend to five thousand rupees.

**27. False assumption of Medical Practitioner or Practitioner under this Act to be an offence.**—Any person who falsely assumes that he is a medical practitioner or practitioner as defined in Clause (7) of Section 2 and practises the modern scientific system of medicine, shall be punishable with rigorous imprisonment which may extend up to three years or with fine which may extend up to Rs. 20,000 or with both.

*Explanation.*—Under this section, punishment can be awarded only to medical practitioners as defined in Section 2(7) of this Act and no punishment may be awarded to any one practising Veterinary medicine or Veterinary surgery or Homoeopathic or the Ayurvedic or the Siddha or the Unani System of Medicine or those holding BAMS or BIMS degree.

**28. Court competent to try offence, under this Act and take cognizance of offence.**—(1) No court other than the court or a Metropolitan Magistrate shall take cognizance of, or try an offence, under this Act.

(2) No Court shall take cognizance of any offence under this Act except on a complaint in writing by an officer empowered by rules made in this behalf.

**29. Control of Government.**—(1) If at any time it appears to the Government that the Council or its President and Vice-President has failed to exercise or has exceeded or abused any of the powers conferred upon it or him or under this Act, or has ceased to function, or has become incapable of functioning, the Government may, if it considers such failure, excess, abuse or incapacity to be a serious character, notify the particulars thereof to the Council or the President or the Vice-President, as the case may be. If the Council or the President, or the Vice-President, as the case may be, fails to remedy such failure, excess, abuse or incapacity within such reasonable time as the Government may fix in this behalf the Government may remove the President or Vice-president or dissolve the Council for a specified period, as the case may be, and in case of dissolution of the Council, cause all or any of the powers, duties and function of the Council to be exercised, performed and discharged by such registered practitioners or practitioners as the Government may appoint in that behalf:

Provided that a new Council shall be constituted before the expiration of a period of two years from the date of its dissolution.

(2) Notwithstanding anything contained in this Act, or in the rules made thereunder, if at any time it appears to the Government that the Council or any other authorities empowered to exercise any of the powers or to perform any of the duties or functions under this Act, has not been validly constituted or appointed, the Government may cause any of such powers, duties or functions to be exercised or performed by such person or persons, in such manner and for such period not exceeding six months and subject to such conditions, as it thinks fit.

**30. Rules.**—(1) The Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act. Such rules may be made to provide for all or any matters expressly required or allowed by this Act to be prescribed by rules.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules for all or any of the following matters, namely:—

- (a) the time and place at which and the manner in which the election of the members, and of the President and the Vice- President shall be held under sub-section (5) of Section 3;
- (b) the manner in which the meeting of the Council shall be convened, held and conducted under this sub-section (1) of Section 8;
- (c) the powers, duties and functions of the Council, the conditions subject to which they shall be exercised and performed; and regulation of professional conduct of practitioners by a code of ethics in accordance with Section 10;
- (d) number of elected members who shall be elected by the Council from amongst its members for constituting the Executive Committee of the Council; and the term of office of, and the manner of filling casual vacancies among, and the procedure to be followed by, the members of the Executive Committee and also the powers and duties and functions of the Council as may be delegated by the Council to be exercised, performed and discharged by the Executive Committee, under the provisions of Section 11;
- (e) the fees and allowances payable to the President, the Vice-president and other members of the Council, and to the members of its Executive Committee under Section 12;
- (f) the salary and allowances payable to the Registrar and other conditions of service of the Registrar, manner of maintenance of the accounts of the Council by the Registrar, supervisory powers of the Registrar over the staff and the duties and functions as may be specified in the Act, which may be performed and discharged by the Registrar;
- (g) the conditions of service of the officers and staff of the Council under sub-section (3) of Section 15;
- (h) preparation and maintenance of register of medical practitioners, the form of such register, particulars including the name, address and qualifications, etc. of the registered practitioners to be entered in the register, prescription of the form of application and of notice to be published in the Official Gazette and newspapers to have names registered, prescription of fees to be paid for such entry and the manner of payment, prescription of form for sending individual notices, prescription of the form of certificate which shall be given to registered practitioner under Section 15;

- (i) prescribing the form of application for provisional registration, fee payable for such registration and prescribing form of certificate of provisional registration under Section 18;
- (j) prescription of fee for recording change of name in the register, prescription of the fee payable for entering additional qualification in the register and prescription of fee payable for issue of duplicate certificate of registration under Section 19;
- (k) the form of the list of Registered Medical Practitioners and manner of the publication of the list under Section 20;
- (l) manner for taking disciplinary action, etc., against registered practitioners by the Council or by the Executive Committee, conditions subject to which and the fee for re-entering the name of a practitioner in the register and the remuneration to be paid to an assessor under Section 21;
- (m) form of notices and form of application for renewal of registration by Registered Medical Practitioners, fee payable for re-entry of name which is removed from the register due to non-renewal under Section 22;
- (n) the manner in which appeals against the decision of the Registrar shall be heard by the Council under Section 23;
- (o) officers who are empowered to make a complaint under sub-section (2) of Section 29;
- (p) any other matter which is to be, or may be, prescribed under this Act.

(3) All rules made under this section shall be laid for not less than thirty days before the Legislative Assembly of Delhi as soon as possible after they are made and shall be subject to rescission by the Legislative Assembly or to such modifications the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modifications so made by the Legislative Assembly of Delhi shall be published in the Official Gazette and shall thereupon take effect.

**31. Code of Conduct and Ethics.**—The Council shall follow the conduct and code of medical ethics as prescribed by the Medical Council of India from time to time.

**32. Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the Government may by order as occasion requires, do anything which appears to it to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiration of two years from the constitution of the Council.

# THE DELHI MEDICAL COUNCIL RULES, 2003

Noti. No. F. 342/115/2001-H &FW/342, dated 6th October, 2003.<sup>1</sup>—In exercise of powers conferred under Section 30 of the Delhi Medical Council Act, 1997 (Delhi Act 5 of 1997) and all other enabling provisions in this behalf and after previous publication in the Official Gazette the Government of National Capital Territory of Delhi is pleased to make the following rules.

## CHAPTER I

### PRELIMINARY

1. **Short title and commencement.**—(1) These rules may be called the Delhi Medical Council Rules, 2003 and shall come into force with immediate effect.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

- (a) "Act" means the Delhi Medical Council Act, 1997 (Delhi Act 5 of 1997);
- (b) "Form" means a form appended to these rules;
- (c) words and expressions not defined in these rules but defined in the Act shall have the same meanings assigned to them in the Act.

### REGISTRATION

3. **Grant of Registration.**—Any person who possesses any of the qualifications in the First, Second or third Schedule to the Indian Medical Council Act, 1956 (102 of 1956) shall, subject to any conditions laid down by or under that Act, and is in service in connection with, or wishes to practise in, modern scientific system of medicine in Delhi, apply for registration in the live register of the Council by applying to the Registrar in Form 1, along with copies of certificates of educational qualification required, four passport size photographs and prescribed fees. The Registrar shall consider the application in Form 2 which shall be valid for a period of five years from the date of registration:

Provided that any person who has passed the qualifying examination of any University or Medical Institution in India for the grant of a recognised medical qualification shall be entitled to be registered provisionally for the purpose of internship training and on an application made for provisional registration to the Registrar in Form 3 along with the prescribed fees, the Registrar will issue a certificate of provisional registration in Form 4.

4. **Preparation of registrar.**—(1) The register of medical practitioners for Delhi referred to in sub-section (2) of Section 15 of the Act shall be in Form 5.

(2) The Registrar shall publish a notice in the Official Gazette and in such newspapers as the Council may select about the register having been prepared and the register shall come into force from the date of the publication of such notice in the Official Gazette. The Registrar shall publish, annually, on or before a date to be decided by the Executive Committee, an addendum and corrigendum to the list published. After the publication of the

1. Published in the Delhi Gazette, Extra., Pt. IV, dated 6-18-2003 (w.e.f.6-10-2003)



name in the register, the last edition of that alone shall be the legal evidence of registration.

**5. Additional qualifications.**—Persons registered with the Council are entitled to apply for entering additional qualifications acquired by them as specified in the Schedule to the Indian Medical Council Act, 1956, in Form 6, on the Council's register on payment of the fee prescribed by the Council. After scrutiny of the application for additional qualification(s), a new registration certificate shall be issued incorporating the additional qualification(s) in lieu of the original certificate of registration in Form 2 returned by the applicant. The period of validity of the certificate shall remain as in the original certificate with a mention of date incorporating the additional qualification(s).

**6. Renewal of registration.**—The registration certificate can be renewed by the Council on receipt of application in Form 7 along with the fee prescribed for renewal of registration. The Registrar shall consider the application and if found fit, shall renew the registration.

**7. Restoration of registration.**—The Executive Committee of the Council may consider a case of restoration of registration of a person whose name has been struck off the register and may direct the Registrar to re-enter the name of the practitioner in the register on payment of the prescribed fees.

**8. Change of address.**—Every registered practitioner shall send to the Registrar immediate notice of any change in his address in order that his correct address may be duly inserted in the register otherwise the name of such practitioner is liable to be erased from the register.

#### ELECTIONS

**9. Returning Officer.**—The Registrar or Deputy Registrar shall be the Returning Officer. The Returning Officer shall inform the Government about the constitution of a new Council and he shall notify in the Official Gazette and two newspapers published from Delhi, at least, sixty days prior to the expiry of the tenure of the existing Council about the constitution of a new Council and about the proposed schedule of elections.

**10. Constitution of new Council.**—The following procedure shall be followed for purpose of constituting the new Council, namely:—

- (a) The Returning Officer shall intimate to the Dean/Principal/Director of every medical college established by law in Delhi having a medical faculty to elect one member from each medical college/institution by the medical faculty thereof from amongst the permanent members of the teaching faculty. The election shall be conducted and completed by the respective college/institution within thirty days and the name of the elected members shall be intimated to the returning officer.
- (b) The Returning Officer shall intimate to the Delhi Medical Association regarding the election of one member from amongst its members to be elected to the Council. The election of such member shall be conducted and completed by the said Association, within thirty days and the name of the elected members shall be intimated to the returning officer.

- (c) The Returning Officer shall intimate to the Government that the Government shall nominate to the Council four members having registerable qualification as prescribed in the Indian Medical Council Act, 1956. The Government shall intimate the names of such four members to the returning officer within thirty days.
- (d) The Returning Officer shall conduct the election of eight members to be elected by registered practitioners from amongst themselves. The election shall be conducted by secret ballot at such place as decided by the Returning Officer. The election shall be conducted by ballot paper, provided that the Returning Officer may conduct the election by electronic voting machine, if feasible.
- (e) The electoral rolls for the election shall comprise all registered practitioners registered with the Council as on the date of notification of the election. A hard copy of the electoral rolls giving the name, registration number and address of the registered practitioners shall be supplied to contesting candidates on payment of a sum of one thousand rupees to the Council. A soft copy of the electoral rolls in the form of a Compact Disk (CD) shall be supplied on payment of five hundred rupees to the Council. This fee structure may be revised by the Government from time to time.

**11. Stages of election.**—(1) The Returning Officer shall fix the following stages of election, namely:—

- (a) notification of elections;
- (b) last date of receipt of nomination papers;
- (c) date of scrutiny of nomination papers;
- (d) last date of withdrawal of candidature;
- (e) polling of votes;
- (f) counting of votes;

(2) The election process shall be completed by the Returning Officer within forty-five days from the date of notification of elections.

**12. Nomination of candidates.**—Every registered practitioner whose name appears in the electoral rolls shall qualify for filing his nomination paper subject to fulfilling eligibility conditions laid down in the Act. The nomination shall be in Form 8. Every nomination paper duly completed and signed by the proposer and the seconder and subscribed by the candidate himself as consenting to the nomination shall be delivered to the returning officer on or before the date appointed for receipt of nomination papers. Nomination papers received after the time so fixed shall be summarily rejected. The returning officer shall immediately on receipt of a nomination paper record thereon the date and time of its receipt by him. Only registered practitioners registered with the Council whose name appears in the electoral rolls, can be nominee, proposer and seconder. There shall be a non-refundable fee of one thousand rupees for each nomination payable by the candidate through a Bank Draft favouring "Delhi Medical Council" along with the nomination paper. This fee may be revised by the Government from time to time.

**13. Scrutiny of nomination papers.**—On the date and time appointed for scrutiny of nomination papers, the candidates and his proposer and seconder may attend the proceedings at the appointed time and place. The Returning Officer shall examine the nomination papers and complete the scrutiny. On completion of the scrutiny of the nominations and after the expiry of the period within which a candidate may withdraw his candidature, the Returning Officer shall forthwith under his signature place on the notice board at the office of the Council a list of the contesting candidates.

**14. Polling.**—If the number of contesting candidates does not exceed the number of vacancies to be filled in, the Returning Officer shall forthwith declare such candidates as duly elected to fill such vacancies without any polling and report the names of such candidates to the Government. When there are more contesting candidates than the existing vacancies, the election shall be conducted within the stipulated time. The Returning Officer shall arrange for polling by printing of ballot papers with the names of the contesting candidates entered in alphabetical order. The voter shall produce proof of identity and residence at the time of polling. The identity proof may be in the form of registration certificate issued from the Council, passport, electoral card, driving licence or any other photo identity card issued by the Government.

**15. Custody of ballot papers.**—The ballot boxes shall be kept in a safe custody of the Returning Officer and shall not be opened till counting of votes begins.

**16. Counting of votes and declaration of result of elections.**—The scrutiny and counting of votes shall be undertaken by the Returning Officer at the time, day and place appointed. A candidate and not more than one representative, duly authorised by him, may remain present at the time of counting of votes. After the counting of votes is completed, the Returning Officer shall forthwith declare the result of election. If there is an equal number of votes in favour of two or more candidates for one vacancy, the election shall be determined by the Returning Officer by draw of lots in the presence of the candidates or their representatives. The Returning Office shall communicate the result of the election to the Government who shall notify the Constitution of the new Council. After the declaration of the result, the Returning Officer shall seal the ballot 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.

**17. Election of President and Vice-President.**—As soon as possible and not later than fifteen days after the constitution of the new Council, the members shall elect the successor President and Vice-President of the Council from among themselves in a meeting of the Council to be held at Delhi. This meeting shall be convened and conducted by the Registrar. The election of President and Vice-President shall be by a majority of votes of the members present.

#### CONDUCT OF BUSINESS OF THE COUNCIL

**18. Power to appoint Committees/Sub-Committees.**—The Council may appoint committee/sub-committee to carry out the functions of the Council.

**19. Calling of meetings.**—The Council shall meet on such date, time and place as may be fixed by the President. The President may, whenever he thinks fit or upon a written requisition of not less than one third members call an extraordinary meeting. The President and the Registrar shall discuss and decide the agenda for the meeting.

**20. Notice for calling at meeting.**—All members of the Council shall be given thirty clear days' notice for an ordinary meeting and ten clear days' notice for an extraordinary meeting. Every notice shall also be passed at the Office of the Council. Such notice shall specify the date, time, place and agenda of the meeting. The Registrar shall send to all members a copy of the notice.

**21. Motions for insertions in agenda.**—Any member may send a motion to be included in the agenda for an ordinary meeting so as to reach the Registrar twenty clear days before the date fixed for such meeting and seven clear days in case of extraordinary meetings. The President and the Registrar shall discuss and decide whether or not to include such motion/motions in the agenda, and where any motion is disallowed, the reason for doing so shall also be communicated along with the agenda to the member who sent the motion.

**22. Attendance of the meeting.**—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.

**23. Business to be transacted at meeting.**—At any meeting, no business or proposition other than the specified in the agenda shall be taken up, provided that the President, in his discretion, may permit any business or proposition to be discussed which is of an urgent nature and which was not entered in the notice for meeting.

**24. Minutes of the meeting.**—The minutes of the meeting shall be recorded by the Registrar and the same shall be kept in the office of the Council.

**25. Approval of written proposal by circulation.**—Whenever it appears necessary to the President to consider a proposal by circulation, he may, instead of convening a meeting, direct the Registrar to circulate a written proposal for the observation and votes of the members of the Council and then decide on the basis of majority.

#### EXECUTIVE COMMITTEE

**26. Constitution.**—The Executive Committee shall consist of five members. The President of the Council shall be *ex-officio* Chairman of the Executive Committee. The Council shall elect the other four members of the Executive Committee from amongst themselves as follows:—

- (a) One member to be elected from amongst Members nominated under Clause (a) of sub-section (3) of Section 3 of the Act.
- (b) One Member to be elected from amongst Members elected under Clause (b) of sub-section (3) of Section 3 of the Act.
- (c) One Member to be elected from amongst Members elected under Clause (c) of sub-section (3) of Section 3 of the Act.

- (d) One Member to be elected from either Dean of Medical Faculty of the University of Delhi or Director of Health Services of the Government.

**27. Calling of meeting.**—The Executive Committee shall meet on such date, time and place as may be fixed by the President. The President may, however if he thinks fit and shall, upon a written requisition by not less than three members call an extraordinary meeting of the Executive Committee on short notice. The President and the Registrar shall discuss and decide the agenda for the meeting.

**28. Notice of meeting.**—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 a general meeting or a special meeting and the business to be transacted thereat. The Registrar shall send to all Members a copy of the notice.

**29. Attendance at meeting.**—At each meeting, an attendance register shall be placed in the meeting room and every members present shall sign against his name in the register. Attendance of three members of the Executive Committee shall constitute a quorum.

**30. Business to be transacted at meeting.**—At any ordinary meeting and in case of extraordinary meeting no business other than that specified in the notice calling such meetings shall be transacted, provided that the presiding authority may permit any business to be discussed which is of urgent nature and which was not entered in the notice for meeting. All questions at a meeting of the Executive Committee shall be decided by a majority of the members present and in consultation with the Registrar.

**31. Minutes of the meeting.**—The minutes of the Executive Committee meeting shall be recorded by the Registrar and the same shall be kept in the office of the Council.

## INQUIRIES

**32. Complaint against medical practitioner.**—(1) The Council may inquire into complaint against medical practitioner either *suo motu* or on the basis of any complaint made to the Council in respect of misconduct or negligence of any medical practitioner for the purposes of the Act through the Disciplinary Committee. The proceedings shall be conducted by the Registrar in the presence of the Chairman, Disciplinary Committee and at least two members thereof sitting together.

The complaint shall contain the following particulars:—

- (a) the name, description and address of the complainant;
- (b) the name, description and address of the opposite party or parties, as the case may be, as far as they can be ascertained;
- (c) the facts relating to the complaint, when the cause of action arose and what are the grounds or causes of the complaint;
- (d) the documents in support of the complaint if any;
- (e) the relief which the complaint claims.

No complaint shall be entertained unless it is in writing and signed by

the person making it. The complaint shall be verified by the complainant. The complainant shall file six copies of the complaint along with such number of copies as there are opposite parties in the complaint. All anonymous and frivolous complaints shall be rejected.

**Procedure on receipt of complaint.**—The Council shall on receipt of a complaint—

- (a) Refer a copy of the complaint to the opposite party mentioned in the complaint directing him to give his version of the case within a period of fifteen days of receipt of copy of the complaint.
- (b) Where the opposite party on receipt of a complaint referred to him under Clause (a) denies or disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the Council, the Council shall proceed to adjudicate the complaint—
  - (i) on the basis of evidence brought to its notice by the complainant where the opposite party omits or fails to take any action to represent his case within the time given by the Council, or
  - (ii) on the basis of evidence brought to its notice by the complainant and the opposite party, where the opposite party denies or disputes the allegations contained in the complaint.
- (c) On the date of hearing or any other date to which hearing could be adjourned, it shall be obligatory on the parties to appear before the Council. Where the complainant fails to appear before the Council on such days, the Council may in its discretion either dismiss the complaint for default or decide it on merits, where the opposite party fails to appear on the date of hearing, the Council may decide the complaint *ex-parte*.
- (d) The decision of the inquiry shall be implemented and communicated to the respective parties and to others as may be required. In case there is any difference of opinion amongst themselves, the opinion of the majority shall be the decision.

**CONDITIONS OF SERVICE OF REGISTRAR/DEPUTY REGISTRAR  
AND OTHER STAFF AND THE SUPERVISORY POWERS AND  
DUTIES OF REGISTRAR/DEPUTY REGISTRAR**

**33. Appointment of Registrar/Deputy Registrar.**—(1) The post of Registrar/Deputy Registrar shall be permanent. The post of Registrar shall be in the basic pay equivalent to the basic pay scale of Senior Administrative Grade of the Central Health Service and the post of Deputy Registrar shall be in the basic pay scale equivalent to the basic pay scale of Chief Medical Officer (Non-Functional Selection Grade) of the Central Health Service.

(2) The Council shall be the appointing authority for the post of Registrar/Deputy Registrar and the Registrar/Deputy Registrar shall be the appointing authority for all other appointments in the Council.

(3) The post of Registrar shall be filled by the Council by promotion of Deputy Registrar. The post of Deputy Registrar shall be filled by direct selection by the Council from amongst suitable candidates having minimum

qualification of M.B.B.S., with minimum of ten years experience after M.B.B.S. in Government/Public Sector/Private Sector or Practice, and with maximum age limit of fifty years on the Date of application, candidates with Post-Graduate qualifications shall be given preference.

(4) The Registrar/Deputy Registrar shall draw allowances equivalent to allowances admissible to similar posts in the Government like dearness allowance, house rent allowance, city compensatory allowance, transport allowance, conveyance allowance, non-practising allowance, academic allowance, post-graduate allowance, travelling allowance, daily allowance, etc. The leave entitlement and travelling entitlement shall be similar to that of employees of Government in similar posts.

**34. Functions of Registrar/Deputy Registrar.**—The Registrar/Deputy Registrar shall perform statutory functions as prescribed under the Act and these rules. Further, he shall conduct and have charge of the correspondence of the Council and shall issue all requisite notices in the manner required under these rules. As Executive Officer of the Council, he shall be the competent authority to sanction all financial transactions. The Registrar or any other officer functioning as Registrar or his nominee shall be authorised to lodge complaint in the Court of the Metropolitan Magistrate, he will also represent in Court cases on behalf of the Council with the assistance of an advocate.

**35. Appointment of other staff members.**—The appointing authority may consider *in situ* promotions of the staff members. The staff members shall draw pay and allowances equivalent to similar posts in the Government and shall be eligible to draw allowances as admissible to employees of Government, like dearness allowance, house rent allowance, city compensatory allowance, transport allowance, travelling allowance, daily allowance, etc. The leave and travelling of the staff members shall be equivalent to that of employees of Government in similar posts. The appointing authority may also appoint staff members on contract basis.

**36. Retirement.**—The normal age for retirement for all employees shall be as applicable to the employees of the Government. The Council may, grant extension of service to any employee for periods not exceeding one year at a time and not more than two such extensions shall be allowed to anyone even in exceptional circumstances.

**37. Resignation.**—(1) The Registrar may resign his office by giving three months' notice in writing to that effect to the President and such resignation shall take effect from the date of acceptance of such resignation by the council. If he leaves his office without giving any notice as aforesaid, he shall be liable to deposit an amount equivalent to total emoluments payable in lieu of such notice.

(2) Any other employee of the Council may resign his office by giving one months' notice in writing to that effect to the Registrar if he is temporary, and three months notice if he is permanent and such resignation shall take effect from the date of acceptance thereof. In the case of failure to give required notice, the employee shall be liable to deposit an amount equivalent to total emoluments payable in lieu of notice period.

**38. Termination of service.**—The Council may terminate the services of

any employee other than the Registrar/Deputy Registrar, after due enquiry giving such employee fair opportunity to explain as to why his services should not be terminated. The Council may impose any other penalty on any employee other than the Registrar/Deputy Registrar, after giving such employee a show cause notice. The Council may, with the previous sanction of the Government terminate the services of the Registrar/Deputy Registrar as per the procedure laid down under the Public Servants (Inquiries) Act.

**39. Provident fund, gratuity and other terms of service.**—The Council shall establish a provident fund and provide for gratuity, in accordance with the statutory provisions. Other terms of service like leave, leave encashment, leave travel concession, etc., shall be similar to those applicable to the employees of the Government. The Council shall provide medical insurance policy for the staff members and their dependant family and will also reimburse a sum upto a maximum of fifteen days' basic pay of an employee per year for out-patient medical treatment for himself and his dependant family.

**40. Maintenance of accounts and other registers.**—(1) The Council shall maintain the following registers:—

- (a) Cash Books
- (b) Ledger
- (c) Stock register
- (d) Receipt books
- (e) Register for grants
- (f) Voucher files
- (g) Attendance roll
- (h) Register of leave accounts
- (i) Service books and
- (j) Other registers as may be necessary.

(2) The annual accounts shall be audited in accordance with statutory and administrative requirements as applicable.

(3) Bank Account of the Council shall be opened in Nationalised/Scheduled Banks. The Registrar/Deputy Registrar and the Accounts Officer of the Council shall be the authorised signatory of Bank Accounts of the Council.

(4) The Council may deposit its own funds in fixed deposits in Nationalised/Scheduled Banks or may invest its own funds in any of the securities specified by the Registrar.

#### MISCELLANEOUS

**41. Migration/Transfer.**—Requests for Migration to another Medical Council shall be considered by the Council and after the approval by the Council, "No Objection" Certificate shall be issued by the Registrar on receipt of application along with fees as prescribed.

**42. Certificate of good standing.**—Certificate of good standing may be issued by the Registrar to registered practitioners on receipt of an application along with fees as prescribed provided that no enquiry is pending against the applicant. This certificate shall be valid for a period of six months from the date of issue.



**43. Honorarium for attendance of meetings.**—A sum of five hundred rupees per meeting shall be payable as honorarium to Members of the Council, Executive Committee or co-opted members from outside/assessor for attending meetings. This amount may be revised from time to time by the Council.

**44. Fees.**—(1) Fee shall be levied by the Council as shown below:

<b>Sl. No.</b>	<b>Particular</b>	<b>Amount</b>
(i)	For recording change of name in the register.	Five hundred rupees.
(ii)	For entering each additional qualification.	Five hundred rupees.
(iii)	For issue of duplicate certificate of registration/ provisional registration	Five hundred rupees
(iv)	For issue of a certified copy of an entry in the register.	One hundred rupees.
(v)	Provisional Registration.	Five hundred rupees.
(vi)	Registration	One thousand rupees.
(vii)	Renewal of Registration	One thousand rupees.
(viii)	Fees for restoration of registration in the register of medical practitioners	One thousand rupees.
(ix)	Late fee for non-registration (Non refundable fees)—	
(a)	upto a period of one year from the date from which registration was due	Nil.
(b)	for period more than one year but upto five years	Five thousand rupees.
(c)	for period more than five years	Five thousand rupees plus additional one thousand per year.
(x)	Late fees for non-renewal of registration—	
(a)	upto six months from the date from which registra- tion is due for renewal	Five hundred rupees.
(b)	for period more than six months but upto one year	One thousand rupees.
(c)	for period more than one year	One thousand rupees per year.
(xi)	For issue of Certificate of goods standing	Five hundred rupees.
(xii)	Annual listing fee for entry of name in the website	Five hundred rupees.
(xiii)	For issue of No Objection Certificate	Five hundred rupees.
(2)	The above fee structure may be revised from time to time.	