

## **MEDICAL COUNCIL OF INDIA**

### **STANDING ORDERS**

**(Approved by the Govt. of India vide letter No. 4-55/65-MPT dated 25.6.70 – Under Section 9(5) of the Indian Medical Council Act, 1956)**

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These Standing Orders shall be called **THE MEDICAL COUNCIL OF INDIA STANDING ORDERS**

#### **Extent of Application**

1. These Standing Orders shall apply to all servants of Medical Council of India. They shall not apply in whole and in part to any servant of the Medical Council of India, between whom and the Council a specific contract or agreement subsists in respect of any matter dealt with in these Standing Orders or to any Council servant, to whom the competent authority may, by general or special order, direct that they shall not apply in whole or in part. If any doubt arises as to whether these Standing Orders apply to any person or not, the decision shall lie with the Medical Council of India.
2. Nothing in these Standing Orders shall be construed to alter or interpret to his disadvantage the rule regulating the service of any of the Council's servants on the date of application of these Standing Orders.
3. The power of interpreting, changing and amending these Standing Orders is vested in the Medical Council of India.
4. In case where these Standing Orders do not make any provision, the Government of India Rules shall apply.

#### **Definitions**

5. In these Standing Orders:

'Staff' means Secretary, Deputy Secretary, Assistant Secretary, Ministerial staff and Class IV as defined in the Regulations.

#### **GENERAL CONDITIONS OF SERVICE**

##### **Conditions regarding health and age**

6. (a) No person may be substantively appointed to a permanent post under the Council without a medical certificate of Health signed by the Civil Surgeon of the district. The Council may, however, in individual cases, dispense with the production of a medical certificate. Such certificate will not be required when a person is appointed to a particular post on contract basis for a fixed period. If,

however, subsequently such contract is converted into permanent employment under the Council, a certificate of health will be required unless otherwise directed by the Council.

(b) Ordinarily the age limit will be as in Fundamental Rules, but the appointing authority shall reserve the right to waive the age limit, and the appointment of a person to a particular post will be determined by the suitability of the person for that particular post.

#### **Whole-time of a Council servant at the disposal of the Council**

7. Unless in any case it be otherwise distinctly provided the whole time of a servant of the Medical Council of India is at the disposal of the Council and he may be employed in any manner required by the proper authority. No servant of the Council can engage in any trade, business or occupation involving profit or emoluments, without the previous sanction of the Executive Committee.

#### **Substantive Appointment or lien**

8. Two or more Council servants cannot be appointed substantively to the same permanent post at the same time. A Council servant cannot be appointed substantively to a post on which another Council servant holds a lien. The lien of a Council servant on a particular post can be suspended for a certain period or terminated by the order of the Council.

#### **Subscription of Provident Fund**

9. The Medical Council of India Contributory Provident Fund is established for the benefit of its permanent employee including those appointed on fixed term or contract basis provided the latter (Employees on fixed term or contract basis) are not in receipt of pension from elsewhere.

The fund is subject to the provisions of the Provident Fund Act, 1925, as amended from time to time.

10. A temporary employee who has completed one year of continuous service in the Council shall be eligible to subscribe to the C.P.F.

(a) All employees of the Council shall be required on completion of one year's continuous service or on confirmation, whichever is earlier, in the Council, to join the Contributory Provident Fund.

11. The Fund shall be administered by the Secretary in accordance with the following rules:-

#### **SUBSCRIPTION**

12. The rate of subscription shall be one-twelfth of the monthly pay exclusive of allowance and the amount so calculated shall be deducted from monthly salary bill of the employee. The amount of contribution payable shall be rounded to the nearest whole rupee (fifty paise counting at the next high rupee).

(a) Members are required to continue their subscriptions while absent on leave, other than extraordinary leave without leave salary, calculated on full pay at the rate drawn prior to proceeding on leave.

(b) In the case of long leave the deduction can be made as usual in the pay bills. In the case of privilege leave deductions will be made monthly as from the emoluments of employees present on duty.

## **BONUS**

13. (a) The Council shall pay in the case of each subscriber a monthly contribution equal to the subscription realized from him, with effect from 1st September, 1957.

(b) The family of a permanent employee who is a subscriber to the Medical Council of India C.P. Fund and who dies while in service before completing 5 years' service will be eligible for contribution equal to the difference between his six months emoluments and the amount of the Council's contribution, together with the interest thereon standing to his credit in the Fund. If, however, such an employee dies in the first year of service, his family will be eligible for a contribution equal to the difference between his two months emoluments and the amount of Council's contribution, together with the interest thereon, standing to his credit in the Fund.

(c) If such an employee dies after completing five years service his family will be eligible for contribution equal to the difference between his twelve months emoluments and the amount of Council's contribution, together with the interest thereon standing to his credit in the Fund.

14. The subscription paid by the subscriber and the contribution of the Council shall be credited monthly to the separate account of each subscriber.

## **INTEREST**

15. The amount accruing to the Fund by subscriptions, contributions and interest thereon shall be placed in fixed deposit in the State Bank of India or invested in such Government Securities as may be approved from time to time for the purpose by the Executive Committee. The securities may be disposed of as and when necessary by the Secretary with the concurrence of the President.

16. The rate of interest to be paid to the accounts of subscribers shall be as fixed by the Central Government from time to time.

17. No member shall be eligible to receive any part or share in any sums contributed by the Council unless he has been in the service of the Council for at least twelve months and has been permitted by the Executive Committee to resign his appointment.

18. No member who has been dismissed on account of dishonesty or other gross misconduct shall be eligible to receive any part of share in any sums at any time contributed by the Council to the fund in his account or accumulated, interest or profits thereof. The Council shall be entitled to recover as the first charge from the amount for the time being at the credit of any member, a sum equal to the amount of any loss or damage at any time, sustained by the Council by reason of his dishonesty or negligence provided that such recovery shall be limited to the total amount of the Council's contribution and of any interest which has accrued thereon.

19. The accounts of the Fund shall be audited by the Auditors of the A.G.C.R.

20. Each subscriber shall be entitled to receive a detailed statement of his account for the year.

21. When a subscriber quits the service of the Council whether by resignation or dismissal, he shall be entitled to receive the amount which has accumulated to his credit, provided that in all such cases of dismissal and in case of resignation by a person with less than five years service, the Executive Committee, upon his quitting the service, declare him so entitled.

Note: In default of such a declaration, the said subscriber shall be entitled to receive the amount actually subscribed by him together with interest accruing to the same.

22. If a subscriber dies while in the service of the Council, the amount at his credit shall be paid to the person nominated by him under Standing Order No. 34 and in the manner specified by him in his declaration under the Standing Order.

23. Any Contribution or interest withheld from a dismissed employee shall lapse to the Council.

#### **WITHDRAWALS AND ADVANCES**

24. No final withdrawal will be allowed unless the subscriber quits service or dies.

25. In case of urgent necessity, the Secretary with the concurrence of the President may allow a subscriber an advance of a sum not exceeding six months pay.

**All advances under the Standing Order shall be arranged by the Secretary, Medical Council of India.**

26. Such advances will be recovered in not less than 30 and not more than 36 equal monthly installments, and such recoveries shall be credited as they are made to the account of the subscriber in the fund.

27. A member may at his option, repay an advance in less than 30 installments.

28. Recoveries will be made monthly, commencing from the first payment of a full month's salary after the advance is granted, but no recovery will be made from a subscriber when he is on leave of any kind other than casual leave.

29. After the principal of the advance has been fully repaid interest shall be recovered thereon at the rate of one fifth percent of the principal for such month of broken portion of a month during the period between the drawl and complete repayment of the principal. Interest shall ordinarily be recovered in one installment in the month after complete repayment of the principal but if the period between the drawl and complete recovery of the principal exceeds 30 months, interest may, if the subscriber so desires, be recovered in two equal monthly installments. Recoveries made under the Standing Order shall be credited as they are made to the account of the subscriber in the Fund.

30. When a subscriber has already taken an advance he will not be eligible for a new advance until the amount already advanced has been fully paid up.

#### **PROTECTION OF COMPULSORY DEPOSITS AND BONUSES**

31. Compulsory deposits, bonuses or interest standing at the credit of a member in the fund shall not in any way be capable of being assigned or charged and shall not be liable to the attachment under any decree or order of any Civil, Revenue, or Criminal Court in respect of any debt or liability incurred by the member and neither the Official Assignee or any Receiver appointed under the Provincial Insolvency Act, 1920 shall be entitled to or have any claim on any such Compulsory deposit or interest.

32. Any sum standing to the credit of any member in the Fund at the time of his death and payable under the Standing Order of the Fund to any dependent of the member, or to such persons as may be authorized by law to receive payment on his behalf, shall, save where the dependent is the widow or child of the member vest in the dependent and shall be free from any debt or other liability incurred by the deceased or incurred by the dependent before the death of the member.

33. When the sum standing to the credit of any member in the Fund becomes payable, the Secretary may direct to be deducted there from and paid to the Council any amount due under a liability incurred by the member to the Council, but not exceeding in any case the total amount of the bonus credited to the account of the member and of any interest or increment which has accrued thereon.

34. When a deposit account is first opened, the member concerned shall be required to give a declaration in the form printed as Annexure 'A' to these Standing Orders particularizing the person or persons to whom he is desirous that the whole or any portion of his deposit shall be received in the event of his death, and the deposit shall subject to the other provisions of these Standing Orders, be payable in accordance, with such declaration. Such declaration, should, whenever possible, be in the handwriting of the member and must be signed by him. The declaration, which should be attested by two witnesses in the presence of the declaring and of each other, will remain in force until it is revised or cancelled by means of a notice in writing given to the Secretary in the form printed as Annexure 'AA' to these Standing Orders. Such notice or revised declaration shall also be similarly attested by two witnesses. On the marriage or re-marriage of a member who is not Hindu, Mohamman, Buddhist or other persons exempted from the operation of the Indian Succession Act, any declaration already submitted by him shall forthwith become null and void and fresh declaration shall be required.

35. A register of such nominees shall be kept in the Council Office.

36. The books of the Fund will be kept in the office of the Secretary, Medical Council of India.

37. An account shall be opened in the name of each subscriber in which shall be credited –

- i. The subscriber's subscription.
- ii. Contribution made by the Council

iii. Interest as provided by Standing Order No. 15.

iv. Interest as provided by Standing Order No. 16.

38. In these Standing Orders the expression 'family' means those persons who in the opinion of the Executive Committee were dependent on the member of the staff at the time when he died.

#### **DATE OF RECKONING PAY AND ALLOWANCES**

39. Subject to any exceptions specifically made by an order of the Council a Council servant shall begin to draw the pay and allowances attached to his post with effect from the date on which he assumes the duties of that post if forenoon, the same day, if afternoon, the following day.

#### **Charge of Office**

40. The charge of a particular post must be handed over and assumed at the Council's office by the reliever and relieving servant respectively, both being present.

#### **Increments**

41 Every member of the staff to whose post a time scale is attached shall draw the increment of the scale when it accrues as a matter of course unless it is withheld. An increment may be withheld from a member of the staff by the competent authority if his conduct or work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld and whether the postponement shall have, or not have the effect of postponing future increments.

#### **Efficiency Bar**

42. Where an Efficiency bar is prescribed in a time scale the increment next above the bar shall not be given to a member without the specific sanction of the authority empowered to withhold increments.

43 In calculating the increment, the time scale should include the whole period of service of the member, whether working in his substantive post or is officiating in another post either temporary or permanent; for this purpose, the period spent on leave by the member, except extraordinary leave will also be included.

#### **Provided, however, that-**

a) in a particular case the President may, for the above purpose, order the inclusion of the period of such extraordinary leave, if it is granted for illness or for any case beyond the control of the member.

b) The period of service put in by a member appointed to a temporary post will be included if the post is eventually made permanent.

## **Leave**

44. i) Every member of the staff shall be entitled to such leave as is allowed under the Government of India Revised Leave Rules, 1933, as amended from time to time.

Leave cannot be claimed as a matter of right. When the exigencies of the public service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

ii) No member of the staff shall absent himself from duty without the previous permission of the Secretary, in case of the rest of the staff and of the President in case of the Secretary.

In case of sudden illness or accident, such permission shall be obtained at the earliest opportunity from the respective authority.

## **Extraordinary Leave**

45. The authority which has the power to sanction leave may also grant extraordinary leave.

## **Resignation**

46. Every member of the permanent staff is entitled to resign from the service after giving due notice. In the case of the Secretary, Deputy Secretary / Assistant Secretary and the Superintendent, the period of notice shall be three months; in the case of the others, a month's notice will be sufficient. If, for any reason, the services of any member are no longer required, the Council should give the same notice to the member concerned, after the expiry of which, his services will be terminated.

47. The services of a member of the staff can be dispensed without notice in the event of misconduct on his part, or of a breach, or non-observance, of any of the Standing Orders to which he is subject.

## **Penalties**

48. The Central Civil Services (Classification Control and Appeal) – Rules 1957 as amended / modified from time to time will be applicable to the employees of the Medical Council of India except for the following provisions:-

a) The authorities competent to impose any of the penalties specified in the Central Civil Service (Classification, Control and Appeal) Rules, 1957 shall be:-

1) in the case of the Secretary, Deputy Secretary, and Assistant Secretary, the Executive Committee.

2) in the case of the Superintendent, President on recommendations of the Secretary and in case of others, the Secretary.

**49. Payment of subsistence allowance:**

A member of the staff, if suspended, under the provisions of the Central Civil Services (Classification, Control and Appeal) Rules, shall be entitled to subsistence allowance in accordance with the fundamental rules as modified / amended from time to time. Similarly, when the Council servant who has been dismissed, removed or suspended, is reinstated, shall be entitled to receive pay and allowances as provided in the fundamental rules.

**50. Appeals:**

An appeal against an order imposing a penalty on the Secretary, Deputy and Assistant Secretary shall lie to the Council and an appeal against an order imposing a penalty on a member of the ministerial staff lie to the Executive Committee and in the case of the members of the inferior staff, to the President.

**51. President's powers to review:**

Notwithstanding anything contained in these Rules the President may on his own or in consultation with the Council after calling for the record of the case review any order which is made or is appeal able under the Central Civil Services (Classification, Control and Appeal) Rules, 1957, confirm, modify or set aside the order.

**52. Duties:**

(1) The Superintendent shall be the ministerial head and shall have the same powers and status as those of a Superintendent in the Government of India.

(2) He shall be responsible to the Secretary, Deputy Secretary, Assistant Secretary for the office work and the maintenance of discipline on the office staff.

(3) He shall also be responsible for the correspondence and for putting up the papers with notes thereon to the Secretary, Deputy Secretary and Assistant Secretary for their final disposal, according to the provisions of the Act and the Regulations framed there under.

(4) He shall perform such other duties as may be delegated and assigned to him by the Secretary, Deputy Secretary and Assistant Secretary for purposes of the Act.

53. The ministerial staff will be responsible to the Superintendent for such duties as may be assigned to them.

**54. Salary Allowances:**

Every member of the staff shall receive such salary and allowances as may be fixed by the authorities making the appointments.

**55. Leave Salary, Travelling and other allowances:**



The employees of the Medical Council of India shall be entitled to leave salary, traveling and all other allowances as applicable to the Central Government employees from time to time.

**56. Medical facilities for employees:**

Employees of the Council and members of their families shall be entitled to such Medical aid as is admissible to Central Government Servants of similar categories in Delhi and New Delhi and out of Delhi during leave. All employees of the Council shall be members of the Contributory Health Service Scheme of the Central Government and shall pay such contribution as is required under the scheme.

Provided that employees not residing in the areas covered by the Scheme, shall not be required to contribute to the Scheme, and shall be eligible for re-imbursement of Medical Expenses to self and family as applicable to Central Government Employees.

**57. The Central Civil Services (Conduct) Rules, 1964:**

The Central Civil Services (Conduct) Rules, 1964 as amended or modified from time to time will be applicable to the employees of the Medical Council of India.

58. The orders regarding conversion of temporary posts into permanent ones as applicable to the offices of the Govt. of India shall be applicable to posts in the Council.

59. Pensioners benefits have been extended to the employees of the Council w.e.f. 1.4.1983.

ANNEXURE-A

**THE MEDICAL COUNCIL OF INDIA PROVIDENT FUND**

**Form of Declaration**

I hereby declare that in the event of my death the amount at my credit in the Medical Council of India Provident Fund shall be distributed among the under mentioned persons in the manner shown against their names:-

Name and full address Relationship with Amount or share of the nominee or the subscriber of accumulations nominees

(1)

(2)

(3)

Note: Col. 3 shall be filled in so as to cover the whole amount at credit.

Station -----

Date-----

Signature of Subscriber

Signed by the declarant in the presence of us present at the same time and subscribed by us witnesses in the presence of the declarant and of each other.

Witnesses: 1-----

2.-----

**ANNEXURE 'AA'**

**THE MEDICAL COUNCIL OF INDIA PROVIDENT FUND**

**FORM OF NOTICE CANCELLING A DECLARATION**

I hereby cancel the declaration made by me on \_\_\_\_\_ as regards disposal, in the event of my death, of my deposit in the Medical Council of India Provident Fund.

Station: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Subscriber

Signed by the declarant in the presence of us present at the same time and subscribed by us as witnesses in the presence of the declarant and of each other.

Witnesses: 1. \_\_\_\_\_

2. \_\_\_\_\_

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**Part III – Section 4 Dated 15th November 2000)**

**Medical Council of India**

**Notification**

**New Delhi, the 25th October, 2000**

MCI No. 2(1) 2000 Med. – In exercise of the powers conferred by section 33 of the Indian Medical Council Act, 1956 (102 of 1956) the Medical Council of India, with the previous sanction of the Central Government, hereby makes the following regulations, namely:-

1. Short title and commencement – (1) These Regulations may be called the Medical Council of India Regulations, 2000.

(2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions:

In these Regulation, unless the context otherwise requires,-

(a) “Act” means the Indian Medical Council Act, 1956 (102 of 1956)

(b) “Council” means the Medical Council of India constituted under section 3 of the Act:

(c) “employee” means an employee of the Council, other than an officer of the Council.

(d) “Executive Committee” means the Executive Committee constituted under clause (1) of section 9;

(e) “Inspector” means a medical inspector appointed under sub-section (1) of the section 17;

(f) “officers of the Council” means Additional Secretary, Joint Secretary, Deputy Secretary, Assistant Secretary or any other officer appointed as such by the Council.

(g) “Registrar” means the Registrar of the Council who shall be the ex-officio Secretary and who may also, if deemed expedient, act as Treasurer.

(h) “Section” means a section of the Act;

(i) “visitor” means a visitor appointed under sub-section (1) of section 18;

(j) "Whole-time Inspector" means the whole-time Inspector appointed by the Council.

3. Office of the Council: The Office of the Council shall be situated in Delhi.

#### **Part – I**

4. Time and place of meetings of the Council:

(1) The meetings of the Council shall ordinarily be held in Delhi on such dates as may be fixed

by the Council:

Provided that the President may call a special meeting at any time after giving fifteen days' notice –

(a) to deal with any urgent matter requiring the attention of the Council;

(b) for a purpose referred to in the proviso to clause (b) of sub-regulation (1) of regulation 8;

(c) on a requisition signed by not less than fifteen members for a purpose which is within the scope of the Council's functions, not being a purpose referred to in clause (b).

(2) The first meeting of the Council, not being a special meeting, held in any financial year shall be the annual meeting of the Council for that year.

5. Agenda for special meetings- At a special meeting (referred to in the proviso to sub-regulation (1) of regulation 4 the subject or subjects for the consideration of which the meeting has been called shall only be discussed.

6. Notice of meetings: Notice of every meeting other than a special meeting (called under the proviso to sub-regulation (1) of regulation 4 or under the first proviso to clause (b) of sub-regulation (1) of regulation 8, shall be dispatched by the Secretary to each member of the Council not less than thirty days before the date of the meeting.

7. Agenda Paper:

(1) The Secretary shall issue with the notice of the meeting a preliminary agenda paper showing the business to be brought before the meeting, the terms of all motions to be moved of which notice in writing has previously reached him and the names of the movers.

(2) A member who wishes to move any motion not included in the preliminary agenda paper or an amendment to any motion so included shall give notice to the Secretary not less than fifteen clear days before the date fixed for the meeting.

(3) The Secretary shall, not less than ten clear days before the date fixed for the meeting, or in the case of a special meeting, with the notice of the meeting, issue a complete agenda paper showing the business to be brought before the meeting.

(4) A member who wishes to move an amendment to any motion included in the agenda paper, but not included in the preliminary agenda paper shall give notice thereof to the Secretary not less than three clear days before the date fixed for the meeting.

(5) The Secretary shall cause a list of all amendments of which notice has been given under sub-regulation (4) to be made available for the use of every member:

Provided that the president may, if the Council agrees, allow a motion to be moved at a meeting notwithstanding the fact that notice thereof was received late to admit of compliance with this regulation:

Provided further that nothing in the regulation shall operate to prevent the reference by the Executive Committee of any matter to the Council at a meeting following immediately or too soon after the meeting of the Executive Committee to permit of the notice required under this regulation.

#### 8. Admissibility of motion:

(1) The President shall disallow any motion—

(a) if the matter to which it relates, is not within the scope of the Council's functions;

(b) if it raises substantially the same question as a motion or amendment which has been moved or withdrawn with the leave of the Council at any time during the six months immediately preceding the date of the meeting at which it is designed to be moved:

Provided that such a motion may be admitted at a special meeting of the Council convened for the purpose on the requisition of not less than two – thirds of the members of the Council:

Provided further that nothing in these regulations shall operate to prohibit discussion of any matter referred to the Council by the Central Government in the exercise of any of its functions under the Act;

(c) unless it is clearly and precisely expressed and raises substantially one definite issue;

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

Provided that if a motion can be rendered admissible by amendment, the President may, in lieu of disallowing the motion, admit it in the amended form.

(2) When the President disallows a motion, the Secretary shall inform the concerned member stating the reasons for rejection thereof.

## **PART – II**

### **Conduct of Business at meetings of the Council**

#### **9. Presiding Officer:**

(1) Every meeting of the Council shall be presided over by the President, or if he is absent, by the Vice-President, or if both the President and the Vice-president are absent, by a Chairman to be elected by the members present from among themselves.

(2) All references in this part to the President shall be read as referring to the person for the time being presiding over a meeting.

#### **10. Quorum:**

The quorum for a meeting of the Council shall be one third of the effective membership of the Council on the date of such meeting.

11. Adjournment for want of quorum: If, at any time appointed for a meeting or during the course of any meeting, a quorum is not present, the meeting shall be adjourned, and if a quorum is not present, on the expiration of thirty minutes from such adjournment, the meeting shall stand adjourned to such future date and time as the President of the Council may appoint.

#### **12. Conduct of business:**

(1) Every matter raised by a member shall be determined on a motion moved by the member duly seconded and put to the Council by the President.

(2) When a motion has been moved and seconded and put to the Council by the President, it may be discussed as a question to be resolved either in the affirmative or in the negative or any member may, subject to sub-regulations (2) and (3) of regulation 15, move an amendment to the motion:

Provided that the President shall not allow an amendment to be moved which, if it had been a substantive motion, would have been inadmissible under sub-regulation (1) of regulation 8.

(3) Any motion or amendment standing in the name of a member who is absent from the meeting may be brought forward by another member with the permission of the President.

13. Amendment to Motions: When an amendment to any motion is moved and seconded or when two or more such amendments are moved and seconded, the President shall state or read to the Council the terms of the original motion and of the amendment or amendments proposed serially.

14. Identical Motions: When motions identical in purport stand in the name of two or more members, the President shall decide whose motion shall be moved and the other motion or motions shall thereupon be deemed to be withdrawn.

#### **15. Scope of Amendments:**

(1) An Amendment shall be relevant to, and within the scope of, the motion to which it is proposed.

(2) An amendment may not be moved that negates the original motion.

(3) The President may refuse to put to the Council an amendment which in his opinion is not relevant to the motion.

16. Form of Amendments: A motion may be amended by

(a) The omission, insertion or addition of words, or

(b) The substitution of words for any of the original words.

17. Debate:

(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, as proposed in regulation 13;

(b) a motion for the adjournment of the debate on the motion or amendment either to a specified date and hour or sine die:

(c) a motion for the closure, namely a motion that the question be now put;

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

Provided that no motion of the nature referred to in clauses (b), (c) and (d) shall be moved or seconded by a member who has already spoken to the question then before the meeting:

Provided further that a motion referred to in clauses (c) and (d) shall be moved without any speech.

(2) It shall be the discretion of the President to accept or refuse a proposal of the nature referred to in clause (b) of the sub-regulation (1).

(3) Upon accepting the closure motion, the President shall put the substantive motion or amendment to vote after allowing the mover the right to reply.

18. Withdrawal of motion: A motion or an amendment which has been moved and seconded shall not be withdrawn save with the leave of the Council which shall not be deemed to be granted, if any member dissents from the granting of leave.

19. Discussions by Members: When a motion has been moved and seconded, members other than the mover and the seconder may speak on the motion in such order as the President may direct: Provided that the seconder of a motion or of an amendment may, with the permission of the President, confine himself to seconding the motion or amendment, as the case may be, and speak thereon at any subsequent stage of the debate.



20. Right of reply of the Mover:- The mover of a motion and, if permitted by the President, the mover of any amendment, shall be entitled to a right of final reply and no other member shall speak more than once to any debate except with the permission of the president, for the purpose of making a personal explanation or of putting a question to the member then addressing the Council:

Provided that a member may at any stage of the debate may raise a point of law, or statutory incorporating therein a point of law, or statutory procedure, but shall not be allowed to make any speech:

Provided further that a member who has spoken on a motion may speak again on an amendment subsequently moved to the motion.

21. Voting on Motion: When any motion involving several points has been discussed, it shall be in the discretion of the President to divide the motion and put each or any point separately to vote as he may think fit.

22. Voting on amendment to Motion:

- (1) An amendment to a motion shall be put to vote.
- (2) If there are more amendments than one to a motion the President shall decide the order in which they shall be taken up.
- (3) Voting shall ordinarily be by show of hands, but it may be by ballots in case a demand to that effect is made by not less than three members:
- (4) The result of the votes shall be announced by the President.
- (5) In the event of equality of votes, the President shall have casting vote.

23. Adjournment of meetings:

- (1) The President may if he deems necessary at any time, adjourn any meeting to any future date or to any hour of the same day stating the reasons there for.
- (2) Whenever a meeting is adjourned to a future date, the Secretary shall send notice of the adjourned meeting to all the members.
- (3) When a meeting has been adjourned to a future date and the President changes it to any other date for compelling reasons, the Secretary shall communicate the said change to each member.
- (4) At a meeting adjourned to a future date any motion standing over from the previous day shall, unless the President otherwise directs, takes precedence over other matters on the agenda.
- (5) Either at the beginning of the meeting or after the conclusion of the debate on a motion during the meeting, the President or a member may suggest a change in the order of business on the agenda and if the Council agrees such a change shall take place.

(6) No matter which had not been on the agenda of the original meeting shall be discussed at an adjourned meeting.

(7) The same quorum shall be necessary for an adjourned meeting as for the ordinary meeting.

24. Points of Order: (1) The President shall decide all points of order or disputes which may arise in any meeting.

(2) If any question arises with reference to procedure in respect of a matter for which these regulations have no provision the President shall decide the same.

25. Authorized persons to attend General Body meetings: In the meetings of the General Body, no person other than the members, officers and employees of the Council shall be present except with the prior permission or special invitation of the President.

### **Part – III**

#### **Minutes of the Council**

26. Proceedings to be preserved: The proceedings of the meetings of the Council shall be preserved and shall be authenticated, after confirmation at the next meeting of the Council, by the Secretary and the President.

27. Circulation of Minutes: A copy of the minutes of each meeting shall be submitted by the Secretary to the President within ten days of the meeting and attested by him and they shall then be sent to each member within thirty days of the meeting.

28. Contents of Minutes: The minutes of each meeting shall contain such motions and amendments as have been moved and adopted or negatives, with the names of the mover and the seconder, but without any comment and without any record of observations made by any member at the meeting.

29. Objection to minutes, etc.:

(1) If any objection regarding the correctness of the minutes is received within thirty days of the dispatch of the minutes by the Secretary, such objection together with the minutes as recorded and attested shall be put before the next meeting of the Council for confirmation and at such meeting no question shall be raised except as to the correctness of the records of the meeting.

(2) If no objection regarding the correctness of the minutes is received within thirty days of the dispatch by the Secretary of the minutes, decision taken by the Council may, if expedient, be put into effect before the confirmation of the minutes at the next meeting:

Provided that the President may direct that action be taken on a decision of the Council before the expiry of the period of thirty days mentioned above.

30. Supply of Minutes: A copy of the minutes of the meetings of the Council shall be made available by the Secretary to each member of the Council. However, it could be made available to a non member or any other person/organization, upon a written requisition and payment of such fee as may be determined by the Council from time to time.

31. Record of Proceedings:

(1) A report shall be kept of the observations and of the discussions at the meetings of the Council in as accurate a manner as possible for the use of the Members of the Council.

(2) The detailed proceedings of the meetings which shall be treated as "Confidential" shall be kept in the office and shall be open to members for inspection.

#### **PART – IV**

Resignation and filling of Casual vacancies:

32. Resignation: A Member desiring to resign his seat on the council shall send his resignation in writing to the president and his resignation shall take effect from the date specified by him and in case no such date is mentioned, from the date of receipt of his letter.

33. Filling of casual vacancy: when a casual vacancy occurs by reason of death or resignation of a member, a report shall be made forthwith by the President to the Government of India who shall take steps to have the vacancy filled by nomination or election, as the case may be, by the authority or constituency by which the member whose death or resignation has caused the vacancy was nominated or elected for the remaining period.

#### **PART – V**

Powers and Duties of the President and Vice-President

34. Powers and duties of the President: The President shall subject to the provision of the Act, rules, regulations and Standing Orders of the Council do such acts as he considers necessary for the furtherance of the objectives for which the Council is established.

35. Powers and duties of the Vice President: If the office of the President is vacant or if the President for any reason is unable to exercise the powers or perform the duties of his office, the Vice-President shall act in his place and shall exercise the power and perform the duties of the President.

## PART – VI

### Executive Committee

36. Executive Committee: The members of the Executive Committee who may be elected by the Council under sub-section (1) of section 10 shall be elected by the members of the Council present and voting together, in the proportion of –

- (a) four members from amongst University representatives;
- (b) three members from amongst nominated members;
- (c) two members from amongst representatives, of registered graduates; and
- (d) one member of the Licentiates Group.

as provided in the Medical Council of India (Conduct of Elections to the posts of President, Vice-President, members of the Executive Committee and the elected members of the Postgraduate Medical Education Committee) Regulations, 1998.

37. President and Vice-President to be members of Executive Committee: The President and the Vice-President of the Council shall be member's ex-officio of the Executive Committee and shall be President and Vice-President respectively of that Committee.

### Filling up of vacancy on expiry of the term

38. Intimation of vacancies: The President shall ninety days before the expiry of the term of a member of the Council intimate the impending vacancy to the Central Government so that the new member may be nominated or elected to fill up the vacant seat from the date of which the vacancy is likely to occur.

39. Meetings of Executive Committee: The meetings of the Executive Committee shall be ordinarily governed by the regulations applicable to the meetings of the Council.

40. Quorum: Four members of the Executive Committee shall form a quorum.

41. Adjournment for want of quorum: If at the time appointed for a meeting a quorum is not present the meeting shall not commence until a quorum is present, and if a quorum is not present on the expiration of thirty minutes from the time appointed for the meeting or during the course of any meeting, the meeting shall stand adjourned to such future date and time as the President may appoint.

42. Chairman of a meeting: If both the President and Vice-President are absent, the members present shall elect one of the members to act as Chairperson.

43. Term of office of a member: The term of office of an elected member of the Executive Committee shall be two years or until the appointment of his successor, whichever is longer. A member shall be eligible for re-election.

44. Participation of a member other than a member of the Executive committee: The President may invite a member of the Council, not being a member of the Executive Committee to attend any meeting of the Executive Committee for any particular item of the agenda. Any member so invited shall be free to participate in the discussions, relating to that item but shall have no right to vote.

45. Sub-Committees: The Executive Committee may constitute such sub-committees as it may deem necessary in furtherance of discharge of its duties including examining of any matter referred by the Council.

46. Notice, etc. for meetings:

(1) Within four weeks before the meeting of the Council, the Executive Committee shall ordinarily meet and also at such other times and places as the President may determine.

(2) The Secretary shall, at least ten days before the date fixed for the meeting, dispatch the notice along with the agenda reflecting therein the business listed before the said meeting, to each member.

47. Inspectors report: The Executive Committee shall take into consideration the reports on the course of study, facilities for teaching and examinations submitted by Inspectors and shall thereupon prepare a report for consideration and approval of the Council.

48. Consideration of reports by Executive Committee: The Executive Committee shall consider and report to the Council on any subject referred to it by the Council or by the President and exercise such powers and perform such duties as are required by the rules, regulations and standing orders of the Council.

49. Minutes of meetings: A copy of the minutes of each meeting shall be drafted by the Secretary to be submitted to the President within ten days of the meeting for his counter signature upon which they shall be sent to each member of the Executive Committee within twenty days of the meeting. In case no corrections/suggestions are received from the members within fifteen days of the date of dispatch by the Secretary, the decision recorded therein shall be given effect to. The minutes shall be sent to the members of the Council after confirmation by the Executive Committee at its next meeting:

Provided that the President may, if necessary, direct that action be taken on a decision of the Executive committee before the expiry of the, said period of fifteen days mentioned above

## PART – VII

### COMMITTEES

#### 50. Committees:

- (1) A member may, at any time, without notice move that a committee of the Council be appointed or that the Council does resolve itself into a Committee.
- (2) On the Adoption of the motion referred to in sub-regulation (1), the Council shall appoint a Committee consisting of any number of its members or resolve itself into a committee for the consideration of any business.
- (3) A motion for the appointment of a committee shall define the functions of the Committee and the number of members to be appointed.
- (4) Any member may, without notice, move an amendment to such a motion proposing that the functions or the number of members of the Committee be enlarged or reduced.
- (5) If a motion for the appointment of a committee is adopted, the mover shall name the members to be appointed as members of the committee and any member may then move amendments proposing the addition of other names.
- (6) If the number of members proposed as members of the committee, does not exceed the total number of members to form the committee, the members so proposed shall be appointed as members of the Committee. If the number of members so proposed exceeds the total number of members to form the Committee, ballot shall be held and the requisite number of members who obtain the largest number of votes shall be appointed.
- (7) The President or the Executive Committee may constitute Committees to examine any matter related to the efficient functioning of the Council.

51. Quorum: The quorum for a committee shall be the same as provided for meetings of the Council.

#### 52. Chairman, etc. of Committees:

- (1) (a) The Chairman of a Committee of the whole Council shall be the same as for a meeting of the Council.
- (b) The Chairman of a Committee appointed by the Council shall be appointed by the Council at the time of the appointment of the Committee.
- (2) The proceedings of the committee shall be conducted in accordance with the regulations applicable to the meetings of the Council.

### 53. Resolutions by Committees:

(1) A resolution passed by a Committee of the whole Council shall be embodied in a report prepared by the Secretary and signed by the President and shall have no effect unless confirmed by the Council at a meeting.

(2) A resolution passed by a Committee appointed by the Council/Executive Committee/President, as the case may be, shall be embodied in the report prepared by the Secretary of the Committee and signed by the Chairman and other members of the Committee, inclusive of notes of dissent, if any, and shall then be presented to the Council, Executive Committee or President, as the case may be.

## PART – VIII

Registrar and other officers and powers and duties of Registrar and other Officers of the Council

### REGISTRAR

54 Registrar: A person appointed as Registrar shall retire from service on superannuation on the afternoon of the last date of the month in which he attains the age of sixty years. Extension of service shall not be given in any circumstances except with the approval of the Central Government.

### 55. Powers and duties of Registrar:

(1) The Registrar, who is ex-officio Secretary shall be the Principal Executive Officer of the Council.

(2) The Registrar shall be responsible for the safety of the property of the Council and the control and management of the office, accounts and correspondence and shall discharge all such duties as may be required of him by the Council for the purposes of the Act. As Secretary, he shall attend and take notes of the proceedings of the meetings of the Council, Executive Committee, Post Graduate Medical Education Committee and other Committees as may be appointed by the Council or any of its bodies.

(3) The Registrar shall, while functioning as Treasurer, exercise such powers and discharge such duties as may be laid down by the Council.

56. Duties of Whole-time Inspectors: The Whole-time Inspector shall perform the following duties, namely:

(i) carry out comprehensive inspection of the medical colleges, associated training institutions, hospitals and other teaching centres to ascertain that the standards or facilities provided therein in regard to staff, equipment and academic ambience and other teaching and training of undergraduate and Postgraduate courses including research, conforms to the standards laid down by the Council;

(ii) prepare an annual general review of medical education in the country from the annual reports received from all the medical colleges indicating there in the deficiencies observed, the improvement and progress made and also the adequacy of postgraduate teaching and research;

(iii) make suggestions for introduction of common assessment standards;

(iv) perform such other duties as may be entrusted to them by the council or by the President from time to time and shall be responsible to the Council in all matters pertaining to their duties.

57. Duties and tenure of officers and employees:

(1) Officers and the employees of the Council shall retire from service on superannuation on the afternoon of the last day of the month in which an officer or employee attains the age of sixty years. Extension of service shall not be given in any circumstances except with the approval of the Central Government.

(2) The Officers of the Council shall discharge such duties as may be assigned to them by the Registrar, President or Council from time to time under the overall supervision of the Registrar.

58. Disciplinary authority:

(1) The disciplinary jurisdiction/authority over the officers shall vest with the Executive Committee. The disciplinary jurisdiction/authority over the employees of the Council shall vest with the Registrar. The appellate jurisdiction/authority for officers and employees of the Council shall vest with the General Body of the Council.

(2) The Registrar, subject to the approval of the President –

(a) Shall appoint Group 'C' and 'D' staff against duly sanctioned posts;

(b) May engage such temporary personnel for a period not exceeding 89 days at one time, as may be required from time to time and pay the remuneration to them.

(3) The appointment made under sub-regulation (2) shall be reported to the Council.

## **PART – IX**

### **INSPECTION OF EXAMINATIONS**

59. Inspection of examinations, etc.:

(1) The inspection of examination, courses of study and institutions for medical education, under section 17 shall be carried out in accordance with the provisions of this regulation.

(2) It shall be the duty of the Registrar periodically to ascertain from the examining bodies and institutions the date and place of every such examination, which may be inspected by the Council.

(3) The Executive Committee shall appoint not less than three inspectors, to inspect such medical colleges/institutions.



(4) No person shall be appointed as an Inspector unless he has taught students in one or other of the subjects for the relevant public examination or in cognate subjects for five years and has acted as examiner at examinations on such subjects.

(5) Every Inspector shall receive from the President a formal Commission in writing under the seal of the Council. The said Commission shall specify the medical colleges, hospital and other institutions and the examination or examinations which he is required to inspect and shall inform him that he is to report thereon to the Executive Committee in accordance with these regulations.

(6) The Inspector shall comply with the following requirements, namely:

(a) to acquaint himself with such previous reports on the –

(i) facilities for teaching existing at the college, associated hospital or other institutions, wherein instructions are given to students; and

(ii) qualifying examination or examinations which he is appointed to inspect as the President may direct;

(iii) observations of the Universities; and

(iv) report of the Executive Committee thereon;

(v) recommendations of the council in regard to professional examination;

(vi) resolutions with regard to medical education:

Provided that the Registrar shall furnish him with a copy of these documents.

(b) (i) to attend personally every examination which he is required to inspect but not to interfere with the conduct thereof,

(ii) to inspect the medical colleges, hospitals and other institutions in regard to matters like the standard of staff, equipment, accommodation, training and other facilities for medical education.

(c) To report to the Executive Committee/Postgraduate Medical Education Committee jointly or separately in respect of his/their opinion about the standards of the examination attended by him and all teaching facilities available in the institutions in which the candidates were trained.

(d) To set forth in his reports in order all necessary particulars as to the questions proposed in the written, oral and practical parts of each examination attended by him, the cases and the appliances provided for clinical and practical examinations, the arrangements made for invigilation, the method and scales of marking the standard of knowledge shown by successful candidates and generally all such details as may be required for evaluating the scope and nature and standards of the examination.

(e) To inspect and set forth in his report information relating to and comments on teaching facilities, equipment, accommodation and staff existing at such colleges, hospitals and other institutions.

(f) To include in his report, in the form of a brief diary a record of the days and hours when he was present during the course of the examination inspected and to see for himself the teaching facilities provided and of the parts or division of each examination in progress on each day.

(g) To include also in his report a statement of the extent to which the recommendation of the Council in regard to professional examinations have been carried out in the cases of each examination inspected by him, and also to what extent the resolutions of the Council on professional education have been given effect to in the education of the students in the particular subject or subjects with which he is concerned in the inspection; and

(h) On receipt from the Registrar of a proof copy of any of his report, to compare such proof with the original and correct, sign, and return it to the Registrar for preservation, in the records of the Council, as the authorized copy of such report.

(7) Every report of the inspector shall be referred to the Executive Committee for its consideration and reporting to the Council.

(8) The report of the Inspector shall be confidential and shall be kept under the custody of the Registrar.

(9) A copy of the report of the inspector shall be forwarded to the University/institution concerned with the request that the university or institution shall promptly furnish to the Council such observations thereon as it may deem necessary maintaining the confidentiality thereof.

(10) A confidential copy of every report of an Inspector with the observations of the university/institution thereon shall be supplied to each member of the council, and shall be considered together with the report of the Executive committee thereon by the Council at its ensuing meeting.

(11) A copy of every report by an Inspector, with the observations of the University concerned, and the opinion of the Executive Committee thereon shall, after approval by the council be forwarded to the Central Government.

(12) No Inspector shall take part in the inspection of any examination in the University or Medical College in which he is a teaching or examiner.

(13) An Inspector may accept ordinary hospitality from, but may not accept hospitality of house and board from examiners or from any official or the University or Institution in which he is conducting an inspection.

## PART – X

### VISITORS APPOINTED BY THE COUNCIL

#### 60. Appointment of Visitor:

- (1) The Visitation shall be carried out in accordance with this regulation.
- (2) Subject to the provisions of sub-section (2) of section 18, a visitor may be either a member of the Council or some person who is or has been a teacher at a medical college affiliated to an Indian University for at least five years and shall have acted as examiner.
- (3) A visitor who is a member of the Council shall not receive any remuneration, but shall be paid travelling and other allowances according to the scale prescribed for members for attending the meetings of the Council and a visitor who is not a member of the Council shall be paid travelling and other allowances in accordance with the scale prescribed for the Inspectors.
- (4) Every visitor shall receive from the President a formal Commission in writing under the seal of the Council. The Commission shall specify the examination or examinations and the medical colleges, hospitals and other institutions where medical education is given which he is required to visit and shall inform him that he is to report thereon to visit and shall inform him that he is to report thereon to the President in accordance with these regulations and to conduct enquiries or make inspection regarding specific issues mentioned in the commission, in accordance with these regulations.
- (5) It shall be the duty of a visitor to:
  - (a) attend personally every examination which he is required to visit and to see for himself the teaching facilities provided;
  - (b) report to the President of the Council independently and separately on every examination visited by him;
  - (c) include in his report as he may deem 'relevant and desirable' a record of the days and hours when he was present during the course of each examination visited and of the parts or divisions of examinations in progress on each day and of the Medical Colleges, hospitals and other institutions which he visited;
  - (d) include also in his report a statement to the extent to which the recommendations of the Council in regard to professional examinations have been carried out in the case of each examination visited by him and also to what extent the recommendations of the council on professional education have been given effect to in the visitation, and also the facilities for teaching in regard to accommodation, staff, equipment, existing in the medical colleges and associated hospitals and other institutions visited by him;
  - (e) include in his report such other relevant observations as he may deem desirable;

(f) make such inspections and enquiries on behalf of the Council as he might think necessary so as to enable him to draw up a report to the President on the specific issues for which the visitation is made.

## **PART – XI**

### **INDIAN MEDICAL REGISTER**

#### **61. Indian Medical Register:**

(1) The Registrar shall maintain the Indian Medical Register and it shall bear the seal of the council.

(2) The Indian Medical Register shall also bear a preface which shall contain a covering page with the seal of the council, names of the State Medical Councils with whose Registers the Indian Medical Register has been compiled.

62. Intimation of Registration by State Medical Councils: All the State Medical Councils shall intimate to the Council as soon as a medical practitioner is fully registered with the respective State Medical Councils. All State Medical Councils shall also intimate to the Council immediately regarding any change in name or registration of Additional qualifications or address or removal of name, as envisaged under sub-section (1) of section 24, of a medical practitioner registered with the respective State Medical Councils as and when received.

63. Publication of supplements to Indian Medical Register: Supplements to the Indian Medical Register shall be published every year and the Indian Medical Register shall be revised and published every five years.

#### **64. Direct registration:**

(1) Application for direct registration with the Council, as envisaged under section 23, may be received in Form A, in duplicate, annexed to these regulations.

(2) A fee as fixed from time to time with the approval of the Central Government shall be chargeable as Registration fee.

(3) The following documents shall be sent along with the application:

(a) Copy of Degree or Diploma or Certificate from the Head of the Institution (Provisional Certificate).

(b) Certificate of Post-examination practical training.

(4) A Certificate in form B annexed to these regulations shall be issued by the Registrar under his seal, to all persons who are directly registered with the Council and a copy of the said certificate shall be forwarded to the State Medical Council concerned for inclusion of the name in the State Medical Register.

65. Provisional Registration: The names of provisionally registered medical practitioners should be borne on a separate list maintained for the purpose and they shall not be included in the State Medical Registers. In order to have a uniform procedure by all State Medical Councils with regard to the list of provisionally registered medical practitioners under section-25, the certificate for provisional registration should be issued in the following Performa:

Name of the Person:

Address:

Qualification:

Date of Year of passing Examination:

Name of College and University:

66. Registration of Additional Qualifications: Application for registration of additional qualification in the Indian Medical Register may be received direct by the Council in Form C annexed to these regulations. A fee as fixed from time to time with the approval of the Central Government may be charged for registration of additional qualification either in substitution for or in addition to any entry previously made. Copy of Degree/Diploma duly attested shall be sent along with the application.

67. Residuary Provision: Matters relating to the conditions of service of the Registrar and other employees of the Council with respect to which no express provision has been made in the regulations shall be as per the rules applicable to officers and employees of Central Government.