

HARYANA VIDHAN SABHA

REPORT

OF

THE COMMITTEE

ON

SUBORDINATE LEGISLATION
(TWENTY THIRD REPORT)
1991-92

(Presented to the Haryana Vidhan Sabha on the ~~25~~ ²⁵ March, 1992)



HARYANA VIDHAN SABHA SECRETARIAT, CHANDIGARH
• **March, 1992**

(iii)

COMPOSITION OF THE COMMITTEE

(1991-92)

Chairman

Mohammad Aslam Khan

Members

Shri Phool Chand Mullana

*Shri Rajinder Singh Bisla

Shri Ja1 Parkash

Shri Ram Bilas Sharma

Shri Suraj Bhan

Shri Ramesh Kumar

Advocate General

Secretariat

1. Shri Sumit Kumar, Secretary
2. Shri Janardhan Singh, Joint Secretary
3. Shri Data Ram, Research Officer

The Committee was constituted vide Haryana Vidhan Sabha Secretariat Notification No. HVS—LA(Sub-Leg)—1/1991-92/45, dated the 26th July, 1991.

*Shri Rajinder Singh Bisla, M.L.A., resigned from the Membership of the Committee with effect from the 16th January, 1992.

INTRODUCTION

I, the Chairman of the Committee on Subordinate Legislation having been authorised by the Committee to present the report on their behalf present this Twenty Third Report to the House

2 The Committee consisting of eight Members (including the Advocate General) was nominated by the Speaker, Haryana Vidhan Sabha under Rule 243 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly on the 25th July, 1991 and was notified in the Official Gazette vide Notification No HVS-LA(Sub-Leg)-1/1991-92/45, dated the 26th July, 1991

3 A brief record of the proceedings of each meeting of the Committee has been kept on record of the Haryana Vidhan Sabha Secretariat.

4. The Committee place on record their appreciation for the valuable and willing assistance given by the Commissioner and Secretary to Government Haryana, Health Department and Departmental Officers.

5. The Committee also place on record their high appreciation for whole hearted co-operation and assistance given by the Secretary, Officers and Staff of the Legislation Branch.

CHANDIGARH :
The 4th March, 1992.

MOHAMMAD ASLAM KHAN
CHAIRMAN

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REPORT

1. The Committee on Subordinate Legislation for the year 1991-92 consisting of eight members, including the Chairman and the Advocate General was nominated by the Speaker, Haryana Vidhan Sabha under Rule 243 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly on the 25th July, 1991 and was notified in the Official Gazette—Vide Notification No. HVS—LA(Sub-Leg)—1/1991-92/45, dated the 26th July, 1991.

2. Shri Mohammad Aslam Khan was appointed as the Chairman of the Committee by the Speaker.

3. The Committee held 31 sittings till the presentation of this Report. Before scrutinising the rules framed under section 24 of the Punjab Medical Registration Act, 1916, the Committee discussed its scope and functions and the procedure for scrutinizing the Rules, Regulations, Order etc. Committee also orally examined the representatives of the Health Department of the State Government.

SCOPE AND FUNCTIONS OF THE COMMITTEE

The scope and functions of the Committee are set down in rules 242, 250 and 251 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly. Rule 242 enjoins upon the Committee "to scrutinise and report to the House whether powers to make regulations, rules, sub-rules, bye-laws, etc., conferred by the Constitution or delegated by legislature are being properly exercised within such delegation and consider such other matters as may be referred to it by the Speaker". Further rule 250 of the said Rules lays down that while examining any such set of rules, bye-laws, etc., the Committee shall, in particular consider :—

- (i) whether it is in accord with the general objects of the Constitution or the Act pursuant to which it is made ;
- (ii) whether it contains matters, which in the opinion of the Committee should more properly be dealt within an Act of the Legislature ;
- (iii) whether it contains imposition of any tax ;
- (iv) whether it directly or indirectly bars the jurisdiction of the courts ;
- (v) whether it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power ;
- (vi) whether it involves expenditure from the Consolidated Fund of the State or the Public Revenues ;
- (vii) whether it appears to make some unusual or unexpected use

of the powers conferred by the Constitution or the Act pursuant to which it is made ;

(viii) whether there appears to have been unjustifiable delay in the publication or laying it before Legislature; and

(ix) whether for any reason its form or purport calls for any elucidation.

Rules 251 lays down as follows—

1. If the Committee is of opinion that any order should be annulled wholly or in part or should be amended in any respect, it shall report that opinion and the grounds thereof to the House.
2. If the Committee is of opinion that any other matter relating to any order should be brought to the notice of the House, it may report that opinion and matter to the House.

In short, the functions of the Committee are to see if the rules framed by the Executive are within the scope of the delegation made under the Act and do not go beyond the scope of such delegation. If the Committee finds that any rules is beyond the scope of the powers delegated under the Act by the Legislature, the Committee can recommend that the rule be suitably amended or omitted

There are certain rules which are required by the statute to be laid before the Legislature. But, the Committee is competent to examine all the Rules, Regulations etc., framed by the Government under various Acts irrespective of the fact whether these have been laid on the Table of the House or not.

The Committee is competent to send for persons, papers or records if such a course is considered necessary for the discharge of its duties. In this connection attention is invited to rule 248 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly, which reads as under :—

“248. (1) The Committee on Subordinate Legislation shall have power to require the attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties :

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Speaker, whose decision shall be final :

Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

(2) A witness may be summoned by an order signed by the Secretary and shall produce such documents as are required for the use of Committee.

(3) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

(4) No document submitted to the Committee shall be withdrawn or altered without the knowledge and approval of the Committee."

The Committee has framed the working rules wherein the detailed procedure has been laid down. Generally the Committee from time to time select set of rules framed under the various Acts for their scrutiny and examine these at the first instance at their own level with the assistance of the Law Department and the Vidhan Sabha Secretariat. The Committee then invites the Administrative Secretary concerned for oral examination to explain the discrepancies found in the various rules/orders. After the rules/orders and the departmental representatives have been examined the Committee prepares the report and presents it to the House.

Some of the Parliamentary conventions established in connection with the scrutiny of Rules, Regulations, Bye-laws etc., are given below :—

1. The Committee would scrutinise only such rules as have already been framed and published in the Gazette and not the draft rules.

2. The Committee should see that rules are framed under an Act as early as possible after the enactment of the Act and in no case this period should exceed six months. If the Rules are not framed within six months, the Committee may ask the Department about the reasons for the delay in framing the rules. This is only by convention.

3. Executive should ensure that no rule goes beyond the power delegated by legislature. If the rules go beyond the power delegated by legislature, the Committee may examine the same and report to the House.

4. The Executive should be impressed upon that whenever rules are framed or amendments are made in the existing rules, these should be serially and centrally numbered and should indicate in the margin of each rule the reference of the section under which the rules are framed.

However, some of the broad principles established by the Committee for the guidance of the Executive are given below :—

- (i) As far as possible, guidelines criteria to be followed by the authority concerned for the exercise of discretionary power vested in it should be laid down in the rules
- (ii) In cases where the authority concerned deviates from a norm it should be required to record in writing the reasons for such deviation.
- (iii) Before any adverse action is taken against a party, it should be given a reasonable opportunity of being heard; and after a

decision adversely affecting a party has been taken it should have the right of appeal or representation, as the case may be.

- (iv) In order that the persons similarly placed are not treated differently, the powers of exemption/relaxation should be exerciseable in respect of categories or classes of persons, as contra distinguished from individuals.
- (v) In cases where an authority concerned is vested with the power to suspend a license or supplies, pending institution of regular proceedings, a maximum time-limit for suspension should be laid down in the rules.
- (vi) The provisions of rules which may make a citizen liable to a penalty should be well-defined and not worded vaguely.
- (vii) In case of seizures and searches, suitable safeguards like the presence of witness, preparation of inventories of seized goods and giving a copy thereof to the persons concerned should be provided.
- (viii) In case of rules relating to disciplinary proceedings not only the punishing powers of the competent authority should be precisely defined but the procedure to be followed by the competent authority be also laid down in the rules.
- (ix) Statutory rules should be amended by statutory rules only and not by executive orders.
- (x) The rules made in exercise of powers delegated under statute are precise and free from ambiguity instead of being cryptic, sketchy or skeleton or needing further interpretation. It should be in simple language so that different people cannot put different interpretations. For example, expressions like 'unreasonably, large quantity', 'reasonable interval' or 'frequent intervals' etc., should be avoided.

GENERAL OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

1. Delay in framing the Rules

The Committee reiterates the recommendations made in its previous twenty two Reports and observes that ordinarily Rules should be framed as early as possible after the enactment of an Act and in no case the period should exceed six months. If no rules are framed within the said period after the enactment of the Act, the Department concerned should bring in each case this fact to the notice of the Committee stating the reasons to the satisfaction of the Committee for not framing the rules within that period.

The Committee further recommends that whenever an Ordinance is promulgated, the rules should be prepared simultaneously so that there should not be wide gap between the Ordinance/Act and the Rules.

2. Reference of Section under which Rules are framed

The main function of the Committee on Subordinate Legislation is to scrutinise and report to the House whether the powers to make regulations, rules etc., conferred by the Constitution or delegated by Legislature are being properly exercised by the Executive within the delegation. The Committee observes that the Government Departments generally supply the copies of rules without the preamble or note above the rules with the result that it becomes rather difficult for Committee to know under what precise authority the rules have been framed. The Committee further observes that reference of the section under which each rule or order was framed is not indicated generally in the margin of each rule. The Committee is of the view that giving of reference of the section under which each rule has been framed in the margin of each rule is essential to enable the Committee and all concerned to know under what precise authority each rule has been framed.

The Committee reiterates the recommendations made in its earlier Reports that whenever rules are supplied to it the authority or the relevant section under which a particular rule or set of rules has/have been framed should also be mentioned in the margin of each rule.

If in the margin of each set of rules there is no reference of the section (s) under which each rule has been framed Government Departments may invariably supply a memorandum containing the reference to the relevant section of the Act under which each rule has been framed so that the Committee may be able to understand under what precise authority each rule has been framed and whether in any case the Government has transgressed the powers delegated by the Legislature.

The Committee further recommends that whenever several amendments are made in a set of rules the same may be republished after incorporating all the amendments made from time to time. This recommendation of the Committee should be observed meticulously.

3. (i) Supply of printed and up-to-date corrected copies of the Rules

The Committee observed that certain Departments supplied cyclostyled copies of the rules for its scrutiny. During the scrutiny of the rules the Committee came across a large number of typographical/spelling mistakes in those copies, with the result that it was difficult for it to determine whether the errors were typographical or they actually existed in the rules, as originally published in the Gazette. The Committee, therefore, recommends that copies of the rules to be supplied to it by the Department should be in the printed form or in the form of Gazette in which they are published if, however, it is not possible for the Department to do so, it should be ensured that the copies of the rules, orders etc. are up-to-date, meticulously compared and duly corrected before supplying these to the Committee to save its valuable time in pointing out such mistakes.

The Committee further recommends that it is the duty of the Department concerned to see that the rules supplied to the Committee

are amended up-to-date and ensure that the suggestions/recommendations/observations made by the Committee from time to time and agreed to by the concerned Department are implemented by the Department and incorporated in the rules.

The Committee further recommends that whenever any Act is amended, it should be looked that the relevant rules and forms are also amended so as to bring them in consonance with the change in the Act.

(ii) Footnote in the Act and Rules

It came to notice of the Committee that some times it is laid down in the Act and Rules that such Act and Rules shall come into force on such date as may be specified in the notification by the State Government. The Committee is of the view that in such circumstances the date of commencement of the Act and Rules should invariably be given in the footnote so that legislators in particular and the public in general may come to know as to from which date the Act and Rules had come into force.

The Committee further recommends that whenever any amendment is made in an Act or Rules framed thereunder, it should also invariably be stated in the footnote the reference of the Act or Rules by which amendment has been made.

4. Publishing the Acts and Rules in Hindi

The Committee observes that at present Acts and Rules are available in English language only. The Regional language of the State as well as National Language is Hindi. Under the Haryana Official Language Act, 1969 at present, whenever any Bill is introduced in the State Legislature, its authenticated Hindi translated version is also supplied to the Members. The Committee reiterates its earlier recommendation and recommends that all the Acts and Rules be translated into Hindi and made available to the legislators in particular and the public in general so that everybody may be able to know the law of the land.

5. Laying of Rules on the Table of the House

The Committee has observed that a majority of the Acts contain provisions requiring the Government merely to publish the Rules framed thereunder in the Official Gazette. There is no provision for laying the same on the Table of the House, with the result that the House can exercise no direct check over them. The Committee is of the view that there should be uniformity in the provisions of the Acts, delegating legislative powers and recommends that in future all the Acts, enacted by the State Legislature whether falling in the State List or Concurrent List of Seventh Schedule of the Constitution of India, which contain provisions for making rules, should also invariably lay down provisions for laying of rules on the Table of the House as soon as possible.

6. Delay in laying Rules on the Table of the House

The Committee recommends that where the rules, orders etc., are required to be laid on the Table of the House/before the State Legis-

future under any statute, the same should be laid on the Table of the House as early as possible immediately following such publication in the Gazette, so that the House may statutorily modify or annul such rules. If such rules are published, while the Assembly is in Session, the rules should be laid on the Table of the House during that Session.

The Committee also recommends that in future each Government Department concerned should invariably forward with each set of "Orders" such as rules, regulations, byelaws, etc., the following Statement of "Orders" in respect of which there has been delay in framing the orders and laying them on the Table for the information of the Committee :—

Statement of 'Orders' such as rules, orders, regulations, etc., in respect of which there has been delay in framing the "Orders" and laying them on the Table —

Sr. No	Name of order	Description of "Order"	Date of publication in the Gazette	Date of laying on the Table	Approximate delay and reasons of delay, if any	Department concerned
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7. Implementation of recommendations of the Committee

The Committee observes with great regret that the work regarding the implementation of recommendations/observations is very slow. The Committee, which works on behalf of the House, felt that the object with which it was constituted would be defeated if its recommendations are either not implemented at all or are implemented after a long time.

The Committee, therefore, recommends, that the action on the outstanding recommendations and observations contained in its earlier reports should be given top priority and expedited. The Committee also recommends that when a recommendation is implemented by the Government, the Department concerned should supply a copy of the notification containing the amendment in the rules alongwith the statement showing the action taken by the Government in the implementation of its recommendations/observations.

8. Availability of Copies of Acts and Rules to Public

The Committee is of the view that copies of all the Acts and Rules framed thereunder, as amended up-to-date, are generally not available in the Government Press for the use of the Public. The Committee, therefore, recommends that copies of all the Acts and Rules made thereunder should be kept up-to-date in the Press for sale to the Public.

**SCRUTINY OF THE PUNJAB MEDICAL REGISTRATION RULES
FRAMED UNDER SECTION 24 OF THE PUNJAB MEDICAL
REGISTRATION ACT, 1916**

The Committee scrutinized the Punjab Medical Registration Rules framed under section 24 of the Punjab Medical Registration Act, 1916 and made the following observations/recommendations thereon :—

General

While scrutinizing the Punjab Medical Registration Rules framed under section 24 of the Punjab Medical Registration Act, 1916, the Committee came across a large number of typographical mistakes in the cyclostyled copies of the Rules supplied to the Committee which had resulted in unnecessary wastage of valuable time of the Committee in pointing out the spelling mistakes etc. Therefore, the Committee recommends that the Rules be got re-printed after implementing the recommendations/observations made by the Committee.

The Committee further recommends that the word "Punjab" where-ever it occurs in these Rules may be substituted by the word "Haryana".

Rule—4.

"4 Each page of the register shall be varified by the Registrar's signature".

The Committee recommends that Rule 4, be recast as under —

"The Registrar shall record a certificate on the first page of the Register stating that the register contains pages 1 to—and each page of the register shall be verified and signed by the Registrar".

Rule—5.

"5 The Registrar shall in every year, on or before a date to be fixed in this behalf by the Council cause to be printed and published in Form No 11 appended to these rules, the list to be known as the Punjab Annual Medical List setting forth :—

- (a) all names for the time being entered in the Punjab medical Register, arranged in alphabetical order,
- (b) the registered address or appointed of each person whose name is entered in the register;
- (c) the registered titles and qualifications of each person, and the date on which each such title was granted or each such qualification was certified; and
- (d) a district-wise index of registered medical practitioners."

The Committee recommends that in line 3 of Rule 5 between the words 'Published' and 'in', the words 'in official gazette' be inserted.

The Committee further recommends that in line 2 of Rule 5(a) between the 'sign ;' and the word 'arranged' the words 'and should be' be inserted and sign ';' be deleted.

The Committee also recommends that Rule 5(b) be recast as under :—

"The registered address as given in the application form be entered in the register." 6

Rule—6.

"6. Every person other than a person registered under the British Medical Acts or a person already registered under any Medical Registration Act in force in any other Province in India applying for registration under the Act, shall pay a fee of (Rupees. 20) which shall accompany the application for registration.

6.A Every registered practitioner who applies to the Registrar for a duplicate copy of his registration certificate shall pay a registration fee of Rs. 3 (including cost of stamp affixed on Registration Certificate)".

The Committee recommends that Rule 6 be recast as under :— 7

"Every person will be registered under Indian Medical Registration Act, 1956 and amended from time to time shall pay a fee of Rs. 200 (Rupees two hundred only) which shall accompany the application form for registration."

The Committee further recommends that in Rule 6-A, the fee of Rupees three for obtaining a duplicate copy be enhanced to Rupees 10. 2

Rule—7.

"7. Every registered practitioner who applies to the Registrar in respect of any additional qualification obtained subsequent to registration or for any alteration shall under the Act pay a fee of Rupees 5 for each addition or alteration unless the Additional qualification has already been registered under any Medical Registration Act in force in any other Province in India

7-A The Registrar is empowered to erase from the Register with the written approval of the President the name of any registered person with whom he is unable to establish communication provided that any name so erased may be re-entered in the Register by direction of the Medical Council upon payment of a fee of Rupees 10".

The Committee recommends that in line 3 of Rule 7, for the figure 'Rupees 5', the figure 'Rupees 10' be substituted. 9

The Committee also recommends that in line 4 of Rule 7 for the word 'Additional', the word 'additional' be substituted.

The Committee further recommends that in line 6 for the word 'Province' the words 'State or U.T.' be substituted.

✓ 7-A, for the figure 'Rupees 10', the figure 'Rupees 20', be substituted.

Rule—8.

"8. The Registrar shall receive all fees payable under the Act and shall credit them to the account of the Council in the Imperial Bank of India."

7 The Committee recommends that in lines 2 and 3 of Rule 8 for the words 'Imperial Bank of India', the following be substituted :—

"State Bank of India or any Scheduled Bank".

Rule—9.

"9. Definition.—

(a) to (c) * * * * *

(d) "the President" means the President of the Punjab Medical Council Conci

(e) * * * * *

14 The Committee recommends that in rule 9(d) the word 'Council', be. deleted being superfluous.

Rule—10.

"10. The Registrar shall maintain a list in Form I appended in the rules, containing the names of members elected on the Punjab Medical Council. The electorates they represent the date of election of each such member, the term of his office and date of retirement resignation, death of removal of each such member. The list shall also contain similar particular in regard to the members nominated by Government. The Registrar shall keep the list always up-to-date to that it may show at glance when the election or nomination, as the case may be, is to be made."

15 The Committee recommends that in line 5 of Rule 10 between the words 'death' and 'removal' for the word 'of' the word 'or' be substituted.

The Committee further recommends that in line 4 of Rule 10, after the word 'retirement' the sign ',' be added. 16

Rule—12.

"12. If a vacancy occurs in the office of a member of term of Council previous to the expiry of his term of office through resignation, death, removal of disability of such member or otherwise, the Registrar, shall make a report in writing regarding the vacancy to the President if the vacancy be in respect of an elected member and to Government through the President in case the vacancy be in respect of a nominated member." 17

The Committee recommends that in line 3 of Rule 12 between the words 'removal' and 'disability', for the word 'of', the word 'or' be substituted.

Rule—13.

"13. A vacancy occurring in any manner whatsoever in relation to an elected member shall be filled by election in the manner herein after provided.

The State Government shall appoint any person as a Returning Officer :—

- (i) in the case of a vacancy to arise as a result of the expiry of the term of any member, not later than 60 days before the expiry of such term; and
- (ii) in the case of vacancy occurring as a result of death, resignation or removal as soon after such death; resignation or removal as may be convenient and issue a notification in the official Gazette of the coming election, for the information of the electorate and requiring the election of the member by a date specified therein;"

The Committee recommends that in line 1, of Rule 13, the expression "any person" is vague one. The Committee, therefore, recommends that it may be substituted by the words "Registrar or Deputy Registrar". 18

The Committee further recommends that in line 1 of Rule 13(i) for the words 'to arise', the word 'occurs' be substituted. 19

The Committee also recommends that sub-rule (ii) of Rule 13 be recast as under :— 20

"In case a vacancy occurs as a result of death, resignation or removal, as soon as possible after such death, resignation or removal, the Registrar shall issue a notification in the Official Gazette for the information of the electorates specifying the date of election etc. for filling up the vacancy."

Rule—14.

"14. The following procedure shall be adopted for the filling of vacancies by election :—

(1) The Electoral Roll shall be prepared by the Registrar, in Form II appended to these rules, It shall contain the name, qualifications and address of every person qualified, to vote for the election of a member to fill up the vacancy or vacancies.

(2) Candidates qualified for being elected shall be proposed and seconded by persons qualified as electors in Form III appended to these rules. No elector shall propose, or second the nomination of more person than are required to fill up the vacancy or vacancies. If more nomination than are required to fill up the vacancy or vacancies be subscribed by the same elector all nominations subscribed by him shall be held to be void.

(3) The Candidate shall sign the nomination papers declaring that he is willing to serve on the Council, if elected. In the absence of such declaration the nomination shall be treated as invalid.

(4) and (5)

* * * * *

* * * * *

(6) If in case of any election the number of candidates duly nominated does not exceed the number required to fill up the vacancy or vacancies, the Returning Officer shall forthwith declare all such candidate to be elected.

(7) If in case of any such election more candidates than are necessary to fill up the vacancy or vacancies are nominated, the Returning Officer, after scrutiny of the nomination papers shall forthwith publish their names and addresses in the Punjab Government Gazette and shall further cause their names to be entered in ballot paper in Form IV appended to these rules.

(8) Twenty one days before such date, as may be appointed by, the Returning Officer in this behalf, the Returning Officer shall send by post and under certificate of posting to each elector a ballot paper in Form IV appended to these rules, signed by the Returning Officer.

(9) Before such date, as may be appointed by the Returning Officer in this behalf, every elector, desirous of voting; shall send by registered post his ballot paper to the Returning Officer after recording his vote or votes and affixing his signatures thereon in the manner prescribed therein. Provided that any ballot-paper which is not received by the Returning Officer before 12 noon on the date preceding the date fixed for the counting of votes or which does not in any way confirm to these rules shall be rejected.

(10) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appended in this behalf. Any candidate may also be present either in person or an accredited representative at the counting of votes.

(11) * * * * *
 * * * * *

(12) When an equality of votes is found to exist between any candidates and the addition of the vote will entitle any one or more of the candidates to be declared elected, the determination of the person or persons to whom such additional vote shall be deemed to have been given shall be made by lot, to be drawn by the Returning Officer in the presence of the candidates or their representatives who may be present at the time of the counting of votes.

(13) * * * * *
 * * * * *

(14) The Returning Officer shall notify in the Punjab Government Gazette and in such other manner as the Council may deem fit the date, time and place fixed for each of the following proceedings :—

- (i) The date fixed for the receipt of nomination paper.
- (ii) The date fixed for the withdrawal of the nomination.
- (iii) The date fixed for the issue of the voting papers by the Returning Officer.
- (iv) The date fixed for the receipt of the Ballot Papers by the Returning Officer.
- (v) the date fixed for the counting of the ballot papers.”.

The Committee recommends that in line 2 of Rule 14(1), the sign ‘,’ between the words rules and ‘it’ be substituted by the sign ‘.’.

The Committee further recommends that in line 4 of Rule 14(1) between the words “person qualified” and “to vote” the words “under the Indian Medical Council Act, 1956” be inserted.

The Committee recommends that in the end of Rule 14(1), the words ‘as the case may be’ be added. and the sign (.) after the word ‘vacancies’ be deleted.

The Committee recommends that in line 4 in rule 14(2) for the word ‘person’, the word ‘persons’ be substituted.

The Committee recommends that last sentence of Rule 14(2) be recast as under :—

“A nomination paper shall be declared invalid if a proposer or a seconder has signed nomination papers of more candidates than the number of vacancies.”

The Committee recommends that the sign and words 'if elected' appearing in line 2 of Rule 14(3) be deleted being superfluous.

The Committee recommends that the word "candidate" appearing in last line of Rule 14(6) be substituted by the word "candidates".

The Committee recommends that Rule 14(7) be recast as under :—

"The Returning Officer after scrutiny of the nomination papers shall forthwith publish the names of validly nominated candidates and their addresses in the Haryana Govt. Gazette. In case the number of candidates after withdrawal exceed the number of vacancy or vacancies to be filled up, the Returning Officer shall forthwith publish the names of the contesting candidates alongwith their addresses in the Haryana Govt. Gazette and shall further get their names printed in Ballot paper in form IV appended to these rules."

The Committee recommends that in line 3 of Rule 14(8) the words "by post and under certificate of posting" be substituted by the words "by registered post."

The Committee recommends that proviso to Rule 14(9) be deleted and the time for receipt of Ballot Papers be prescribed in sub-rule (14) of Rule 14.

The Committee recommends that in Rule 14(10), in line 3, for the word "appended" the word "fixed" be substituted and in line 4, between the words "or" and "an" the word "through" be inserted.

The Committee recommends that in the last line of Rule 14(10) between the words "the" and "Counting" the words "time of" be inserted.

The Committee recommends that in line 1 of Rule 14(12) the words "to exist" be deleted being superfluous.

The Committee also recommends that in line 2 of Rule 14(12) the words "the addition of the vote" be substituted by the words "an additional vote".

The Committee further recommends that in line 6 of Rule 14(12) between the words "their" and "representatives" the word "accredited" be inserted.

The Committee recommends that in Rule 14(14) (i) to (iii) and (v) between the words "date" and "fixed" the sign and words, "time and place" be inserted.

37 The Committee recommends that in Rule 14(14) (iv) between the words "date" and "fixed" the words "and time" be inserted and "The time of receipt of ballot papers will be upto 3.00 P.M." be added in the end of sub-rule (14) (iv) of Rule 14.

Rule—15.

"15. The State Government may, of its own motion, or on an objection made before it, declare any election that has been held to be void on account of corrupt practice or any sufficient cause and may call upon the electorate to make a fresh election.

The decision of the State Government under this Rule shall be final."

The Committee recommends that in line 2 of Rule 15, between the sign "," and the word "declare" the words "within six months after declaration of the election" be inserted. 38

Rule—16.

"16 If any question arises as to the intention, construction or application of any of these rules, which in the opinion of the Returning Officer, should be referred to the State Government the Returning Officer shall refer such question to the State Government whose decision thereon shall be final."

The Committee recommends that in line 1 of Rule 16 the word "construction" be deleted being superfluous. The sign ',' between the words 'intention and 'construction' be deleted. 39

Rule—17.

"17. After the declaration of the election of any member, and when the President himself is not the Returning Officer, after the receipt by him of notice of such election from the Returning Officer the President shall publish the notice of the election in the Punjab Government Gazette and send a copy of the State Government."

The Committee recommends that in line 5 of Rule 17 the word "of" be substituted by the word "to". 40

Rule—18.

"18. (1) No election of a Vice-President of the Council shall be held at a meeting unless not less than fourteen days notice of the holding of such meeting has been given to all members of the Council by delivery at their ordinary place of resident of a notice, which shall specify that such election is to take place at the meeting in question.

(2) A candidate for election to the office of Vice-President shall be nominated by a proposer and a seconder who shall be members of the council present at the meeting.

(3) The person elected shall assume office from the date of election.

18.A. *Ballot to be taken*-Voting for the office of Vice-President shall be by ballot, and if only one candidate for the office is proposed, the members, present shall be required to vote by writing "Yes" or

"No" on the ballot paper, and if a majority of votes is not in the affirmative, the election shall be postponed to the next meeting of the Council when a further ballot shall be taken in respect of such candidates as many of them be proposed, and the Chairman of the meeting shall not have a casting vote.

18.B. Method of electing Vice-President when the office of Vice-President of the Council has to be filled :—

- (a) If one candidate obtains more votes than any other then such candidate shall be deemed to be elected;
- (b) If two or more candidates obtain an equal number of votes, the Chairman of the meeting shall decide between the candidates by drawing lots, in the presence of all the members of the Council who may attend, after due notice to be present for the purpose."

41 The Committee recommends that Rule 18(1) be recast as under :—

"No election of a Vice-President of the Council shall be held at a meeting unless not less than fourteen days notice of holding such meeting has been given to all members of the Council at their ordinary place of residence, which shall specify the date, time and place of such meeting."

The Committee further recommends that Rule 18(2) be recast as under :—

42 "A candidate for election to the office of Vice-President shall be proposed by a member and seconded by another member of the Council who shall be present at the meeting."

43 The Committee also recommends that Rules 18(A) and 18(B) be amalgamated and be recast as under :—

"18 (A). *Method of electing Vice-President*—Voting for the office of Vice-President shall be by ballot, and if only one candidate is proposed, he shall be deemed to have been elected as Vice-President. If more than one candidate is proposed, then the members present shall be required to vote by writing 'Yes' or 'No' on the ballot paper, and the member securing majority of votes shall be deemed to have been elected and if two or more candidates obtain an equal number of votes, then the Chairman of the meeting shall decide between the candidates by drawing lots, in the presence of the members attending the meeting."

Rule—20.

"20. Where the information in question is in the nature of complaint by a person or body charging the practitioner with infamous conduct in a professional respect, such complaint shall be made in writing addressed to the Registrar and shall state the grounds of complaint and shall be accompanied by one or more declaration as to the facts of the case."

The Committee recommends that in line 5 of Rule 20 for the words "one or more" the word "a" be substituted. 44

Rule—21.

"21. Every declaration must state description and true place of abode of the declarant and where the fact stated in a declaration is not within the personal knowledge of the declarant, the source of the information and grounds for the belief of the declarant in its truth must be accurately and fully stated."

The Committee recommends that for the words "description and true place of abode" appearing in lines 1-2 in Rule 21, the words "substantially the place of residence" be substituted. 45

Rule—22.

"22. (1) The abstract and where a complaint has been lodged, the complaint and all other documents bearing on the case, shall be submitted by the Registrar to the President, who shall if he thinks fit, instruct the Registrar to ask the practitioner by means of a registered letter for any explanation he may have offer. The documents, including any explanation forwarded by the practitioner to the Registrar, shall then be referred to a committee appointed by the Council who shall consider the same and shall have power to cause further investigations to be made and further evidence to be taken and to refer, if necessary, to a legal practitioner for advice and assistance, and to instruct him to take the opinion of the counsel and other wise to obtain such advice and assistance, as it shall think fit.

(2)	*	*	*	*	*
	*	*	*	*	*

The Committee recommends that in line 2, of Rule 22(1), between the words "document" and "bearing", the word "having" be inserted.

The Committee also recommends that in line 4, 5 of Rule 22(1), between the words "Registered letter" and "for", the words "with A.D." be inserted.

The Committee further recommends that in line 5, of Rule 22(1), between the words "have" and "offer", the word "to" be inserted. 48

Rule—23.

"23. The inquiry shall be instituted by the issue of a notice in writing on behalf of the Council, by the Registrar addressed to the practitioner, such notice shall specify the nature and particulars of the charges and shall inform the practitioner of the day on which the Council intends to deal with the case and shall call upon him to answer the charge in writing and to attend before the Council on that day."

The Committee recommends that in line 1, of rule 23 for the words "the issue" the word "issuance" be substituted. 49

5 The Committee further recommends that in line 4, of Rule 23, between the words "day" and "on", the word "and" be inserted.

51 The Committee also recommends that in line 5, of Rule 23, for the word "answer" the word "reply" and for the word "attend" the word "appear" be substituted.

Rule—25.

"25. In every case in which the Council resolves that an inquiry shall be instituted and a notice for an inquiry is issued accordingly, the complainant (if any), and the medical practitioner charged shall upon request in writing for that purpose signed by him or his legal practitioner, be entitled to be supplied by the Registrar with a copy of any declaration, explanation, answer or other document given or sent to the Council by or on behalf of the other party, which such other party will be entitled on proper proof to use at the hearing as evidence in support of or in answer to the charge specified in the notice of inquiry".

57 The Committee recommends that in line 6 and 9, of Rule 25 for the word "answer" the word "reply" be substituted.

Rule—26.

"26. Any answer, evidence or statement forwarded or application, made by the medical practitioner between the date of issue of the notice and the day named for hearing of the charge shall be dealt with the President in such manner as he shall think fit."

The Committee recommends that in line 1 of Rule 26, the word "answer" be substituted by the word "reply."

The Committee further recommends that in lines 1 and 2 of Rule 26, after the word "application" the sign "," be deleted.

55 The Committee also recommends that in line 4 of Rule 26, between the words "with" and "the" the word "by" be inserted.

Rule—27.

"27. All material documents which are to be laid before the Council as evidence in regard to the case shall be printed and a copy shall be furnished to each member of the Council before the hearing of case."

56 The Committee recommends, that the Rule 27 be recast as under :—

"A copy each of the material documents which are to be placed before the Council as an evidence in regard to the case shall be made available to each member of the Council well in advance of the hearing of the case."

Rule—28.

"28. At the hearing of the case by the council the complainant and also the practitioner may be represented or assisted by a legal practitioner."

The Committee recommends that in line 2 of Rule 28, between the words "may" and "be" the words "appear personally or" be inserted. 57

Rule—29.

"29. Where a complainant appears personally or by legal practitioner the order of procedure shall be as follows :—

(1) The Registrar will read to the Council the notice of the inquiry addressed to the medical practitioner.

(2) The complainant will then be invited to state his case by himself or by his legal representative and to produce his proofs in support of it. At the conclusion of the complainant's proofs his case will be closed.

(3) The practitioner will then be invited to state his case by himself or by his legal representative and to produce his proof in support of it. He may address the Council either before or at the conclusion of his proofs, but only once.

(4) * * * * *
 * * * * *

(5) Where a witness is produced by any party before the Council he will be first examined by the party producing him, and then cross-examined by the adverse party, and then re-examined by the party producing him. The Council may decline to admit in evidence any declaration where the declarant is not present for, or declined to submit to cross-examination.

(6) The President may put questions to any witness and members of the Council through the President, may also put questions to any witness".

The Committee recommends that Rule 29(1) be recast as under :—58

"The Registrar shall read out the notice of the inquiry addressed to the Medical Practitioner to the members of the Council present."

The Committee further recommends that Rule 29(2) be recast as under :—59

"The complainant shall then be asked to state his case by himself or by his legal representative and to produce proof (s) in support of it."

40 The Committee also recommends that Rule 29(3) be also recast as under :—

“The practitioner shall then be asked to state his case by himself or by his legal representative and to produce proof (s) in support of it.”

61 The Committee recommends that in Rule 29(5) in line 3, the word “adverse” be substituted by the word “opposite.”

The Committee recommends that rule 29(6) be recast as under :—

“The President and the Members of the Council through the President, shall have the right to put any number of questions to the witnesses appearing before the Council.”

Rule—30.

“30. Where there is no complainant or no complainant appears the order of procedure shall be as follows :—

(1)	*	*	*	*	*
	*	*	*	*	*

(2) The practitioner will then be invited to state his case by himself or by his legal representative, and to produce his proof in support of it. He may address the Council either before or at the conclusion of his proofs, but only once.”

62 The Committee recommends that in line 1 of Rule 30 after the word “appears” the sign “,” be added.

63 The Committee recommends that in line 1 of Rule 30(2) the word “invited” be substituted by the word “asked”.

64 The Committee further recommends that in line 3 of Rule 30(2) the word “proof” be substituted by the word “proof(s) .”.

65 The Committee also recommends that the last two lines in Rule 30(2) starting from the word “He may” be deleted being superfluous.

Rule—31.

“31. (1) Upon the conclusion of the case, the Council will deliberate thereon in private and at the conclusion of the deliberations the President shall call upon the Council to vote on the question whether the medical practitioner charged is guilty of infavous conduct in a professional respect.

(2) If the Council by a majority, voting at the meeting find the medical practitioner guilty of infavous conduct in a professional respect, the President shall direct the Registrar not to register his name if he be an applicant for registration or to erase his name from the register of registered practitioner if he is already a registered practitioner.”

The Committee recommends that in line 1 of Rule 31(1) the word "Union" be substituted by the word "At". 66

The Committee further recommends that in line 1 of Rule 31(2) the word "erase" be substituted by the word "remove". 67

The Committee also recommends that in line 5 of Rule 31(2) with the word "practitioner" alphabet "s" be added. 68

Rule—32.

"32. When the registration of the name of any practitioner is refused, or when the name of any practitioner is removed from the register (in accordance with the provision of the preceding rules) the Registrar shall forthwith send notice of such refusal or removal to the practitioner, and such notice shall be sent by a registered letter addressed to the last known address of the practitioner. The Registrar shall also send, forthwith, intimation of any such refusal or removal to the body or bodies from whom the practitioner received his qualification or qualifications."

The Committee recommends that in line 5 of Rule 32, between the words "letter" and "addressed" the words "with A.D." be inserted. 69

Rule—33.

"33. An appeal to the Council referred under Section 15 of the Act, against a refusal of the Registrar to register any title or qualification of any person on the register of registered practitioners shall be in writing and shall state the title or the qualification, the grounds on which registration is claimed, and the date on which the authority from whom the title or qualification was received."

The Committee recommends that the words "The appeal shall be made within three months" be added at the end of Rule 33. 70

Rule—36.

"36. At the conclusion of its inquiry, the Committee shall make a report to the Council embodying such recommendations as it shall think fit to make with the reasons for recommendations."

The Committee recommends that in line 2 of Rule 36, the word "embodying" be substituted by the word "with". 71

The Committee further recommends that in line 3 of Rule 36, the words "to make with" be substituted by the word "alongwith". 72

Rule—38.

"38. The date on which the appeal is to be taken up by the Council shall be notified to the appellant. The appellant shall also be allowed if he so chooses, to represent his case before the Council either by himself or by his legal representative."

73

The Committee recommends that in line 3 of Rule 38, after the word "allowed", the sign "," be added.

77

The Committee further recommends that in line 4 of Rule 38, the words "by himself" be substituted by the words "in person."

Rule—39.

"39. Every appeal to the Local Government referred under Section 18 of the Act shall be addressed direct to the Chief Secretary to the Government, Punjab, and shall be accompanied by all the papers in print, which the appellant considers material to his case."

75

The Committee recommends that in line 2 of Rule 39 the words "chief secretary", be substituted by the words "Secretary, Health Department, Haryana".

**THE BYE-LAWS FRAMED BY THE PUNJAB MEDICAL COUNCIL UNDER
SECTION 24 (2) OF THE PUNJAB MEDICAL
REGISTRATION ACT, 1916**

Bye-law—I

"1—MEETINGS OF THE COUNCIL.

1 The Council shall ordinarily meet twice yearly in April and November for the transaction of business."

The Committee recommends that bye-law 1 be recast as under :— 76

"The Council shall meet at least twice in a calendar year in the months of April and November for transaction of business".

Bye-law—2

"(i)* * * * *

(ii) A programme of business to be transacted at any meeting shall be sent to the address of each member not less than 7 days before the date of such meeting

(iii) The President may at his discretion permit registered medical practitioner to attend as a visitor a meeting of the Punjab Medical Council, provided that the number of such visitors at any meeting shall not be more than five."

The Committee recommends that in line 1, of bye-law 2(ii) for the word "A" the word "The" be substituted

The Committee further recommends that in line 2, of bye-law 2(ii) between the words "member" and "not" the words "of the Committee" be inserted.

The Committee also recommends that, in line 1, of bye-law 2(iii) between the word "permit" and "registered", the word "a" be inserted.

The Committee also recommends that after bye-law 2(iii) the bye-law "2(iv)" be added as under :— 80

"(iv) Three Members shall constitute a quorum".

Bye-law—3

"3 An extraordinary meeting of the Council may be called by the President whenever it appears to him to be necessary, and shall be called by him on a requisition in writing made by not less than 6 members, stating the purpose or purposes for is being called.

3-A. The Council shall appoint a Sub-Committee to be known as "Executive Committee" consisting of :—

3-B and 3-C * * * * *

3—D. The meeting of the Registration Sub-Committee shall be held not less than a fortnight before the meeting of the Council and its recommendations shall be circulated to the members before the meeting of the Council.

3—E. * * * * *

3—F. The functions of the Executive Committee shall be as follows :—

- (1) To supervise the publication of the Punjab Medical Register.
- (2) To draft business other than motions and amendments notified by members and submit its recommendations thereon.

* * * * *

97 The Committee recommends that in the last line of bye-law 3 for the word "is" the word "its" be substituted.

The Committee further recommends that in line 2 of bye-law 3—A after the words "Executive Committee" the sign ", " be added.

The Committee also recommends that in line 2 of bye-law 3—D for the word "is" the word "its" be substituted.

97 3—F. (2) The Committee also recommends that at the end of the bye-law, the words "to the Council" be added.

Bye-law—4

"4. The meetings of the Council shall be held at such times and places as the President may direct.

Ordinarily the meeting shall be held in Lahore in the Winter and Simla in the summer."

97 The Committee recommends that in the bye-law 4 for the words "Lahore in the Winter and Simla in the Summer" the words "Chandigarh the capital of the State of Haryana" be substituted.

Bye-law—5

"5. Every meeting of the Council shall be presided over by the President or in his absence, by the vice President. Should the office of

the President the vacant or should for any cause the President be unable to carry out any of the duties belonging to his office, the Vice-President shall act for him. In the absence of both the President and Vice-President from a meeting, the members present shall elect a Chairman from among themselves to 'preside at the meeting'."

The Committee recommends that bye-law 5 be recast as under :—

"Every meeting of the Council shall be presided over by the President or in his absence by the Vice-President. In the absence of both from a Council meeting, the members present shall elect a Chairman from among themselves to preside at the meeting."

Bye-law—6

"6. (i) If, at time appointed for a meeting or with 20 minutes thereafter, a quorum is not present, the meeting shall stand adjourned to some future day to be appointed by the President.

(ii) It shall be the duty of the Registrar to ascertain if a quorum is present. Seven members constitute a quorum."

The Committee recommends that in line 1, of bye-law 6(i) for the figure "20" the figure "30" be substituted

The Committee further recommends that in last line of bye-law 6(ii) the words "Seven members constitute a quorum" be deleted.

Bye-law—7

"7. Notice of a motion shall reach the Registrar at least weeks before the date fixed for a meeting and a copy of such motion shall, if approved by the President, be sent by the Registrar to the address of each member not less than 15 days before the date of the meeting."

The Committee recommends that in line 1, of bye-law 7 between the words "at least" and "weeks" the word "four" be inserted.

Bye-law—8

"8 * * * * *

* * * * *

(a) * * * * *

(b) A motion or amendment disallowed under bye-law 8(a) shall not be circulated to members nor shall it be entered in the minutes of the proceedings of the Council, nor shall any discussion in Council be permitted in respect of any order passed by the president under bye-law

8(a); provided that any member of the Council on application to the Registrar may in respect of a motion or amendment disallowed by the President."

90 The Committee recommends that bye-law 8(b) be recast as under :—

"A motion or amendment disallowed under bye-law 8(a) shall not be circulated to the members and discussed in the meeting."

Bye-law—9

"9. A Roll-book shall be kept by the Registrar in which each member attending a meeting shall enter his name on the date of such attendance."

91 The Committee recommends that bye-law 9 be recast as under :—
"An attendance register shall be kept by the Registrar in which each member attending the meeting shall sign."

Bye-law—11

"11. Every motion or amendment at a meeting must be seconded, otherwise the motion or amendment shall drop."

92 The Committee recommends that in bye-law 11 for the word "drop" the words "be considered as lost" be substituted.

Bye-law—12

"12. (i) A member desiring to make any observations on any subject before the Council shall speak from his place, shall rise when he speaks and shall address the president."

(ii) * * * * *
* * * * *
* * * * *

93 The Committee recommends that in bye-law 12 (i) for the word "president" the word "Chair" be substituted.

Bye-law—18

"18. (i) When any member has made a motion, other members may speak on it in such order as the President may direct; provided that the seconder of a motion may with the permission of the president, reserve his remarks and may speak at any period of the debate

(ii) After all the members, have had an opportunity of speaking, the mover may speak once by way of reply, his speech being limited to 5 minutes.

(iii) * * * * *
* * * * *

- (iv) A member who has spoken upon a motion may speak against upon any amendment thereof afterwards moved."

The Committee recommends that in line 4 of Bye-law 18(i) after the word "any" the words "time during the" be added.

The Committee further recommends that in line 3 of Bye-law 18(ii) "speech" and "being" the word "ordinarily" be inserted.

The Committee also recommends that Bye-law 18(iv) be recast as under —

"A member who has spoken on a motion can also speak on any amendment moved afterwards."

Bye-law—19

"19 A motion or an amendment shall be recorded in writing if so directed be the Chair."

The Committee recommends that for the words "so directed" the words "desired necessary" be substituted.

Bye-law—20

"20. A motion or amendment shall be withdrawn after having been read from the Chair, or read by the authority of the Chair without permission of the Council. When a motion or amendment is withdrawn the reason shall be stated in the minutes."

The Committee recommends that in line 2 for the word "from" the word "by" be substituted.

The Committee further recommends that in line 2 the word "by" be substituted by the word "with".

The Committee also recommends that in last line the word "stated" be substituted by the word "recorded".

Bye-law—21

"21.

(i)&(ii)

*	.	*	*	*	*
*		*	*	*	*

(iii) The President shall so determine the method of taking votes by division."

The Committee recommends that in line 1, of Bye-law 21(iii) the word "so" be deleted being superfluous.

Bye-law—22.

"22. If any motion made involves more than one point, the President may, at his discretion, divide it so that each point may be determined separately."

112 The Committee recommends that in line 1, the word "made" be deleted being superfluous.

103 The Committee further recommends that in line 2, between the words "it" and "so" the words "in such form" be inserted.

Bye-law—24.

"24. If any when all the amendments have been negatived the original motion shall be put to the vote."

107 The Committee recommends that in line 1, the words "any when" be deleted being superfluous.

Bye-law—25.

104 "25. If any amendment be carried, the original motion (so amended shall be regarded as a substantive motion) and amendment to such motion may then be moved."

105 The Committee recommends that in line 1, the word "be" be substituted by the word "is".

Bye-law—27.

"27. When an amendment is under debate, no further proposal shall be received except one of the following :—

(i) The adjournment of the debate on the amendment, namely—
"That the debate on the amendment be now adjourned".

(ii) The adjournment of the Council, namely —

"That the Council do now adjourn."

(iii) The closure of the debate on the amendment namely—

"That the Council do now proceed to vote on the amendment."

106 The Committee recommends that for the word "debate", the word "discussion" be substituted wherever it occurs.

107 The Committee further recommends that in line 2, the word "received" be substituted by the word "entertained".

Bye-law—28.

"28. The proposal for the postponement of the question may specify a date for the further consideration of the question, or may be to the effect that the postponement be made *sine die*."

The Committee recommends that the last two lines starting from "or may be" be deleted being superfluous. 108

Bye-law—29.

"29. If the proposal for the adjournment of the debate be carried, the Council shall pass to the next item on the programme of business, and the debate shall be resumed at the next ordinary meeting of the Council. The proposer for the adjournment shall, on resumption of the debate, be entitled to speak, first." 109

The Committee recommends that the word "debate" be substituted by the word "discussion", wherever it occurs. 107

Bye-law—30.

"30. If the proposal for the adjournment of the Council be carried, the question under debate shall be dropped from the programme of business." 110

The Committee recommends that in line 1, the word "be" be substituted by the word "is". 110

Bye-law—32.

"32 The proposal for the closure shall be made and seconded without debate and shall, unless the President or Chairman, as the case may be, shall rule otherwise, be put forthwith. In event of the proposal being carried, the motion or amendment under debate shall be at once voted on by the Council" 111

The Committee recommends that the word "debate" be substituted by the word "discussion" wherever it occurs 112

The Committee further recommends that in line 3, for the word "rule" the word "hold" be substituted. 112

Bye-law—33.

"33. The proposal for the previous question shall be made and seconded without debate, and shall be put forthwith. In the event of the proposal being carried, the motion or amendment to which it applies shall be dropped from the programme of business." 113

The Committee recommends that in line 2, the word "debate" be substituted for the word "discussion". 112

Bye-law—37.

"37. A copy of the minutes of each meeting shall be sent to each member within 30 days of the meeting and copy of the minutes of each meeting shall also be sent by the President to the press." 113

The Committee recommends that Bye-law 37 be recast as under 113
 "A copy of the minute of each meeting shall be sent to each member and to the Government."

Bye-law—43.

"43. The Registrar shall fulfil all the duties that may be required of him by the Act and by the rules and regulations framed thereunder."

117 The Committee recommends that in line 2 for the words "required of" the words "assigned to" be substituted.

115 The Committee further recommends that in line 3, for the word "framed", the word "made" be substituted.

Bye-law—49.

"49. The Council shall consider the estimate so submitted to it and shall sanction the same either unaltered or subject to such alteration as shall be deemed fit."

116 The Committee recommends that bye-law 49 be recast as under —

"The budget estimates shall be considered and approved by the council with or without alterations"

Bye-law—51.

"51. The registrar shall not retain in his hands a sum of more than Rs. 100 for contingent expenditure."

117 The Committee recommends that bye-law 51 be recast as under —

"That the Registrar shall not retain a sum of more than Rs. 500/- as imprest money for contingent expenditure"

Bye-laws—53-53A.

"53. A bill or other vouchers presented as a claim for money shall be received and examined by the Registrar. If the claim be for a sum not exceeding Rs. 20 and a sum exceeding Rs. 20/- (it shall be paid with the sanction of the President, provided that the claim is not unusual; if it is, it shall be held over and placed before the Council at its next meeting for orders. All expenditure sanctioned by the President or the Registrar shall be reported to the Council at its next meeting."

(53)—A. The Registrar shall be authorised to incur expenditure upto Rs. 20/- and above that sum the President."

118 The Committee recommends that the figure "20" be substituted by the figure "200" wherever it occurs.

Bye-law—54.

"54. All transactions to which an officer of the Council in his official capacity is a party, shall without any reservation, be brought to account and all moneys received shall be paid in full without undue delay, into the current account of the Council with the Imperial Bank of India, Lahore. The appropriation of receipts of the Council to its expenditure except when

specifically authorised by the Council is strictly prohibited. All drawings will be made by means of cheques which shall be signed jointly by the President and the Registrar

* * * * *

The Committee recommends that in line 4, for the words "Imperial Bank of India, Lahore", the words "State Bank of India or any Scheduled Bank at Chandigarh" be substituted. 119

Bye-law—55.

"55. The accounts of the Council shall, if possible, be audited by the Local Audit Department, once in each year"

The Committee recommends that in line 1, the word "if possible" be deleted. 120

Bye-law—56.

"56. (i) * * * * *

(ii) A non-official member shall be allowed one and a half second class fare when travelling by rail and halting allowance and road mileage according to the rules for the time being applicable to Government officers drawing a pay exceeding Rs. 500/- per mensem, when travelling in connection with the business of the Council or its Sub-Committee."

The Committee recommends that bye-law 56(ii) be recast as under :—

"The non-official members will draw TA/DA on same lines as drawn by Haryana Government Class I employees when travelling in connection with the business of the Council or its Sub-Committee." 121

Bye-law—57.

"57. A fee of Rs. 20/- shall be paid to each member who attends a meeting of the Council or of a Sub Committee of the Council."

The Committee recommends that in line 1, for the figure "20", the figure "50" be substituted. 122

Bye-law—58.

"58. Employees of the Council shall be entitled to travelling allowance of the same rates as Government Servants of the same status under the Punjab Travelling Allowances Rules. The Registrar of the Council shall, however, be considered to be of the rank of an officer belonging to the Punjab Provincial Service".

The Committee recommends that in last line for the words "Punjab Provincial Services" the words "Haryana Civil Services" be substituted. 123

Registers showing the particulars of the Members of the Council.

[illegible]

* * * * *

24 The Committee recommends that in entry No. 7 the word "earlier" be substituted by the word "such".

"APPENDIX

FORM—II

(Vide Rule 14(1) *Electoral Roll*

PUNJAB MEDICAL COUNCIL

Serial No.	Name	Qualification and dates thereof	Address or appointment	Date of Registration	Serial No. as in the Register of Registered Medical Practitioners
1	2	3	4	5	6

* * * * *

The Committee recommends that after Rule "14(1)" in the heading the sign")" be added. 125

The Committee further recommends that in column 4 for the word "or" 126 the word "and" be substituted.

FORM—III

(Vide Rule 14(2))

* * * * *

CERTIFICATE OF DELIVERY.

Serial No. _____

The nomination paper was delivered to me at office at (date and hour)

Date _____

Signature of the Returning Officer."

12-7

The Committee recommends that between the words "at" and "office" the word "my" be inserted.

"APPENDIX .**FORM NO IV***(Vide Rule 14(8))***FORM OF FRONT OF BALLOT-PAPER****Counterfoil****Counterfoil****Front****No.****Number on the roll of the elector to whom it is sent****Date of Despatch****Initials of despatching officer**

Note—On the back of the ballot paper the No. on the roll of the elector to whom it is sent should be noted.

Serial No _____

The above ballot paper should accompany the covering letter as under—

- 1 You electoral Number is _____
2. The date of counting votes is _____
3. You have as many votes as there are members to be elected.
4. You should vote by placing the mark X opposite the name or names of candidates whom you prefer. If you do not wish to use all your votes (in case where more than one vote is allowed) you need not do so, but more than one vote may not be given to any one candidate
5. The ballot-paper shall be invalid, if the mark X is placed opposite the name of more candidates than are to be elected, or if the mark denoting any vote is so placed as to render it doubtful to which candidate such vote is intended to apply.

* * * * *

The Committee recommends that in entry No. 1 the word "You" be substituted by the word "Your". 128

The Committee further recommends that in entry No. 2 between the words "counting" and "votes" the word "of" be inserted. 129

The Committee also recommends that in line 2 of entry No. 5 the word "name" be corrected as "names". 130

"FORM NO. II

(Vide Rule 5)

ANNUAL MEDICAL LIST

Name	Qualifications and dates thereof	Address or appointment	Date of Registration	Serial No. as in the Register of Registered Practitioner
1	2	3	4	5

*	*	*	*	*	*
*	*	*	*	*	*

12) The Committee recommends that in column 3, the word "or" occurring between the words "Address" and "appointment" be substituted by the word "and".

"FORM NO. III

(Vide Rule 24)

Notice to practitioner to attend proceedings in connection with the inquiry under section 17 of the Act.

Sir,

On behalf of the Punjab Medical Council I give you notice that information and evidence has been laid before the Council by which the complainants make the following charge against you namely (here set out the circumstances briefly) and that in relation thereto you have been guilty of infamous conduct in a professional respect

I. I am directed further to give you notice that on the _____ of _____ 19_____ a meeting of the Council will be held at _____ O'clock in the _____ to consider the above mentioned charges against you and decide whether or not they should direct that your name shall not be registered in the _____.

Your name be removed from the Register of Registered Practitioners pursuant to Section 16 of the Punjab Medical Registration Act, 1916. You are invited and requested to answer in writing the above charges and to attend before the Council at the above named place and time to establish any denial or defence that you may have to offer to the above mentioned charges and you are hereby informed that if you do not attend as requested the Council may proceed to hear and to decide upon the said charges in your absence:

Any answer of other communication or application which you may desire to make respecting the said charges of your defence thereto must be addressed to the Registrar of Punjab Medical Council and transmitted so as to reach him not less than _____ days before the day appointed for the hearing of the case

A copy of Section _____ of the Punjab Medical Registration Act, 1916, and of the rules to regulate the procedure for conduct in any inquiry referred to in that section to which your particular attention is invited is enclosed herewith for your information.

Registrar,
Punjab Medical Council."

The Committee recommends that the words "Haryana" and "appear" may be substituted for the words "Punjab" and "attend" respectively, wherever these words occur in this Form.

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