

THE DELHI MEDICAL COUNCIL RULES, 2003

Contents

CHAPTER I.....	2
Preliminary	2
1. Short title and commencement	2
2. Definitions	2
Registration.....	3
3. Grant of Registration	3
4. Preparation of registrar	3
5. Additional qualifications	3
6. Renewal of registration.....	3
7. Restoration of registration	4
8. Change of address.....	4
Elections	4
9. Returning Officer.....	4
10. Constitution of new Council.....	4
11. Stages of election.....	5
12. Nomination of candidates.....	5
13. Scrutiny of nomination papers.....	5
14. Polling.....	6
15. Custody of ballot papers	6
16. Counting of votes and declaration of result of elections	6
17. Election of President and Vice-President	6
Conduct of Business of the Council	6
18. Power to appoint Committees/Sub-Committees	6
19. Calling of meetings.....	6
20. Notice for calling at meeting	7
21. Motions for insertions in agenda	7
22. Attendance of the meeting.....	7
23. Business to be transacted at meeting	7
24. Minutes of the meeting.....	7
25. Approval of written proposal by circulation	7
Executive Committee	7
26. Constitution	7

27. Calling of meeting	8
28. Notice of meeting	8
29. Attendance at meeting	8
30. Business to be transacted at meeting	8
31. Minutes of the meeting.....	8
Inquiries	8
32. Complaint against medical practitioner.....	8
33. Appointment of Registrar/Deputy Registrar	9
34. Functions of Registrar/Deputy Registrar	10
35. Appointment of other staff members.....	10
36. Retirement	10
37. Resignation.....	10
38. Termination of service.....	11
39. Provident fund, gratuity and other terms of service	11
40. Maintenance of accounts and other registers.....	11
Miscellaneous	12
41. Migration/Transfer	12
42. Certificate of good standing	12
43. Honorarium for attendance of meetings.....	12
44. Fees.....	12

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

CHAPTER I

Preliminary

1. Short title and commencement

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

2. Definitions

In these rules, unless the context otherwise requires,¹-

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

(a) "Act" means the Delhi Medical Council Act, 1997 (Delhi Act 5 of 1997);

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

(c) words and expressions not defined in these rules but defined in the Act shall have the same meanings assigned to them in the Act.

Registration

3. Grant of Registration

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

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

4. Preparation of registrar

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

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

5. Additional qualifications

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

6. Renewal of registration

The registration certificate can be renewed by the Council on receipt of application in

Form 7 along with the fee prescribed for renewal of registration. The Registrar shall consider the application and if found fit, shall renew the registration.

7. Restoration of registration

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

8. Change of address

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

Elections

9. Returning Officer

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

10. Constitution of new Council

The following procedure shall be followed for purpose of constituting the new Council, namely:-

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

(b) The Returning Officer shall intimate to the Delhi Medical Association regarding the election of one member from amongst its members to be elected to the Council. The election of such member shall be conducted and completed by the said Association, within thirty days and the name of the elected members shall be intimated to the returning officer.

(c) The Returning Officer shall intimate to the Government that the Government shall nominate to the Council four members having registrable qualification as prescribed in the Indian Medical Council Act, 1956. The Government shall intimate the names of such four members to the returning officer within thirty days.

(d) The Returning Officer shall conduct the election of eight members to be elected by registered practitioners from amongst themselves. The election shall be conducted by secret ballot at such place as decided by the Returning Officer. The election shall be conducted by ballot paper, provided that the Returning Officer may conduct the election by electronic voting machine, if feasible.

(e) The electoral rolls for the election shall comprise all registered practitioners registered with the Council as on the date of notification of the election. A hard copy of the electoral rolls giving the name, registration number and address of the registered practitioners shall be supplied to contesting candidates on payment of a sum of one thousand rupees to the Council. A soft copy of the electoral rolls in the form of a Compact Disk (CD) shall be supplied on payment of five hundred rupees to the Council. This fee structure may be revised by the Government from time to time.

11. Stages of election

(1) The Returning Officer shall fix the following stages of election, namely:-

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

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

12. Nomination of candidates

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

13. Scrutiny of nomination papers

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

14. Polling

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

15. Custody of ballot papers

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

16. Counting of votes and declaration of result of elections

The scrutiny and counting of votes shall be undertaken by the Returning Officer at the time, day and place appointed. A candidate and not more than one representative, duly authorised by him, may remain present at the time of counting of votes. After the counting of votes is completed, the Returning Officer shall forthwith declare the result of election. If there is an equal number of votes in favour of two or more candidates for one vacancy,- the election shall be determined by the Returning Officer by draw of lots in the presence of the candidates or their representatives. The Returning Office shall communicate the result of the election to the Government who shall notify the Constitution of the new Council. After the declaration of the result, the Returning Officer shall seal the ballot papers and all other documents relating to the election and shall retain the same with himself in safe custody for a period of six months and thereafter cause them to be destroyed.

17. Election of President and Vice-President

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

Conduct of Business of the Council

18. Power to appoint Committees/Sub-Committees

The Council may appoint committee/sub-committee to carry out the functions of the Council.

19. Calling of meetings

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

20. Notice for calling at meeting

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

21. Motions for insertions in agenda

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

22. Attendance of the meeting

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

23. Business to be transacted at meeting

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

24. Minutes of the meeting

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

25. Approval of written proposal by circulation

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

Executive Committee

26. Constitution

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

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

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

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

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

27. Calling of meeting

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

28. Notice of meeting

All members of the Executive Committee shall be given seven clear days' notice of an ordinary meeting and three clear days, notice in the case of an extraordinary meeting. Such notice shall specify the place, date and time of the meeting and state whether the meeting is a general meeting or a special meeting and the business to be transacted thereat. The Registrar shall send to all Members a copy of the notice.

29. Attendance at meeting

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

30. Business to be transacted at meeting

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

31. Minutes of the meeting

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

Inquiries

32. Complaint against medical practitioner

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

The complaint shall contain the following particulars:-

(a) the name, description and address of the complainant;

(b) the name, description and address of the opposite party or parties, as the case may be, as far as they can be ascertained;

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(c) the facts relating to the complaint, when the cause of action arose and what are the grounds or causes of the complaint;

(d) the documents in support of the complaint if any;

(e) the relief which the complaint claims.

No complaint shall be entertained unless it is in writing and signed by the person making it. The complaint shall be verified by the complainant. The complainant shall file six copies of the complaint along with such number of copies as there are opposite parties in the complaint. All anonymous and frivolous complaints shall be rejected.

Procedure on receipt of complaint. - The Council shall on receipt of a complaint-

(a) Refer a copy of the complaint to the opposite party mentioned in the complaint directing him to give his version of the case within a period of fifteen days of receipt of copy of the complaint.

(b) Where the opposite party on receipt of a complaint referred to him under Clause (a) denies or disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the Council, the Council shall proceed to adjudicate the complaint-

(i) On the basis of evidence brought to its notice by the complainant where the opposite party omits or fails to take any action to represent his case within the time given by the Council, or

(ii) on the basis of evidence brought to its notice by the complainant and the opposite party, where the opposite party denies or disputes the allegations contained in the complaint.

(c) On the date of hearing or any other date to which hearing could be adjourned, it shall be obligatory on the parties to appear before the Council. Where the complainant fails to appear before the Council on such days, the Council may in its discretion either dismiss the complaint for default or decide it on merits, where the opposite party fails to appear on the date of hearing, the Council may decide the complaint ex-parte.

(d) The decision of the inquiry shall be implemented and communicated to the respective parties and to others as may be required. In case there is any difference of opinion amongst themselves, the opinion of the majority shall be the decision.

Conditions of Service of Registrar/Deputy Registrar and other Staff and the Supervisory Powers and Duties of Registrar/Deputy Registrar

33. Appointment of Registrar/Deputy Registrar

(1) The post of Registrar/Deputy Registrar shall be permanent. The post of Registrar shall be in the basic pay equivalent to the basic pay scale of Senior Administrative Grade of the Central Health Service and the post of Deputy Registrar shall be in the basic pay scale

equivalent to the basic pay scale of Chief Medical Officer (Non-Functional Selection Grade) of the Central Health Service.

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

(3) The post of Registrar shall be filled by the Council by promotion of Deputy Registrar. The post of Deputy Registrar shall be filled by direct selection by the Council from amongst suitable candidates having minimum qualification of M.B.B.S., with minimum of ten years experience after M.B.B.S. in Government/Public Sector/Private Sector or Practice, and with maximum age limit of fifty years on the Date of application, candidates with Post-Graduate qualifications shall be given preference.

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

34. Functions of Registrar/Deputy Registrar

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

35. Appointment of other staff members

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

36. Retirement

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

37. Resignation

(1) The Registrar may resign his office by giving three months' notice in writing to that effect to the President and such resignation shall take effect from the date of acceptance of such

resignation by the council. If he leaves his office without giving any notice as aforesaid, he shall be liable to deposit an amount equivalent to total emoluments payable in lieu of such notice.

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

38. Termination of service

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

39. Provident fund, gratuity and other terms of service

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

40. Maintenance of accounts and other registers

(1) The Council shall maintain the following registers:-

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

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

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

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

Miscellaneous

41. Migration/Transfer

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

42. Certificate of good standing

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

43. Honorarium for attendance of meetings

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

44. Fees

(1) Fee shall be levied by the Council as shown below:

SI. No.	Particular	Amount
(i)	For recording change of name in the register.	Five hundred rupees.
(ii)	For entering each additional qualification.	Five hundred rupees.
(iii)	For issue of duplicate certificate of registration/provisional registration	Five hundred rupees.
(iv)	For issue of a certified copy of an entry in the register.	One hundred rupees.
(v)	Provisional Registration.	Five hundred rupees.
(vi)	Registration	One Thousand Rupees
(vii)	Renewal of Registration	One Thousand Rupees
(viii)	Fees for restoration of registration in the register of medical practitioners	One Thousand Rupees
(ix)	Late fee for non-registration (Non refundable fees)	One Thousand Rupees
	(a) Upto a period of one year from the date from	Nil.

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	which registration was due	
	(b) For period more than one year but upto five years	Five Thousand Rupees
	(c) For period more than five years.	Five thousand rupees plus additional one thousand per years.
(x)	Late fees for non-renewal of registration-	
	(a) Upto six months from the date from which registration is due for renewal	Five hundred rupees
	(b) For period more than six months but upto one year	One Thousand Rupees One Thousand rupees per year.
	(c) For period more than one year	
(xi)	For issue of Certificate of goods standing	Five hundred rupees.
(xii)	Annual listing fee for entry of name in the website	Five hundred rupees.
(xiii)	For issue of No Objection Certificate	Five hundred rupees.

(2) The above fee structure may be revised time to time.