

MANIPUR GAZETTE



EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 54

Imphal, Monday, May 28, 2012

(Jyaistha 7, 1934)

GOVERNMENT OF MANIPUR
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS
DEPARTMENT

NOTIFICATION

Imphal, the 28th May, 2012

No. 2/21/2009-Leg/L.—The following Act of the Legislature, Manipur which received assent of the President on 12-05-2012 is hereby published in the official Gazette.

THE MANIPUR MEDICAL COUNCIL ACT, 2009
(Manipur Act No. 4 of 2012)

An
Act

to provide for constitution of the Manipur Medical Council and the registration of Medical practitioners in Manipur and matters connected therewith.

Be it enacted by the Legislature of Manipur in the Sixtieth Year of the Republic of India as follows:

1. Short title, extent and commencement:

- (1) This Act may be called the Manipur Medical Council Act, 2009.
- (2) It extends to the whole of the State of Manipur.
- (3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. Definitions:

In this Act, unless the context otherwise requires:

- (a) “Member” means member of the Manipur Medical Council;
- (b) “recognized medical qualification” means any of the medical qualifications included in the Schedules to the Indian Medical Council Act, 1956;
- (c) “registered practitioner” means any person registered under the provisions of the Act;
- (d) “Registrar” means the Registrar appointed under this Act;
- (e) “State Council” means the Manipur Medical Council constituted under this Act;
- (f) “State Medical Register” means the State Medical Register maintained under this Act.

3. Constitution and Composition of the State Council:

- (1) The State Government shall, by notification in the official Gazette, constitute for the purpose of this Act, a State Council to be called the Manipur Medical Council consisting of the following members, namely:
 - (a) Four Members from amongst registered practitioners to be nominated by the State Government;
 - (b) Dean of the Faculty of Medicine of the Manipur University as ex-officio Member;
 - (c) Two Members from Regional Institute of Medical Sciences, Imphal to be elected from amongst the faculty members themselves;
 - (d) Eight Members including two lady Members to be elected from amongst themselves by registered practitioners;
 - (e) One Member to be elected by the Indian Medical Association, Manipur State branch from its members;
 - (f) Director of Health Services, Manipur as ex-officio Member.
- (2) The President and the Vice-President of the State Council shall be elected by the Members of the State Council from amongst themselves.
- (3) No act done by the State Council shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of the State Council.

4. Incorporation of the State Council:

The State Council shall be a body corporate having perpetual succession and common seal, with power to acquire and hold property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

5. Nomination of Members in default of election:

If any of the electoral bodies referred to in clause (b) to (e) of sub-section (1) of section 3 does not by such date as may be prescribed, elect a person to be a Member of the State Council, the State Government shall, by notification in the official Gazette, nominate to the vacancy a person qualified to be elected as a member of the respective category to fill in the vacancy, and the person so nominated shall be deemed to be a Member of the State Council as if he had been duly elected by the said body till the vacancy is filled in under sub-section (1) of section 3.

6. Disqualification for membership:

- (1) A person shall be disqualified for being elected or nominated as, and for being, a Member of the State Council, if he:
 - (a) is not eligible for registration under this Act; or
 - (b) has been convicted for an offence involving moral turpitude; or
 - (c) is an undischarged insolvent.
- (2) If any member becomes, or is found to be, subject to any of the disqualification mentioned in sub-section (1), the State Council shall submit a report to the State Government, and the State Government, if satisfied about the disqualifications, shall declare his seat vacant.

7. Leave of absence to Members:

The State Council may grant leave of absence to any Member for a period not exceeding six months.

8. Cessation of Membership:

- (1) A Member of the State Council shall be deemed to have vacated his seat:-
 - (a) on his absence from three consecutive meetings of the State Council without leave of the State Council; or
 - (b) on his absence out of India for a period exceeding six consecutive months.
- (2) On the occurrence of vacancy referred to in sub-section (1), the President shall forthwith report the fact of such vacancy to the State Government.

9. Filling up of vacancies and term of office of person filling up the vacancy:

If any Member or President or Vice-President is, by reason of his death or resignation or removal or otherwise, is unable to complete his full term of office, the vacancy so caused shall be filled up by election or nomination of another person under the provisions of this Act and the person elected shall hold office only so long as the Member in whose place is elected would have held office if the vacancy had not occurred.

10. Term of office of President, Vice-President and Members:

- (1) The President or Vice-President of the State Council shall hold office for a term not exceeding beyond the expiry of his term as Member of the State Government.

- (2) A Member shall hold office for a term of five years from the date of notification of the names of Members in the official Gazette by the State Government.
- (3) Members of the State Council shall be eligible for re-nomination or re-election.

11. Resignation of President, Vice-President or Members:

The President may resign his office by writing under hand addressed to the State Council; the Vice-President or the Member may resign his office by writing under his hand addressed to the President.

12. Meeting of the State Council:

- (1) The State Council shall meet at least twice a year at such time and place as may be appointed by the State Council. One of such meeting shall be the annual meeting of the State Council.
- (2) Ten Members of the State Council shall form a quorum and all acts of the State Council shall be decided by a majority of Members present and voting.
- (3) The meeting of the State Council shall be convened, held and conducted in such manner as may be prescribed.

13. Powers and functions of the State Council:

Subject to such conditions as may be prescribed by or under the provisions of this Act the powers, duties and functions of the State Council shall be-

- (a) To maintain the live State Medical Register, and to provide for the registration of medical practitioners;
- (b) Inspection, to hear and decide appeals against any decision of the Registrar;
- (c) To prescribe a code of ethics for regulating the professional conduct of practitioners;
- (d) To reprimand a practitioner, or to suspend or remove his name from the State Medical Register, or to take such other disciplinary action against him as may, in the opinion of the State Council be necessary or expedient;
- (e) To exercise such other powers, perform such other duties and discharge such other functions as are laid down in this Act, or as may be prescribed;
- (f) To received complaints from public (including patients and their relatives) against misconduct or negligence by a medical practitioners, to proceed for inquest, take a decision on the merits of the case and to initiate disciplinary action or award

- compensation and similarly to take action against frivolous complaints;
- (g) To provide protection to its members in discharging professional duties;
- (h) To ensure that no unqualified person practices modern Scientific System of Medicine in the State of Manipur.

14. The Executive Committee:

- (1) There shall be an Executive Committee of the State Council consisting of the President and the Vice-President of the State Council and five other Members to be elected by the State Council from amongst its Members.
- (2) The President and the Vice-President of the State Council shall also be the President and the Vice-President respectively of the Executive Committee.
- (3) No business shall be transacted at any meeting of the Executive Committee unless a quorum of four Members be present.
- (4) The term of office of an elected Member of the Executive Committee shall be two years from the date of his election but, subject to his being a Member of the State Council, he shall be eligible for re-election to the Executive Committee.
- (5) In addition to the power and duties conferred and imposed upon it by this Act, the Executive Committee shall exercise and discharge such functions as the State Council confer or assign upon it by regulations made, with prior approval of the State Government, in this behalf.
- (6) In addition to the administrative power and functions mentioned above, the State Council shall delegate the financial powers to the Executive Committee to incur the following expenditures with previous sanction of the President:—
 - (i) expenditure on salaries and allowances of the Registrar and staff maintained by the State Council;
 - (ii) fees and allowances paid to the members of the State Council and of the Executive Committee;
 - (iii) remuneration paid to the assessors; and
 - (iv) such other expenses as are necessary for performing the duties and discharging the functions.

15. Allowance:

There shall be paid allowance to the President, the Vice-President and Members of the State Council, with the previous sanction of the State Government, for attendance at meetings of the State Council or of the Executive Committee meeting, and reasonable travelling expenses for such attendance as may be prescribed in this behalf and for journey undertaken in the discharge of their duties under this Act, as may from time to time, be allowed by the State Council and approved by the State Government.

16. Appointment of Registrar and other employees:

- (1) With the previous sanction of the State Government, the State Council shall:-
 - (a) appoint a Registrar who shall be a registrar practitioner;
 - (b) employ such other person as the State Council deems necessary to carry out the purposes of this Act, with prior approval of the State Government.
- (2) The Registrar shall act as the Secretary of the State Council.
- (3) The State Council shall, with the previous sanction of the State Government, fix the salary and allowances, and determine the conditions of services of the Registrar and other employees of the State Council.

17. Income and expenditure of the State Council:

- (1) The income of the State Council shall consist of-
 - (a) Registration fees for registration;
 - (b) Grant-in-aid received from the State Government;
 - (c) Any other sum raised by the State Council.
- (2) It shall be competent for the State Council to incur expenditure for the following purposes, namely-
 - (a) Salaries and allowances of the Registrar and other employees of the State Council;
 - (b) Fee and allowance paid to the President, the Vice-President and Members of the State Council and of the Executive Committee;
 - (c) Remuneration paid to the assessors, and
 - (d) Such other expenses as are necessary for performing the duties and discharging the functions under this Act.

18. State Medical Register:

- (1) The State Council shall cause to be maintained in the prescribed manner the names of the registered practitioners to be known as the State Medical Register which shall contain the names of all persons who are registered under this Act and their recognized medical qualifications.

- (2) It shall be the duty of the Registrar to keep the State Medical Register in accordance with the provisions of this Act, and of any orders made by the State Council, and to revise it from time to time, and to publish it in the official Gazette or in such other manner as may be prescribed.
- (3) Such register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872 and may be proved by a copy of its published in the Manipur Gazette.

19. Registration in the State Medical Register:

The Registrar of the State Council may, on payment of such fees as may be prescribed and on an application made in the prescribed manner by any such person, enter his name in the State Medical Register:

Provided that the Registrar is satisfied that the person concerned possesses a recognized medical qualification;

Provided further that the registration in the State Medical Register shall remain valid for a period of five years unless renewed before the validity expires.

20. Persons enrolled on the State Medical Register to notify change of place of residence/practices:

Every person registered under this Act shall notify any transfer of the place of his residence or practice to the State Council, within thirty days of such transfer failing which his right to participate in the election of Members to the State Council shall be liable to be forfeited by the State Council either permanently or for such period, as may be specified therein.

21. Registration of additional qualification:

If any person whose name is entered in the State Medical Register obtained any medical qualification, which is a recognized higher medical qualification, he shall, on application made in this behalf and on payment of such fee as may be prescribed, be entitled to have an addition to any entry previously made.

22. Disposal of fees:

All fees received by the State Council under this Act shall be applied for the purposes of this Act, in such manner as may be prescribed.

23. Removal of fraudulent and incorrect entries:

Any entry in the State Medical Register, which is proved to the satisfaction of the State Council to have been fraudulently or incorrectly made, may be removed under an order in writing by the State Council.

24. Power to State Council to direct removal of name from the State Medical Register and re-entry of names therein:

The State Council may remove the name of any registered practitioner from the State Medical Register, who has been-

- (a) convicted for an offence involving moral turpitude; or
- (b) found guilty of misconduct after due enquiry in the prescribed manner:

Provided that any name so removed may be afterwards re-entered in the State Medical Register under the direction of the State Council.

25. Appellate Authority:

- (1) An appeal shall, in the prescribed manner, lie to the State Government for every decision of the State Council under section 23.
- (2) Every appeal under sub-section (1) shall be preferred within three months from the date of such decision.

26. Protection of action taken in good faith:

No suit or other legal proceedings shall lie against any person for anything which is done in good faith or intended to have been done under this Act, or the Rules or the Regulations made thereunder.

27. Removal of name of deceased person from the State Medical Register:

- (1) Every Registrar of Birth and Death who received notice of the death of any person whose name be known to be entered in the State Medical Register, shall forthwith transmit, by post, to the Registrar of the State Council a certificate of such death signed by him and stating particulars of the time and place of death.
- (2) On receipt of-
 - (a) any such certificate under sub-section (1), or
 - (b) any other reliable information regarding such death, the Registrar of the State Council shall remove the name of deceased registered practitioner from the State Medical Register.

28. Penalty on unregistered person representing that he is registered:

If any person whose name is not entered in the State Medical Register and falsely pretends that it is so entered, or uses in connection with his name or title any words or letters or numbers representing that his name is so entered he shall, whether any person is actually deceived by such representation or not, be punishable, with imprisonment which may extend to six months or with fine which may extend to five hundred rupees, or both.

29. Publication and use of Medical list:

- (1) The Registrar shall, after the expiry of every period of three years, on or before a date to be fixed in this behalf by the State Council cause to be printed and published a correct list of the names for the time being entered in the State Medical Register and setting forth—
 - (a) all names entered in the State Medical Register arranged in alphabetical order according to the surname;
 - (b) the registered address or appointment of each person whose name entered in the State Medical Register, and
 - (c) the qualification of each person represented by the abbreviation thereof and the year in which each such qualification was obtained.
- (2) The Registrar shall on the expiry of every year in which a list is printed and published under sub-section (1) on or before a date to be fixed in this behalf by the State Council, cause to be printed and published a list supplementary thereto, containing additions and alterations in the State Medical Register, since the publication of the list under sub-section (1).
- (3) Every Court shall presume that any person whose name is entered in the latest list printed and published under sub-section (1) read with the latest list supplementary thereto, if any, printed and published under sub-section (2) is duly registered under this Act, and that any person whose name is not so entered is not registered under this Act:

Provided that the case of any person whose name does not appear in the latest list printed and published under sub-section (1) read with the latest list supplementary thereto, if any, printed and published under sub-section (2), a certified copy, signed by the Registrar of the entry of the name of such person in the State Medical Register shall be evidenced that such person is registered under this Act.

30. Transitional provisions:

Every person practicing medical profession in Manipur as registered practitioner under any law for time being in force immediately before the commencement of this Act shall be deemed to be a registered practitioner under the relevant provisions of this Act:

Provided that every such person other than a person who is registered with the Indian Medical Council, shall apply for registration under this Act to the State Council within one year from the date of commencement of this Act, failing which he shall be liable for action as determined by the State Council.

31. Power to remove difficulties:

- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the official Gazette, make such provisions not inconsistent with the provisions of this Act as appeared to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date on which the provisions of this Act come into force.

- (2) Every order made under this section shall as soon as may be after it is made be laid before the House of the State Legislature.

32. Power to make Rules:

- (1) The State Government may, by notification in the official Gazette, from time to time, make rules to carry out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power such Rules may provide for all or any of the following matter, namely,
 - (a) to regulate elections under clauses (b) to (d) of section 3 (1);
 - (b) to regulate election of President and Vice-President under section 3 (2);
 - (c) the allowances of Members under section 15;
 - (d) the terms and conditions of service including pay and allowances of the Registrar and other employees appointed under section 16;
 - (e) the manner of maintenance of register under section 18;
 - (f) form of State Medical Register;
 - (g) fee, and form of application under section 19;
 - (h) manner of enquiry under section 24;
 - (i) manner of appeals under section 25;
 - (j) any other matter which is or may be prescribed under this Act.
- (3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the Legislative Assembly while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the successive sessions aforesaid, the House agrees in making modification in the rule or that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

TH. KAMINI KUMAR SINGH,
Deputy Secretary (Law),
Government of Manipur.