

Chhattisgarh Chikitsa Mandal Adhiniyam, 2001

7 of 2001

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SCHEDULE 1 :- SCHEDULE I

Chhattisgarh Chikitsa Mandal Adhiniyam, 2001

7 of 2001

An Act to provide for the establishment of a Chikitsa Mandal in the State to regulate Practitioner in Modern Medicine and Surgery Education, and the practice by Practitioner in Modern Medicine and Surgery Practitioners. Be it enacted by Chhattisgarh Vidhan Sabha is the Fifty-second Year of the Republic of India as follows :--
Published in Chhattisgarh Rajpatra (Asadharan) dated 18-5-2001
Pages 198 (13-24).

CHAPTER 1 PRELIMINARY

1. Short title, extent and Commencement :-

(1) This Act may be called the Chhattisgarh Chikitsa Mandal Adhiniyam, 2001. (2) It extends to the whole of Chhattisgarh. (3) It shall come into force on such date as the State Government may, by notification appoint, and different dates may be appointed for different areas.

2. Definitions :-

In this Act, unless the context otherwise requires (a) "Mandal" means the Chhattisgarh Chikitsa Mandal under section 3. (b) "State Register" means a register maintained under this Act and expression "Registered" and "Registration" shall be construed accordingly. (c) "Medicine" means Modern medicine in all its branches and includes surgery and obstetrics, but does not include veterinary medicine and surgery. (d) "Recognised qualification" means any of the qualifications specified in the schedule. (e) "Registered Practitioner" means any person enrolled on the State Register under the provisions of this Act, (f) "Regulation" means a regulation made under section 32. (g) "Practitioner in Modern Medicine and surgery" means a person who has been granted the certificate of Practitioner in Modern Medicine and Surgery and who practices medicine.

CHAPTER 2

ESTABLISHMENT AND CONSTITUTION

3. Establishment of the Mandal :-

(1) The State Government shall, as soon as may be established by notification, the Chhattisgarh Chikitsa Mandal from such Mandal shall be a body corporate by the name of Chhattisgarh Chikitsa Mandal, and shall have perpetual succession and a common seal with power to acquire and hold, property both moveable and immoveable and subject to the provisions of this Act, to transfer any property held by it, and to contract, and do all other things necessary for the purposes of its continuation, and may sue and be sued in its corporate name.

4. Constitution of the Mandal :-

(1) The Mandal shall consist of the following members, namely:- (i) Five members enrolled on the State Register: Provided that in case of the constitution or commencement of this Act, the members under this category shall be nominated by the State Government, and such nominees may not be enrolled on the State Register. (ii) Five members to be nominated by the State Government as follows:- (a) One representative on the Indian Medical Association, Chhattisgarh state Branch out of a Panel of five persons to be proposed by the state Branch of the said association. (b) One member from amongst the members of the Medical Faculties of the Universities in the State. (c) Two members from amongst the members of Chhattisgarh Government Health Service holding Group A post out of whom one shall be a lady doctor. (d) A

Dean of one of the Medical Colleges of the State. (iii) Director Health Services Chhattisgarh, (iv) Director Indian Systems of Medicine, and Homeopathy, Chhattisgarh. (2) The name of every person elected or nominated shall be published in the official Gazette, and members shall enter and shall for the purposes of their term be deemed to have entered upon their respective offices with effect from the date of such publication.

5. Disqualification for Membership :-

A person shall not be qualified for being nominated or elected as a member of the Mandal, if :- (a) He is not a citizen of India; or (b) He is an undischarged mind and stands so declared by a competent court; or (c) He has been sentenced for any offence; or (d) He is an employee of the Mandal, and is remunerated by salary or honorarium; or (e) His name has been removed from the State Register.

6. Term of office of Nominated and Elected members of the Mandal :-

(1) Save as otherwise provided in this Act, all elected and nominated members shall hold office for a term of five years from the date they enter upon their office as provided in subsection (2) of section 4. (2) If elected members have entered, they shall hold office till the elected members have entered, shall continue to be in office for the un-expired term of nominated members under clause (i) of sub-section (1) of section 4. (3) Notwithstanding the expiration of the term specified under subsection (1) the outgoing members shall continue in office till the nomination or election, as the case may be, of his successor.

7. Resignation by Nominated or Elected Member :-

The nominated or elected member of the Mandal may at any time resign from his office in such manner as may be prescribed by the regulations.

8. Disabilities for continuing as Member of the Mandal :-

(1) If any member of the Mandal during the period of his office :- (a) absents himself from three consecutive meetings of the Mandal; or (b) is absent out of India for a period exceeding twelve consecutive months; or (c) becomes subject to any of the disqualifications specified in section 5; or (d) ceases to be for the time being in force; the Mandal shall declare his office as vacant: Provided that no declaration shall be made unless a reasonable opportunity of being heard is given to the member concerned. (2) Any member aggrieved by a declaration under subsection (1) may prefer an appeal to the State Government within

ninety days from the date of such declaration, and the decision of the State Government there on shall be final.

9. Filling of casual vacancies :-

If a nominated or elected member of the Mandal dies or resigns, or for any other reason whatever ceases to be a member, the vacancy, shall be filled, as soon as may be, by nomination, or election, as the case may be, and the person so nominated or elected shall hold office for the un-expired term of this predecessor.

10. President and Vice-President of the Mandal :-

(i) The Director x-officio President of the Mandal. (ii) The Dean of Government Medical College nomi Mandal shall be the Vice-President of the Mandal. (iii) The President and Vice-President shall subject to the provisions of this Act, exercise such powers and perform such duties as may be prescribed by this Act, or regulations thereunder.

11. Conduct of Business to be as per Rules :-

Business of the Mandal shall be conducted as prescribed by Rules.

CHAPTER 3

POWERS AND FUNCTIONS OF THE MANDAL

12. Powers and Functions of the Mandal :-

(1) Subject to the provisions of this Act and the Rules made thereunder the Mandal shall exercise such powers and perform such functions as may be necessary for carrying out the purposes of this Act. (2) In Particular, and without prejudice to the generality of the foregoing provision, the powers, e -- (a) to maintain the State Register of Registered Practitioners; (b) to hear and decide app in such manner as may be prescribed by regulations; (c) to prescribe by regulations a code of ethics for rgistered Practitioners; (d) to reprimand aremove the name from the State Register, or to take such other disciplinary action against him, a may, in the opinion of the Mandal be necessary or expedient; (e) to permit anyngs of the Board; (f) to promote innovations, research and development; and to formulate schemes for promoting Practitioner in Modern Medicine and Surgery education; (g) to lay down norms and standards for courses, curricula, facilities for instruction, training, assessment and examinations for Practitioner in Modern Medicine and Surgery; (h) to fix norms and guidelines for charging tuition fees for Practitioner in Modern Medicine and Surgery; (i) to advise the State Government in respect of grant of recognition to any Practitioner in

Modern Medicine and Surgery School; (j) to provide guidelines for admission of students to Practitioner in Modern Medicine and Surgery Schools; (k) to inspect or cause to be inspected any Practitioner in Modern Medicine and Surgery School; (l) to conduct the examinations of Practitioner in Modern Medicine and Surgery Course; (m) to conduct the election of members under clause (i) of subsection (1) of section 4; (n) to perform such other functions as may be prescribed by Rules.

CHAPTER 4

PRACTITIONER IN MODERN MEDICINE AND SURGERY SCHOOLS AND THEIR RECOGNITION

13. Minimum Standards of Practitioner in Modern Medicine and Surgery Education :-

The Mandal may prescribe the minimum standards of Medical Practitioner in Modern Medicine and Surgery Education required for the granting of a recognised qualification by Practitioner in Modern Medicine and Surgery Schools in Chhattisgarh.

14. Permission for establishment of new Practitioner in Modern Medicine and Surgery schools New Courses of study etc. :-

(1) Notwithstanding anything contained in this Act or any other law for the time being in force:- (a) no person shall establish a Practitioner in Modern Medicine and Surgerrn Medicine and Surgery School shall; (i) training which would enable a student of such course or training to qualify himself for the award of any recognized qualification; or (ii) increase its admission capacity in any course of study or training; except with the previous permission of the Stah the provisions of this Act, Explanation 1 - For the purposes of this section, "person" includes any University or a trust but does not include the State Government. Explanation 2 - For the purposes of this section "admission capacity" in relation to any course of study or trainiand Surgery School, means the maximum number of students that may be fixed by the Mandal from time to time for being admitted to such course or training. (2) (a) Evecine and Surgery School shall for the purposes of obtaining permission under sub section (1), submit to the State Government a scheme in accordance with the provisions of clause (b), and the State Government shall refer the scheme to the Mandal for its recommendations. (b) The scheme referred to in clause (a) shall be in such form and contain such particulars and be preferred in such manner and be accompanied with fee as may be prescribed. (3) On

receipt of the scheme by the Mandal the Mandal may obtain such other particulars as may be considered necessary by it from i the person or the Practitioner in Modern Medicine and Surgery School concerned, and thereafter it may. (a) If the scheme is defective and does not contain any necessary particulars, give a reasonable opportunity to the person or Practitioner in Modern Medicine and Surgery School concerned for making a written representation and it shall be open to such person or Practitioner in Modern Medicine and Surgery School to rectify the defects if any, specified by the Mandal. (b) consider the scheme, having regard to the factors referred to in sub-section (5), and submit the scheme together with its recommendations thereon to the State Government. (4) The State Government may after considering the scheme and the recommendations of the Mandal under sub-section (3) and after obtaining, where necessary such other particulars as may be considered necessary by it from the person or Practitioner in Modern Medicine and Surgery School concerned and having regard to the factors mentioned in sub-section (5), either approve (with such conditions if any as may be considered necessary) or disapprove the scheme, and any such approval shall be a permission under sub-section (1). (5) The Mandal while making its recommendations under clause (b) of sub-section (3) and the Stale Government while passing an order, either, approving or disapproving the scheme under sub-section (4), shall have due regard to the following factors, namely :- (a) Whether the proposed Practitioner in Modern Medicine and Surgery School, or the existing Practitioner in Modern Medicine and Surgery School, seeking to open a new or higher course of study or training, would be in a position to offer the minimum standards of Practitioner in Modern Medicine and Surgery, education as prescribed by the Mandal. (b) Whether the person seeking to establish a Practitioner in Modern Medicine and Surgery School or the existing Practitioner in Modern Medicine and Surgery School seeking to open a new or higher Course of study or training or to increase its admission capacity has adequate financial resources. (c) Whether necessary facilities in respect of staff, equipment, accommodation, training and other facilities to ensure proper functioning of Practitioner in Modern Medicine and Surgery School or conducting of the new course of study or training or accommodating the increased admission capacity, have been provided or would be provided Aithin the time limit specified in the scheme. (d) Whether adequate hospital facilities having regard to the number of students likely to attend

such Practitioner in Modern Medicine and Surgery School or course of study or training or as a result of increased admission capacity has been provided or would be provided within the time limit specified in the scheme. (e) Whether any arrangement has been made or programme drawn to impart proper training to students likely to attend such Practitioner in Modern Medicine and Surgery School or course of study or training, by persons as prescribed by the Mandal. (f) the requirement of manpower in the field of practice of Practitioner in Modern Medicine and Surgery. (g) any other factors as may be prescribed. (6) Where the State Government passed an order either approving or disapproving a scheme under this section, a copy of the order shall be communicated to the person or Practitioner in Modern Medicine and Surgery School concerned.

15. Non recognition of qualification in certain cases :-

(1) Where any Practitioner in Modern Medicine and Surgery School is established except with the previous permission of the State Government in accordance with the provisions of section 14 no qualification granted to any student of such a Practitioner Modern Medicine and Surgery School shall be a recognized qualification for the purposes of this Act. (2) Where any Practitioner in Modern Medicine and Surgery School opens a new or higher course of study or training except with the previous permission of the State Government in accordance with the provisions of section 14 no qualification granted to any student of such Practitioner in Modern Medicine and Surgery, on the basis of such study or training shall be a recognized qualification for the purposes of this Act. (3) Where any Practitioner in Modern Medicine and Surgery School increases its admission capacity in any course of study or training except with the previous permission of the State Government in accordance with the provisions of section 14 no qualification granted to any student of such Practitioner in Modern Medicine and Surgery School on the basis of the increase in its admission capacity for the purposes of this Act. Explanation - For the purposes of this section, the criteria for identifying a student who has been granted a qualification on the basis of such increase in the admission capacity shall be such as may be prescribed.

16. Powers to require information :-

Every person or Practitioner in Modern Medicine and Surgery School which grants a recognized qualification shall furnish such information to the Mandal as Mandal may from time to time require them to furnish.

17. Inspection Practitioner in Modern Medicine and Surgery Schools :-

The Mandal shall cause all the Practitioner in Modern Medicine and Surgery School to be inspected when deemed necessary.

18. Withdrawal of recognition :-

(1) When upon report of inspections or otherwise it appears to the Mandal:-- (a) that the courses of study and examinations undergone in any Practitioner in Modern Medicine and Surgery School, (b) that the staff, equipment, accommodation, training, and other facilities for instructions and training provided in such Practitioner in Medicine and Surgery School, do not conform to the standards prescribed by the Mandal, the Mandal may make a representation to that effect to the State Government. (2) The State Government may send such representation to the Practitioner in Modern Medicine of the period within which the Practitioner in Modern Medicine and Surgery School may submit its explanation to the State Government. (3) On receipt of the explanation, or where no such explanation is received within the period fixed, the State Government as it may think fit, may by notification in the Official Gazette, direct that an entry be made in the schedule against the said qualification if granted to the students of a specified Practitioner in Modern Medicine and Surgery School shall be a recognized qualification only when the case may be the said qualification shall be a recognized qualification in relation to Medicine and Surgery School only when granted after a specified date.

CHAPTER 5

SECRETARY AND OTHER OFFICERS AND SERVANTS

19. Secretary and other Officers and Servants of the Mandal :-

(1) The Mandal shall with the prior approval of the State Government appoint a Secretary. (2) The Mandal may, employ such other officers, and servants as it may deem necessary for carrying out the provisions of this Act. (3) The qualifications, conditions of service and pay scales of the Secretary and other officers and servants of the Mandal shall be such as the Mandal may determine by regulations. (4) The Secretary or any other officer or servant appointed by the Mandal under this Section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (No. 45 of 1860).

20. Duties of Secretary :-

(1) It shall be the duty of the Secretary to keep the State Register in accordance with the provisions of this Act, and any order made by the Mandal and to revise it from time to time in such manner as may be prescribed by regulations, to publish in the Official Gazette and to discharge such other functions as are or may be required to be discharged by him under this Act and the Rules, and Regulations made thereunder. (2) The Secretary shall see that the Stct at all times and may from time to time the address or qualifications of Registered Practitioners. (3) The Secretary may remove from the State Register the name of Registered Practitioner who dies, or whose name is directed to be removed fro a Practitioner in Modern Medicine and Surgery Practitioner. (4) On receipt of intimation from the Practitioner if the Mandal is satisfied that the Practitioner has not ceased to practice then the Mandal may direct the Secretary to restore the name of such practitioner in the State Register and the Secretary shall comply with such direction.

CHAPTER 6

FUND OF THE MANDAL

21. Fund of the Mandal :-

(1) The Mandal shall establish a fund to be called the fund of the Mandal. (2) The follo the fund of the Mandal :- (a) any contribution or grant by the Central or SI from all sources including income from fees and fine, (c) trust, donation, endowment, and other grants, if any, (d) all other sums received by the Mandal.

22. Purposes for which the Fund of the Mandal may be utilized :-

The fund of the Mandal may be utilized for the following purposes, namely; (a) the repayment of debts incurred by the mandal for the purposes of this Act and the Rules, and Regulations made thereunder, (b) the expenses of any suit or legal proceeding to which Mandal is a party, (c) the payment of salaries and allowances to the officers and servants of the Mandal, (d) the payment of allowances to the office bearers of the Mandal, (e) the payment of any expenses incurred by the Mandal in carrying out the provisions of this Act and the Rules, and Regulations made thereunder, (f) any other expenses incurred for the promotion and development of Medical Practitioner in Modern Medicine and Surgery education, research, and training, declared by the Mandal to be in general interest of the Medical Practitioner in Modern Medicine and Surgery profession.

23. Accounts and Audit :-

(1) The abefore such date and at such intervals, and in such manner as may be prescribed. (2) The accounts of the Board shall be audited by a Chartered red Accountant shall be fixed by the Mandal from time to time as per their regulations. (3) As soon as the accounts of the Mandal are audited, the Mandal shall send a copy thereof together with a report of the Director Health Services thereon, to the State Government in such manner as may be prescribed.

24. Budget :-

(1) The Secretary shall cause to ribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure and sal at such time and in such manner as may be prescribed. (2) Within 15 days from the meeting in which the budget is passed, it shall be forwarded to the State Government. (3) If the State Government is of the opinion that the provisions of the budget so forwarded to it are not adequate for carrying out the purposes of this Act, it shall return the budget to the Mandal for such modifications as may be suggested by the State Government. (4) The Mandal shall be competent to re-appropriate such amounts as may be necessary from one head to another and within such heads. (5) The Mandal shall as and when required, pass a Supplementary budget in such form and by such date as may be prescribed and the provisions of sub-section (2), (3) and (4) shall apply to such supplementary budget.

CHAPTER 7

REGISTRATION AND STATE REGISTER

25. Registration and State Register :-

(1) The Mandal shall cause to be maintained in the prescribed manner a register of Practitioner in Modern Medicine and Surgery Practitioners to be known as the State Register, who possess any of the recognized qualifications. (2) It shall be the duty of the Secretary to keep the State Register in accordance with the Provisions of this Act and of any orders made by the Mandal and from time to time revise the register and publish it in the Official Gazette, in such manner as may be prescribed. (3) The State Register shall be deemed to be a public document within the meaning of the Ind by a copy published in the Official Gazette. (4) Every person all be eligible for enrollment on the State Register on furnishing to the Secretary the proof of such qualification and on payment of such fees as may be prescribed.

26. Power of the Mandal to prohibit entry in, or to order removal from, State Register, name of any person :-

The Mandal may upon reference from Secretary or otherwise by order, prohibit the entry in or order the removal from the State Register the name of any person :-- (a) Who has been sentenced by a criminal court to imprisonment for an offence indicating in the opinion of the Mandal such a defect in character as would render the enrollment or continuance of his name in the State Register undesirable; or (b) Whom the Mandal after reasonable inquiry has found guilty of infamous conduct in any professional respect by a majority of two third of the members present and voting at the meeting : Provided that no order shall be passed under this section without giving a reasonable opportunity of being heard to the person concerned.

27. Alteration of the State Register :-

(1) The mandal may after giving the person concerned a reasonable opportunity of being heard and inquiring into his objections, if any order that any entry in the State Register which in the opinion of the Mandal has been incorrectly or fraudulently been made or brought about, be cancelled or amended. (2) The Mandal may direct removal for ever, or for a specified period from the State Register the name of any registered Practitioner for the same reason for which registration may be prohibited by the Mandal under section 26.

28. Procedure in inquiries :-

For the purposes of any inquiry under the provisions of this Act; the Mandal or any committee appointed by the Mandal shall be deemed to be a court within the meaning of the Indian Evidence Act, 1872 (No. 1 of 1872), and the Code of Civil Procedure, 1908 (No. 5 of 1908) and shall exercise all powers of a Commissioner appointed under the Public Servants (Inquiries) Act, 1850 (No. 37 of 1850) and such inquiries shall be conducted, as far as may be in accordance with section 5 and section 8 to 20 of Public Servants (Inquiries) Act, 1850 (No. 37 of 1850).

29. Appeal against order of the Mandal :-

Any person - (1) Whose application for enrollment in the State Register has been rejected; or (2) Whose entry in the State Register has been prohibited under section 26; or (3) Whose name has been removed from the State Register; may within ninety days of the order rejecting, prohibiting, or removal, as the case may be,

appeal to the State Government and the decision of the State Government thereon shall be final.

30. Prohibition of practice except as provided in this Act :-

(1) No person whose name is not enrolled on the State Register shall practice or hold himself out, whether directly or indirectly as practicing habitually for personal gain as a Practitioner within the State. (2) Any person who contravenes the provisions of sub-section (1) shall extend to 6 months or fine up to five thousand rupees or with both.

CHAPTER 8

RULES AND REGULATIONS

31. Power to make Rules :-

(1) The State Government may make Rules to carry out the purposes of this Act. (2) All Rules made under this Act shall be laid on the table of the Vidhan Sabha.

32. Power to make Regulations :-

(1) The Mandal may with the previous sanction of the State Government and subject to Rules made under section 31 make Regulations, generally to carry out the purposes of this Act, and without prejudice to the Generality of the foregoing power, such Regulation may provide for :- (a) The management of the property of the Mandal and the maintenance and audit of its account; (b) The manner of election of five members from Registered Practitioners under clause (i) of sub-section (1) of section 4; (c) The powers and duties of the President, and Vice-President; (d) The mode of appointment of committees, the summoning and holding of meetings and the conduct of business of such, committees; (e) The travelling and other allowances payable to the members of the Mandal; (f) The mode of making appeals against the decision of the Secretary; (g) The Code of ethics for regulating practitioners; (h) The qualifications, the conditions of service, and pay of the Secretary, and other officers, and servants of the Mandal; (i) The form of the State Register; (j) The manner of the revision of the State Register; (k) Manner of admissions to Practitioner in Modern Medicine and Surgery Schools in the State; (l) Manner in which examination will be conducted in the Practitioner in Modern Medicine and Surgery course; (m) Any other matter for which by Regulations. (2) The State Government, on receiving Regulations for sanction may sanction them, subject to return them to the Mandal for reconsideration. (3) All Regulations shall be published in the Official Gazette. (4) The State Government may, by

notification, amend or repeal any Regulation.

CHAPTER 9

MISCELLANEOUS

33. Penalty for dishonest use of Certificate :-

Any person who :-- (a) dishonest registration granted under this Act; or (b) registration under the provisions of this Act by making, or producing or causing to be made or produced any false or fraudulent declaration, certificate or otherwise; or (c) willfully makes or causes to be made any false representation in any matter relating to the certificate of registration issued under provisions of this Act; shall on conviction, be punished to one year or with fine which may extend to one thousand rupees or with both.

34. Cognizance of offence :-

(1) No court shall take cognizance of an offence punishable under this Act, except upon a complaint in writing made by the Secretary or any other officer authorized by the Mandal in this behalf by general or special order. (2) No court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act.

35. Information to be furnished by the Mandal :-

The Mandal shall furnish such reports copies of its minutes, abstracts of its accounts, and other information to the State Government as the State Government may require.

36. Power to amend Schedule :-

The State Government may by notification amend the Schedule.

37. Control by the State Government :-

If at any time it appears to the State Government that the Mandal has failed to exercise, or has exceeded or abused any powers conferred upon it by or under this Act, or has failed to perform any of the duties imposed upon it by or under this Act, the State Government may, if it considers such failure, excess or abuse, to be of a serious character, notify the particulars thereof to the Mandal, requiring it to remedy such failure, excess or abuse within the period specified in the notice, and if the Mandal fails to remedy such failure, excess or abuse within the period specified in the notice, the State Government may dissolve the Mandal and cause all or any of the powers and duties of the Mandal to be exercised by such person and for such period not exceeding two years as to bring into existence a new Mandal.

SCHEDULE 1

SCHEDULE I

[See under Section 2 (d)]

Practitioner in Modern Medicine and Surgery