

## **GUJARAT HOMEOPATHIC RULES, 1965**

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**GUJARAT HOMEOPATHIC RULES, 1965**

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PART 1

Preliminary

**1. Short title :-**

These, rules may be called the Gujarat Homoeopathic Rules, 1965.

**2. Definition :-**

In these rules, unless the context otherwise requires,-

- (a) "the Act" means the Gujarat Homoeopathic Act, 1963:
- (b) "Candidate" means a registered practitioner standing for election as a member of the Council under clause (b), or, as the case may be; clause, (c), of sub-section (2) of section 3:
- (c) "Form" means a form appended to these rules;
- (d) "section" means a section of the Act:
- (e) "voter" means a registered practitioner whose name is entered

in part A or, as the case may be. Part B, of the list of voters prepared under rule 6:

(f) the words and expression used in the Act but not defined in these rules shall have the meaning assigned to them in the Act.

## PART 2

### Mode of Election

#### **3. Returning offices :-**

The president or any other person authorised by him in this behalf shall be the Returning Officer for every election or by election held in pursuance of clauses (b) and (c) of sub-section (2) of section 3.

#### **4. Notice of election :-**

The Returning Officer shall not less than sixty days and not more than ninety days before the date on which the term of office of the elected members of the Council is due to expire publish in the Gujarat Government Gazette-a notice in Form "A" calling upon the registered practitioners whose names are entered in the list published under sub-section (2) of section 4 are entitled to elect new members, to make nominations therefor.

#### **5. Notification of dates for each stage of election :-**

1 the election of the members of the Council to be elected by the registered practitioners from amongst themselves, shall be held by a postal ballot. The Returning Officer shall in such case notify in the Gujarat Government Gazette and on the notice board at the office of the Council the dates for each of the following stage of election, namely:-

(a) The last date for making nominations, which shall be a date not later than the twenty-fifth day before the date fixed for the counting of votes;

(b) The date for the security of nominations, which shall be the date falling on the seventh day from the date of making nominations, counting the last date for making nominations as the first day for the purpose.

(c) The last date for the withdrawal of the candidatures, which shall be the third day after the date for the scrutiny of nominations:

(d)<sup>1</sup> [The date of election that is to say the last date] for the receipt of the voting papers: and

(e) The date for the counting of votes.

1. Substituted Pub. in G.G.G., Pt. IV-B, dt.1-12-1966, p. 994.. dt. 1-12-1966.

**6. Preparation and publication of list of voter for purpose of election of members under section 3 :-**

**1.**

(1) For the purpose of election of members under section 3, there shall be prepared a correct list of voters which shall consist of part A and part B, Part A of list of voters shall contain the names and qualifications of registered practitioners referred to in clause (b) of sub-section (2) of section 3, Part B of list of voters shall contain the names and qualifications of registered practitioners referred to in clause (c) of sub-section (1) of Section 3].

(2)<sup>2</sup>[Such list] shall be published in the office of the Council <sup>3</sup> [at least three months before the date of election as fixed under clause (d) of rule 5].

1. Substituted by Pub. in G.G.G., Pt. IV-B, dt. 22-4-1976, p. 338.

2. Substituted by Pub. in G.G.G., Pt. IV-B, dt. 22-4-1976, p. 338.

3. Substituted by Pub. in G.G.G., Pt. IV-B, dt. 1-12-1966, p. 994.

**7. Candidate to be proposed and seconded :-**

The name of a candidate shall be proposed by a voter and seconded by another voter. A candidate not so proposed and seconded shall not be deemed to have been duly proposed and seconded.

**8. Form of nomination :-**

The nomination paper shall be in form "B". No voter shall propose or second the nomination of more candidates than are required to fill up the vacancy or vacancies. If more nominations than are required to fill up seat or seats, be subscribed by the same voter all nominations subscribed by him shall be invalid.

**9. Nomination paper to be signed :-**

The candidate shall sign nomination paper 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.

**10. Deposit :-**

(i) Every candidate shall along with the proposal for nomination, deposit with the Returning Officer a sum of Rupees one hundred in

cash. A nomination paper not accompanied by such deposit shall not be accepted by the Returning Officer. The deposit shall be returned if-

(a) the candidate is declared or is deemed to be duly elected, or

(b) the nomination of the candidate is declared invalid, or

(c) the candidate dies after the scrutiny of nomination papers and before the election is completed, or

(d) the candidate fails to be elected but secures valid votes in excess of the numbers specified in clause (ii).

(ii) If a candidate is not elected and if the number of valid votes recorded in his favour is less than 1/8th of the total number of votes recorded by the total number of member to be elected, the deposit shall be forfeited to the council.

(iii) The deposit shall, if it is not forfeited, be returned as soon as may be after the declaration of the result of the election.

#### **11. Scrutiny of nominations :-**

On the day fixed for the scrutiny of nomination papers the Returning Officer shall scrutinize the nomination papers received by him at a place appointed by him in this behalf at 12 noon. Any candidate may be present either in person or by an accredited representative at the time of such scrutiny. On completion of the scrutiny of nomination papers and after the expiry of the period within which the candidate may withdraw his candidature under rule 12 the Returning Officer shall forthwith declare the names of the candidates whose nomination papers are held valid by him.

#### **12. Withdrawal of candidate :-**

Any candidate may withdraw his candidature by sending a notice in writing signed by him to the Returning Officer not later than 12 noon on the day fixed for the withdrawal.

#### **13. Declaration of elected candidate In certain cases :-**

If on the scrutiny of the nomination papers received, the Returning Officer finds that the number of valid nomination Is equal to the numbers to be elected, he shall forthwith declare all such candidates to be duly elected to fill those seats.

#### **14. Publications of names and addresses of the candidates nominated :-**

If the number of nominations received is more than the number of the members to be elected, the Returning Officer shall forthwith publish their names and addresses in such manner as the Council may deem fit and shall further cause their names to be entered in the voting papers in Form "C".

**15. Dispatch of voting :-**

After the candidates have been validly nominated the Returning Officer shall except in a case covered by rule 13 send by post<sup>1</sup> [under certificate of posting] to each voter-

(1) a voting paper,

(2) a small blank cover with the words "voting papers" printed thereon: and

(3) a bigger cover on which are printed, on the left top corner, the serial number of the voter in the register and on the left lower corner, the name and signature columns and, in the centre the address of the Returning Officer printed as under:- "To The Returning Officer, C/o The Council of Homoeopathic System of Medicine, Ahmedabad

1. Substituted by Pub. in G.G.G., Pt. IV-B, dt. 22-4-1976, p. 338.

**16. Supply of duplicate of voting papers in certain cases :-**

A voter who has not received his voting paper and other connected papers as provided in rule 15 or whose papers, before they are returned to the Returning Officer have been inadvertently spoil in such a manner that they cannot be conveniently used, or who has lost his papers, may on his transmitting to the Returning Officer a declaration to that effect signed by himself require the returning officer to send him duplicate papers in place of those not received, spoilt or lost, and if the papers have been spoilt, the same shall be returned to the Returning Officer who shall cancel. In every case, when duplicate papers are issued a record thereof shall be kept by the Returning Officer and a mark "Duplicate" shall be placed on the bigger cover which shall bear the same serial number as was originally given on the bigger cover sent to voter. The voting papers issued In such cases shall also be marked "Duplicate".

**17. Elector to send voting paper before fixed time :-**

Every voter desirous of voting shall send his voting paper to the Returning Officer before the time fixed for the receipt of voting papers. The Returning Officer, shall keep the same collected in

sealed boxes: provided that any voting paper which is received by the Returning Officer, after the time so fixed, shall be rejected.

**18. Scrutiny of voting paper :-**

The Returning Officer shall nominate as scrutinizers such number of employees of the Council, not exceeding four as he thinks fit.

**1** [xxx]

1. Proviso deleted by Pub. in G.G.G., Pt.IV-B, dt. 22-4-1976, p. 338.

**19. Counting of votes :-**

Any candidate may be present either in person or his accredited representative at the counting of votes.

**20. Declaration of result of election :-**

When the counting of votes has been completed, the returning Officer shall forthwith declare the candidate or each of the candidates, as the case may be, to whom the largest number of votes has been given, to have been elected and shall forthwith inform the successful candidate by letter his having been elected to the Council and shall ascertain his wishes whether he accepts the seat in the Council within the date specified therein. If no such intimation is received by the Returning Officer within the period specified, the candidate shall be deemed to have accepted a seat in the Council. If any candidate refuses to accept a seat on the Council, then one of the remaining candidates to whom the next has been given shall be declared to have been elected as aforesaid in the place of the candidate who has refused to accept a seat in the council, and the same procedure shall be followed if further vacancies are caused by refusal of a candidate to accept a seat in the Council.

**21. Lots to be drawn in cases of equality of votes :-**

When an equality of votes is found to exist between any two or more candidates, and the addition of a vote will entitle any one or more of the candidates to be declared elected the determination of the candidate or the candidates 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 such manner as he shall determine.

**22. Custody and preservation of voting papers :-**

After the result of the election has been declared by him, the Returning Officer shall seal the voting 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.

**23. Publication of results In Official Gazette :-**

After the declaration of the result of the election and, where the President himself is not the returning officer, after the receipt by him of the result of such election from the Returning Officer the President shall forward such result to the State Government for publication in the Gujarat Government Gazette. The notification of the election of a member shall be read by the Registrar at the next meeting of the council, and the new member shall then be introduced to the meeting by the senior, most member of the Council.

**24. Maintenance of list of elected candidates etc :-**

The Registrar shall maintain a list containing the names of the members elected to the Council, the election of each such member, the term of his office and the date on which his term expires and if any member has died, the date of his death. The list shall also contain similar particulars in regard to the members of the Council nominated by the State Government. The Registrar shall keep the list always up to date so that It may be shown at a glance when the next election or nomination, as the case may be, has to be made.

**25. State Government] may declare election to be void in certain cases :-**

**1**

(1) The <sup>2</sup>[State Government] may, of its own motion, or on any objection made before it, declare the entire election or, as the case may be, the election of an elected candidate to be void if it is opinion that the result has been materially affected-

- (a) by the improper acceptance or rejection of any nomination; or
- (b) by the improper reception or refusal of vote at the counting; or
- (c) by any non compliance with the provisions of these rules.

(2) The decision of the <sup>3</sup> [State Government] shall be final.

1. Substituted by Pub. in G.G.G., Pt. IV-B, dt. 22-4-1976, p. 338.

2. Substituted by Pub. in G.G.G., Pt. IV-B, dt. 22-4-1976, p. 338.

3. Substituted by Pub. in G.G.G., Pt. IV-B, dt. 22-4-1976, p. 338.

**26. Reference to State Government for interpretation :-**

If any question arises regarding the interpretation of any provision of the rules in this part which in the opinion of the Council, should be referred to the State Government the Council shall, before taking its own decision, refer such question to the State Government.

**27. President to in for State Government about vacancy :-**

The President shall inform the State Government, of every vacancy in the office of the nominated members of the Council and request it to fill such vacancy.

**28. Election of President :-**

(1) At the meeting called for the election of the President, the members present shall elect from amongst themselves a temporary Chairman by ballot, if necessary, to be taken by the

(2) It shall be competent for any member of the Council to nominate any other member for the office of the President. The temporary Chairman shall announce the names of the members so nominated and, if only one member has been so nominated shall declare, that member to have been elected as President. If more than one member has been so nominated, the meeting shall proceed to elect the President by ballot.

(3) When an equality of votes is found to exist between any two or more members and addition of a vote will entitle a member to be declared elected as President, the determination of the member to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn by the Chairman in such manner, as he thinks fit.

**PART 3**

**Meeting of the Council**

**29. Ordinary meeting :-**

The Council shall ordinarily meet for the transaction of business in the first week of the months of May, August, and December in each year.

**30. Special meeting :-**

Special meeting of the Council, of which fifteen days, notice shall be given, maybe summoned by the President at any time. Such meeting shall be summoned by the President on a written requisition signed by not less than six members of the council. The

President may for the purpose of transacting any business which may require urgent and immediate attention also summon a meeting at four days' short notice. All meetings of the Council shall be convened by the Registrar by a summon addressed to each member stating the time and place of the meeting and the business to be transacted thereat.

**31. Business at special meeting :-**

At any special meeting no business other than that specified in the summons shall be transacted, unless the Council, by a resolution at the meeting agrees to consider any other business.

**32. Agenda :-**

In the case of an ordinary meeting-The Registrar shall, under the instructions of the President, prepare the agenda and shall furnish a copy thereof to each member of the Council not less than ten days before the day for the meeting and furnish in case of a meeting where the question of removing the name of a registered or enlisted practitioner from the register or list, as the case may be, for any misconduct is to be considered shall also furnish to all members of the Council copies of the papers of the inquiry held against such practitioner.

**33. Notice for Inclusion of Business In Agenda :-**

If any member desires any item of business to be included in the agenda of an ordinary meeting, he shall give a notice of the same to the Registrar at least thirty days before the day on which the meeting is scheduled to be held.

**34. Motions :-**

(1) A motion for the consideration of the Council shall not be admissible:-

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

(b) if it raises substantially the same question as a motion or amendment, which had been moved and either decided or withdrawn with the leave of the Council, within six months of the date of the meeting at which it is designed to move such new motion unless and otherwise agreed to by the president: or

(c) if it is not clearly and precisely expressed and does not raise substantially only one definite issue: or

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

(2) The President shall disallow any motion, which in his opinion, is inadmissible under sub-rule (1):

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

(3) Where the President disallows or amends a motion the Registrar shall inform the member who gave notice of the motion, the reason of disallowance, or as the case may be, the form in which the motion has been admitted.

**35. Discretion of President to include any Business in agenda :-**

Notwithstanding anything contained in Rules 32 and 34 the President may, in his discretion at any meeting motion of urgent nature, notice of which has not reached the Registrar in time, for inclusion in the agenda.

**PART 4**

**Conduct of Business at the Meeting**

**36. Members not to leave without permission :-**

No member after taking his seat shall leave the meeting without the permission from the President.

**37. Conduct of business at meeting :-**

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

(2) The votes at the meetings shall be taken by show of hands or by ballot as the President may direct:

Provided that votes shall be taken by ballot if any member so desires and asks for it.

(3) In all cases <sup>1</sup> [whenever decision has been taken by majority], any member of the Council may require that the names or the numbers, or both, of the majority, of the minority of those who decline to vote and those who are absent be entered in the minutes.

(4) The result of the votes shall be announced by the President and

shall not be called in question.

1. Substituted by Pub. in G.G.G., Pt. IV-B, dt. 22-4-1976, p. 338.

### **38. Identical Motions :-**

When motions identical in purport stand in the names of two or more members, the priority to move the motion shall be regulated in accordance with the order in which notice therefore have been tabled. If any mover of the motion, is absent or does not wish to move his motion, the President shall call upon the mover next in the order of precedence to move his motion).

### **39. Method of moving Motions :-**

(1) All motions and amendments shall be in writing and shall be signed by the mover. Every motion or amendment shall be seconded and, if any motion or amendment is not seconded, it shall be deemed to have failed.

(2) When a motion is admitted, it may be discussed as a question to be resolved either in the affirmative or in the negative. Any member may, subject to Rules 40 and 41 move an amendment to the motion.

(3) The President may not allow an amendment to be moved which, were it a substantive motion, would have been inadmissible under the rules.

### **40. Amendment to motion :-**

(1) An amendment must be relevant to and within the scope of the motion to which it relates.

(2) No amendment shall be moved, which has merely the effect of a negative vote.

(3) The President may disallow any amendment, which is in his opinion irrelevant or frivolous.

### **41. Form of amendment of motion :-**

A motion may be amended by the omission, insertion, substitution, or addition of words therefrom or therein.

### **42. Debates :-**

(1) When a motion or amendment is under debate on proposal with reference thereto shall be made other than-

(a) an amendment of the motion or of the amendment as the case may be:

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

(c) a motion for the closure of debate, namely that the Council do now proceed to vote on the motion:

(d) a motion that the Council instead of proceeding to deal with the motion should pass to the next time on the programme of business:

(e) a motion that the Council be now adjourned:

Provided that no such motion or amendment shall be moved so as to interrupt a speech:

Provided further that no motion of the nature referred to in clause (b), (c), (d) or (e) shall be moved or seconded by a member, who has already taken part in the debate:

Provided also that a motion referred to in clause (c), (d) or (e) shall be moved without speech.

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

(3) The proposal for the clause shall be made and seconded without debate and shall, unless the chairman rules otherwise, be put forthwith. Should the proposal be carried, the motion or amendment under debate shall at once be voted by the Council.

#### **43. Withdrawal of motion :-**

A motion or an amendment, which has been admitted, shall not be withdrawn except with the consent of the Council, which consent shall not be deemed to be granted if any member dissents from the granting thereof.

#### **44. Mover to start debate :-**

After a motion has been placed before the meeting for consideration under rule 32 the mover may speak in support of the motion and the seconder may either follow or reserve his speech for a later stage of the debate thereon.

#### **45. Right to reply :-**

The mover, or if the mover waives his right, the seconder of a substantive motion may reply at the conclusion of the debate thereon but no other member shall, without the express permission of the President, speak more than once on the same motion except for the purpose of making a personal explanation, but in such case, no debatable matter shall be brought forward.

**46. Time limits for speech :-**

The President may fix a reasonable time limit within which the mover, the seconder and any other member shall finish his speech.

**47. Points of order :-**

(1) The President shall decide all points of order and his decision thereon shall be final.

(2) The member may at time raise a point of order for the decision of the President but in doing so he shall confine himself to setting the point.

(3) No discussion on any point of order shall be allowed except with the consent of the president.

**48. Right of President to take part In debate :-**

During the meeting the President may, at any time, make any observation or suggestion or give information to elucidate any point to help the members in the discussion.

**49. Speech to be confined to subject matter and conduct of member during meeting :-**

(1) A member shall confine his speech to the subject matter of the motion or amendment:

(2) Any motion or amendment standing in the name of the member, who is absent from the meeting or unwilling to move it, may be moved by another member with the permission of the President.

(3) A member desiring to make any observations on any matter before the Council shall speak from his place and shall rise when he speaks and shall address the President.

(4) If at any time the President rises, any member speaking shall immediately resume his seat.

**50. Motions to be relevant to business :-**

No member shall be entitled to propose a motion other than the one directly arising out of the subject before the meeting and relevant thereto, except in the case of emergency and with the consent of the President

**51. Procedure regarding amendment :-**

(1) When an amendment to any motion is moved or when two or more such amendments are moved, the President shall, before ascertaining the decision of the Council thereon, read to the Council the terms of the original motion and the amendment or amendments proposed.

(2) An amendment to a motion shall be put to the vote first.

(3) If there be more than one amendments to a motion the president shall decide in what order they shall be taken.

**52. Power to divide motion or amendment :-**

The President may divide a motion Into two or more distinct motions, or an amendment into two or more distinct amendments, as he may deem necessary.

**53. Adjournment of meeting :-**

(1) The President may, at any time, after stating reasons; adjourn any meeting to any future day or to any hour of the same day.

(2) Whenever a meeting is adjourned to a future day, the Registrar shall, if possible, send notice of the adjournment to every member who was not present at such meeting.

(3) When a meeting has been adjourned to a future day, the President may change such day to any other day, and the Registrar shall send written notice of the change to each member.

(4) At a meeting adjourned to a future day any motion standing over from the previous day shall, unless the President otherwise directs, take precedence on other matters.

(5) Either at the beginning of the meeting or after the conclusion of the debate on a particular item during the meeting, the President or a member may suggest a change in the order of business on the agenda and if the Council agrees, such a change shall take place.

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



**54. Decision of Council by circulating proposition :-**

The President, whenever it appears to him unnecessary to convene a meeting, may circulate a written proposition with the reasons for such proposition for the observations and votes of the members of the Council. Such propositions shall be decided by a majority of votes and a minute regarding it shall be added to minutes of the Council.

**55. Decision of President in matters of procedure final :-**

If any question arises with reference to procedure in respect of a matter for which there is no provision in these rules the President shall decide the same and his decision thereon shall be final.

**PART 5**

**Minutes of the Council**

**56. Proceedings of meetings to be preserved in printed books :-**

The proceedings of each meeting of the Council shall be recorded in the form of minutes which shall be presented at the next meeting for approval of the members and shall be confirmed by the signature of the President and they shall be preserved in the form of printed book.

**57. Minutes of meetings to be attested and copies to be supplied to members :-**

A copy of the minutes of each meeting shall be submitted to the President within fifteen days of the meeting and attested by him and it shall then be sent to each member within thirty days of the meeting.

**58. Contents of minutes book :-**

The minutes of each meeting shall contain such motions and amendments as have been moved and adopted or negative, with the names of the mover or the seconder. No comments or observations made by any member at the meeting shall be recorded in the minutes.

**59. Objections regarding correctness of minutes :-**

If any objection regarding the correctness of the minutes is received by the Registrar within fifteen days of the dispatch of a copy of the minutes to a member in accordance with rule 57 such objections together with the minutes as recorded and attested shall be put before the next meeting of the Council for confirmation. At this meeting no question shall be raised except the one relating to

the correctness of the records of the meeting.

**60. Implementation of decision of Council :-**

(1) The decision taken by the Council at a meeting shall be implemented after the minutes are confirmed:

Provided that the Council may direct that the decision taken by it at any meeting shall be implemented immediately.

**61. Minutes to be printed and copies to be supplied to members :-**

The Minutes of the Council shall, as soon as practicable be printed in the form of a book, which Shall be permanently preserved. A copy of each book shall be supplied free of cost of each member.

**PART 6**

Fees and Allowances to the Members of the Council, Examination Committee, Committee and Sub-committees

**62. Fees and traveling expenses to be paid to members :-**

Each Member of the Council, Examination Committee, Board of Studies or any other Committee shall be entitled to a fee of Rs. 20 per day for an attendance at a meeting of the -Council, Examination Committee, a Board of Studies or Committee, as the case may be.

**63. Traveling allowances to be paid to Government Servant :-**

(1) Persons who are Government servants may for the purpose of any journey performed by them for attending a meeting referred to in rule 62, draw Traveling and halting Allowances according to their grades at the rate to which they may be entitled while traveling on official duties in accordance with the provisions of the Bombay Civil Services Rules, 1959.

(2) Members and persons other than those mentioned in sub-rule (1) shall be allowed traveling allowances with incidental charges, if any according to the rules applicable to First grade Government Servants.

**PART 7**

Budget and Accounts

**64. Account of Council to be opened In State Bank :-**

An account shall be opened in the State Bank of India, Ahmedabad in the name of the Council and all moneys of the Council shall be

deposited in the Bank.

**65. Registrar to receive money payable to Council and submit financial Statement to Council :-**

(1) The Registrar shall receive all moneys payable to the Council. He shall not retain in his hands an amount exceeding Rs. 100, the balance being lodged in the bank to credit of the Council.

(2) The Registrar shall maintain an account of the details of income and expenditure of the Council and shall at each ordinary meeting of the Council submit a financial statement showing the transaction of the Council for the months previous to one in which the meeting is held.

(3) The Registrar shall prepare a statement of the income and expenditure of the preceding financial year ending on the 31st day of March and place it before the Council in the month of May of each year and draw the attention of the Council to such matters as seem deserving of notice.

**66. Audit of accounts :-**

As soon as possible after the statements of income and expenditure of the preceding financial year ending on the 31st day of March are approved by the Council, the Registrar shall request the State Government to get the accounts for that year audited.

**67. Preparation of Budget Estimates by Registrar :-**

(1) The Budget Estimates for the next financial year commencing on 1st April shall be made up by the Registrar and shall be laid before the Council in its ordinary meeting in the month of August.

(2) Such estimates shall make provision for the fulfillment of the liabilities of the Council and for carrying out effectively its objects. It shall include on Its revenue side. besides all revenue ordinarily anticipated, such grants as the State Government may grant and all fees received from registration, renewal of registration and other fees payable and received under the Act.

**68. Approval of budget estimates by Council :-**

The Council shall consider the estimates submitted to it and sanction the same either unaltered or subject to such alterations as it shall deem fit.

**69. Preparation of supplementary estimates :-**

The Council may at any time during the year for which an estimate has already been sanctioned cause a supplementary estimate to be prepared and submitted to it; Every such supplementary estimate shall be considered and sanctioned by the Council in the same manner as if it were an original annual estimate. No expenditure exceeding the estimates of the budget shall be incurred by the Council unless it is sanctioned by the Council.

**70. Payment of claims :-**

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. 50 and is in order, the Registrar shall pay it. If the claim be for a sum exceeding Rs. 50 but not exceeding Rs. 400 payment shall be made after it is examined and sanctioned by the President. Payment for a sum exceeding Rs. 400 may be made by the President on sanction of the Council.

**71. Accounts to be entered in general cash book :-**

The Registrar shall immediately bring into account in the general cash book all moneys received or spent by or on behalf of the Council.

**72. Signing of cheques :-**

All cheques on the Bank shall be signed by the President or his nominee and the Registrar.

**PART 8**

Salary, Allowances and Conditions of Service of the Registrar

**73. Salary and allowances of Registrar :-**

(1) The Registrar shall be a whole time salaried officer on a pay scale of Rs. 270-20-410 with such allowances as may be admissible to Government Servants on the same pay scale under the Bombay Civil Service Rules, 1959.

(2) In addition to the salary, the Registrar shall be paid a sum of Rs. 75 p.m. for the work as Secretary to the Examination Committee appointed under section 27.

**74. Registrar to be on probation :-**

The appointment of the Registrar shall be on probation for two years after which he may be confirmed by the Council with the previous approval of the State Government, if the Council is satisfied as to his efficiency and general conduct. The provisional period may, however, be further extended by one year, if

considered necessary by the Council. The post of the Registrar shall be of a permanent tenure.

**75. Registrar to take minutes of meetings :-**

The Registrar, as a Secretary of the Council, shall be present at every meeting of the Council, Examination Committee and other committees or the subcommittees of the Council and shall take minutes of the proceedings at such meetings.

**76. Registrar to conduct correspondence etc :-**

The Registrar, as Secretary of the Council, shall conduct and be in-charge of the correspondence of the Council and shall issue all requisite notices in the manner under these Rules.

**77. Registrar to keep the office open except on holidays :-**

Except on public holidays, the office of the Registrar shall be kept open during the hours prevailing in the Gujarat Government Secretariat. The Registrar shall not be absent from duties without the permission of the President. The provisions of the Bombay Civil Services, Rules. 1959 shall apply to the leave to be granted to the Registrar.

**78. General control of Registrar :-**

The Registrar shall have the general control of the management of the office and shall be in charge of the building premises.

**79. Other particulars to be included in the Register and List :-**

1 The Register and the list to be prepared and maintained under the Act shall include the following further particulars:---

(a) Registration of Enlistment number, as the case may be, of the practitioner concerned:

(b) if the practitioner is a married woman, her madam name and surname:

(c) date and place of birth of the practitioner:

(d) the place where the practitioner received training:

(e) where a practitioner is registered under sub-section (4) of section 17, said fact and relevant particulars to that effect;

(f) where a practitioner is registered under sub-sec. (5) of section 17 said fact and relevant particulars to that effects;

(g) where a practitioner is enlisted under sub-section (3) or (4) of section 18, the said and relevant particulars to that effects:

(h) the date of renewal of registration on enlistment of the practitioner;

(i) if any, disciplinary action is taken by the Council against the practitioner, the particulars of such action:

(j) if the name of the practitioner was removed from the Register or the list and subsequently re-entered, the date of re-entry:

(k) remarks, if any, of the Registrar.

### **80. Application for registration :-**

(1) Any practitioner desiring to have his name entered in the register under sub-section (3) of section 17 shall apply to the Registrar in Form D, and any practitioner desiring to have his name entered in the register under sub-section (5) of section 17 shall apply to the Registrar in Form E.

(2) Every application made under sub-rule (1) shall be accompanied by:-

(a) birth certificate in original and copy thereof attested by a Magistrate or a Gazette Officer or an affidavit made before the First Class Magistrate as to applicant age.

(b) an undertaking, as required under section 19, on Form G executed by the applicant before a Magistrate not below the rank of First Class.

(3) Every application for registration under sub-section (3) of section 17 shall also be accompanied by the degree or diploma or certificate, in original, with a certified copy thereof.

(4) Every application for registration under sub-section (5) of section 17 shall also be accompanied by:-

(a) a declaration in Form 'H' made by applicant before a magistrate not below the rank of First Class to the effect that the applicant had been regularly practicing Homoeopathic System of Medicine as his principal occupation in any specified part of the State of Gujarat for a period of not less than twelve years immediately before the day on which the Act name into force:

(b) a Certificate in Form 'I' signed by any Gazetted Officer of the

State Government or a Justice of Peace to the effect that the applicant had been regularly practicing the Homoeopathic system of Medicine as his principal occupation In any specified part of the State of Gujarat for a period of not less than twelve years immediately before the day on which the Act came into force:

(c) any other documentary evidence such as Rent Receipt in respect of the dispensary or the clinic of the applicant, old prescription papers. Receipts or cash Memos in respect of Medicines or drugs purchased by the applicant which the applicant may want to adduce in support of his claim that he had been regularly practicing the Homoeopathic System of Medicine as his principal occupation in any specified part of the State of Gujarat for a period of not less than twelve years immediately before the day on which the Act came into force.

### **81. Application for Enlistment :-**

(1) Any practitioner desiring to have his name included in the list under sub-section (3) of section 18 shall apply to the Registrar in Form F.

(2) Every application made under sub-rule (1) shall be accompanied by:-

(a) Birth certificate in original and copy thereof attested by a Magistrate or a Gazette Officer or an affidavit made before the First Class Magistrate as to the applicants age.

(b) An undertaking In Form 'G' as required under section 19 executed by the applicant before a Magistrate not below the rank of First Class:

(c) A declaration in Form 'J' made by the applicant before a magistrate not below the rank of First Class to the effect that the applicant had been regularly practicing the Homoeopathic System of Medicine as his principal occupation in specified part of the State of Gujarat from a date prior to 1st May 1960.

(d) A Certificate in Form 'K' signed by any Gazetted Officer of the State Government or a Justice of Peace to the effect that the applicant had been regularly practicing the Homoeopathic System of Medicine as his principal occupation in a specified part of the State of Gujarat from a date prior to 1st May 1960.

(e) Any other documentary evidence such as rent receipts in

respect of the dispensary or clinic of the applicant, old prescription papers receipts or cash memos in respect of medicine or drugs purchased by the applicant which the applicant may want to adduce in support of his claim that he had been regularly practicing the Homoeopathic System of Medicine as his principal occupation in a specified part of the State of Gujarat from a date prior to 1st May 1960.

## **82. Enquiry by the sub-committees :-**

(1) The sub-committee referred to in sub-section (6) of section 17. or sub-section (6) of section 18 shall consider each application under sub-section (5) of section 17 or for enlistment under sub-section (3) of section 18 separately. Any appointment, which does not satisfy the requirements of rule 80 or 81, shall be rejected by the sub- committee.

(2) For the purpose of making enquiry in respect of such applications the sub-committee may direct the Registrar to call any applicant for interview at the cost of the applicant. It may also refer any application to the Collector of the place, where the applicant claims to be practicing for verification of such facts mentioned by the applicant in the application as the sub- committee may specify in that behalf.

(3) The sub-committee may hold not more than four of its sessions at any suitable place other than Ahmedabad, if necessary.

## **83. Certificates of Registration and Enlistment :-**

(1)

(a) The certificate of Registration under sub-section (3) of section 17 shall be in form L, printed on which paper and shall bear the plain embossed seal of the Council.

(b) The certificate of Registration under sub-section (5) of section 17 shall be in form M, printed on white paper and shall bear the plain embossed seal of the Council.

**1** [(c) The Certificate of Registration under sub-sec. (4) of sec. 17 shall be in Form LL printed on white paper and shall bear the plain embossed seal of the Council.

(2) The certificate of Enlistment under section 18 shall be in form N, printed on white paper and shall bear the plain embossed seal of



the Council.

1. Inserted by Pub. in G.G.G., Pt. IV-B, dt. 6-1-1972, p. 17.

**84. Maintenance of Register and list :-**

Each page of the register and the list shall be verified by the Registrar's signature and each entry in the register or the list as respects particulars specified in clauses (i), (j) and (k) of rule 79 shall be attested by the initials of the Registrar.

**85. Supply of duplicates copy of certificate in certain cases :-**

(1) In the event of a certificate of registration or enlistment issued under rule 83 being lost or destroyed, duplicate copy of such certificate may be supplied to the practitioner on payment of a fee of rupees ten.

(2) The name of any practitioner removed under section 20 may be re-entered in the register on payment of a fee of rupees five.

**86. Making new entries or altering existing entries in the Register or the list :-**

(1) Any registered or enlisted practitioner, who desires (a) to have the entry as respects his name in the register or the list altered, shall apply in Form "0" to the Registrar accompanied by a fee of rupees ten along with the original certificate of Registration or

(2) It shall be the duty of every registered or enlisted practitioner who changes his address to intimate such change of address to the Registrar within one month of such change.

(3) On receipt of an application and requisite fee the Registrar shall alter or make any entry as applied for provided that no entry as respects additional qualification shall be made in the register unless the person possessing such qualifications is entitled to have his name entered in the register under sub- section (3) of section 17 and unless such additional qualification is proved by the Council for entry in the register.

**87. Renewal of Registration and Enlistment :-**

(1) In December of the year in which notice under sub-section (8) of section 17 or sub-section 8 of section 18 is published in the Official Gazette, and, thereafter in December of every second calendar year on or before the 31st day thereof, there shall be paid

to the Council by every registered or enlisted practitioner a renewal fee of rupees fifteen for the continuance of his name in the Register or the List, as the case may be:

Provided that a practitioner whose name was entered in the register or list in the calendar year in which renewal fee is to be paid to the Council shall not be required to pay the renewal fee during that year.

(2) On receipt of the renewal fee, the Registrar shall issue to be registered or enlisted practitioner a renewal slip in Form "Q". The practitioner shall preserve the renewal slip with the certificate of Registration or Enlistment as the case may be.

(3) An application addressed to the Council for re-entry of the name removed from the Register or the List under section 23 of the Act shall be in Form 'R' and shall be accompanied by outstanding renewal fees and additional fee of rupees five.

#### **88. Revision of register and list :-**

(1) There shall be shown every third year in the register:-

(i) The total number of practitioners registered, in the register:

(ii) the total number of practitioners registered during each of the preceding three years:

(iii) the number of registered practitioners whose names are removed from the Register during the period in question stating the section of the Act, under which the name has been removed:

(iv) the number of registered practitioners whose names have been <sup>1</sup> [removed] by reason of death during the period in question;

(v) the number of registered practitioners whose names are restored to the Register during the period in question.

(2) The provision of sub-rule (1) shall apply mutatis mutandis to the list also.

1. Substituted by Pub. in G.G.G., Pt. IV-B. dt. 14-9-1972, p. 1153.