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**MEDICAL REGISTRATION
ACT, SVT. 1998 (1941 A.D.)**

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MEDICAL REGISTRATION ACT, SVT. 1998 (1941 A.D.)

STATEMENT OF OBJECTS AND REASONS

There is at present no law in the State regarding Medical Practitioners. This condition is taken advantage of by quacks and other unqualified practitioners. Not only does this become a source of danger to the public, but it may also operate as a discouragement to proper medical practice by putting the qualified and unqualified practitioners at par in matters in which special recognised qualifications should not, and cannot, be dispensed with.

This law will also define the privileges and liabilities of practitioners against patients and their rights against other generally.

Another important step which this law has in view is the constitution of a Medical Council. It is not necessary to state at length that with the widening of the field of practice, and with the increase in the public demands for facilities along with protective measures, the Director of Medical Services, and the Medical Department, cannot taken upon themselves the duty of watching and effectively controlling the activities of practitioners not in Government service. The Council, if properly constituted, will be authoritative in matters falling within its scope, whether or not they pertain to practitioners in service or out of it. It will lay down the standards of qualification and will also keep a watchful eye on the conduct of those who practise medicine as a profession.

It may perhaps be objected that the Act restricts the eligibility of persons seeking registration. This object is the main feature of the Act, but a close study thereof will also show that the restriction for persons seeking registration on the basis of qualifications entirely unconnected with the British standard, methods and curriculum of studies, is not absolute. Eminent practitioners of the Western Medical Science qualified in other recognized institutions can be considered by the Government for registration, whenever necessary or desirable.

Along with its external activities, equally important is the necessity of rules governing the conduct of business within Council itself.

Amendments Made By:-

1. A.L.O. Svt. 2008 (1951 A.D.)
 2. Act XXXII of Svt. 2011 (1954 A.D.)
 3. Act IX of 1957
 4. Act XXXII of 1966
 5. Act XL of 1966
 6. Act XXIV of 1968
 7. Act XII of 1970
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THE JAMMU AND KASHMIR MEDICAL REGISTRATION ACT, SVT. 1998 (1941 A.D.)

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THE JAMMU AND KASHMIR MEDICAL REGISTRATION ACT, SVT. 1998 (1941 A.D.)

[Act No. IV of Svt. 1998]

[Received the assent of His Highness the Maharaja Bahadur on 1st May 1941/19th Baisakh, 1998 and published in Government Gazette dated 2nd Sawan, 1998.]

Preamble.—Whereas it is expedient to provide for registration of a certain class of medical practitioners ¹[x x x] in the Jammu and Kashmir State; it is hereby enacted as follows:-

1. Short title

This Act may be called the Jammu and Kashmir Medical Registration Act, 1998.

2. Extent

It extends to the whole of Jammu and Kashmir State.

²[3. Commencement of Act

This Act shall come into force on such date as the Government may notify in this behalf.]

4. Definitions

In this Act, unless there is something repugnant in the subject or context,—

- (1) “the British Medical Acts” means Statutes 21 & 22, Victoria, Chapter 90 (The Medical Act) and any Act amending the same;
- (2) “Council” means the Medical Council established by this Act;
- (3) “Hospitals”, “asylums”, “infirmaries”, “dispensaries”, “lying-in-hospitals” means institutions in which the methods or treatment carried on are those approved by the Medical Council established by this Act;
- (4) “prescribed” means prescribed by rules or bye-laws made under this Act;
- (5) “registered practitioner” means any person registered under the provisions of this Act.

¹ Certain words omitted by Act IX of 1957 (These were inserted by Act XXXII of 2010).

² Enforced on 1st Baisakh, 1999. (Government Gazette dated 8th Phagan, 1998):

5. Privileges of registered practitioners

Notwithstanding anything to the contrary in any enactment, rule, bye-law, or any other provisions of law,—

- (1) no certificate required by law to be given by a medical practitioner or officer shall be valid unless signed by a registered practitioner;
- (2) except with the general or special sanction of the Government, no one other than a registered practitioner shall be competent to hold any appointment as physician, surgeon or other medical officer in any hospital, asylum, infirmary, dispensary or lying-in-hospital, not being an institution avowedly maintained for the purpose of medical treatment according to the Homeopathic, Ayurvedic or Unani system not supported entirely by voluntary contribution or as Medical Officer of Health.

¹5-A. *Omitted.*

6. Constitution of Medical Council

(1) A Medical Council shall be established for the Jammu and Kashmir State and shall consist of ²[thirteen] members including a President and a Vice-President, all of whom shall be actually residing within the State.

(2) The Council shall be appointed in the following manner:-

- (a) a president to be nominated by the Government;
- (b) ³[three] members to be nominated by the Government, two of whom shall be medical practitioners not in Government employ;

⁴x x x

⁵[(c) six members to be elected by the registered practitioners who are graduates or post-graduates in medicine or surgery, three from the province of Jammu and three from the province of Kashmir;]

(d) two members to be elected by registered practitioners who are licentiates of an Indian College or School of Medicine, one from the Province of Jammu and one from the Province of Kashmir;

(e) one member to be elected by women practitioners who are registered practitioners:

⁶[Provided that in the case of the first Council ⁷[established under this Act, after the commencement of the Jammu and Kashmir Medical Registra-

¹ Section 5-A omitted by Act IX of 1957. It was inserted by Act XXXII of 2011.

² Substituted by Act XXIV of 1968.

³ Substituted by Act XXXII of 2011 for "four".

⁴ Clause (c) deleted & cls. (d), (e) and (f) renumbered as clauses (c), (d) and (e) respectively *ibid*.

⁵ Clause (c) substituted by Act XXIV of 1968.

⁶ Proviso to section 6 (2) added by Act IX of 1957.

⁷ Substituted by Act XXXII of 1966.

tion (Amendment) Act, 1966,] the members to be elected under clauses (c), (d) and (e) shall be nominated by the Government.]

(3) The vice-president shall be elected by the members of the Council in the prescribed manner.

7. Qualifications of members

No person shall be eligible to be a member of the Council unless he is a registered practitioner:

¹[Provided that in the case of first appointments of members of the Council made under this Act after the commencement of the Jammu and Kashmir Medical Registration (Amendment) Act, 1966, the persons electing the members under section 6, sub-section (2), clauses (c), (d) and (e), and the members appointed, shall be persons who were registered before such commencement or are qualified to be registered under section 14, clauses (a), (b) and (c).]

8. Tenure of office of members

The members of the Council shall hold office for a term of three years and shall be eligible for reappointment:

²[Provided that, notwithstanding anything contained in this Act, the term of office of the members of the first Council established under this Act after the commencement of the Jammu and Kashmir Medical Registration (Amendment) Act, 1966, shall, unless a shorter period is specified by the Government, be for a period of four years.]

9. Cessation of membership

A member of the Council shall be deemed to have vacated his seat—

- (1) on sending his resignation in writing to the President or Registrar;
- (2) on his absence without excuse sufficient in the opinion of the Council from three consecutive meetings of the Council;
- (3) on his absence out of the State for six consecutive months;
- (4) on removal of his name from the register;
- (5) on his becoming mentally or physically unfit for performing his duties under this Act, or on being declared insolvent by any competent Court;
- (6) on expiry of the term mentioned in section 8.

1 Proviso to section 7 substituted by Act XXXII of 1966.

2 Proviso to section 8 added by Act XII of 1970.

10. Filling up vacancies

When the seat of any member becomes vacant, the vacancy shall be filled by election or nomination, as the case may be, in accordance with the provisions of section 6 :

¹[Provided that the term of office of a member elected or appointed to fill a vacancy occurring any time after the constitution of a Council, shall be the residue of the term provided for under section 8.]

11. Registrar and other officers

(1) The Council shall appoint a Registrar who shall also act as Secretary of the Council and who shall also act as treasurer unless the Council shall appoint another person as treasurer. Every person so appointed shall be removable at the pleasure of the Council.

²[(2) A person shall not be qualified for appointment as a Registrar unless he is possessed of any of the qualifications described in the Schedule referred to in section 14 of this Act or holds the post of Drugs Controller or an Assistant Drugs Controller in the State.]

³[(3)] The Council may also employ such other persons as it may deem necessary for the purpose of this Act.

⁴[(4)] All persons appointed or employed under this section shall be deemed to be public servants within the meaning of section 21 of the Ranbir Penal Code.

12. Medical register

It shall be the duty of the Registrar to open and maintain in accordance with the provisions of this Act a register to be called the Jammu and Kashmir State Medical Register and from time to time to revise the register and publish it in the prescribed manner. Such register shall be deemed to be a public document within the meaning of the Jammu and Kashmir Evidence Act, 1977.

13. Meetings of Council

No business shall be transacted at a meeting of the Council unless at least five members are present. All questions, other than questions of order, which may come before the Council, shall be decided in accordance with the votes of the majority of the members present and voting at the meeting. In the case of an equality of votes the member presiding at the meeting shall have a casting vote.

1 Proviso to section 10 added by Act XXIV of 1968.

2 New sub-section (2) inserted by Act XXXII of 1966.

3 Existing sub-sections (2) and (3) re-numbered as sub-sections (3) and (4).

4 Existing sub-sections (2) and (3) re-numbered as sub-sections (3) and (4).

Questions of order shall be decided by the member presiding at the meeting.

14. Persons who may be registered

Every person who—

- (a) is for the time being registered or qualified to be registered under the British Medical Act, or
- (b) is for the time being registered or qualified to be registered in any ¹[State in the Indian Union] under the Act relating to registration of medical practitioners in force in that ²[State,] or
- (c) is possessed of any of the qualifications described in the Schedule, may apply to the Registrar to be registered and on payment of the prescribed fee and on furnishing to the Registrar proof of such registration or qualification, shall be entitled to be registered, and thereupon the Registrar, subject to the proviso contained hereinafter, shall register him in the Jammu and Kashmir State Medical Register:

³[Provided that the Council may permit the registration of any person about whom it is satisfied—

- (a) that he is possessed of a medical degree, diploma, or certificate of any University, Medical College or School approved by the Council, other than those described in the Schedule; or
- (b) that he has been practising medicine in the State continuously for a period of not less than nine years before the commencement of the Jammu and Kashmir Medical Registration (Amendment) Act, 1966, without having fallen into disrepute about his personal conduct or professional capability and is sufficiently literate to carry on such practice without any probable danger to human life:

Provided that before a person is permitted to be registered under this clause, he shall be required to produce a certificate, each, from the District Medical Officer and the Deputy Commissioner of the District in which he is practising, to the effect that he fulfils the conditions laid down in this clause; or

- (c) that he has served in any capacity involving dispensing or mixing up of medicines or as Theatre Assistant in any Medical Institution run by the State or any other such Institution recognised by the Government, for a period of not less than five years before his honourable relief from service :]

1 Substituted by Act XXXII of 2011.

2 Substituted by Act XXXII of 2011 for "Province"

3 Proviso substituted by Act XXXII of 1966.

Provided also that the Council may refuse to permit the registration of any person who has been convicted of any such offence as implies, in the opinion of the Council, a defect of character or who after an enquiry, at which opportunity has been given to the applicant to be heard in person or by pleader, has been held by the Council to have been guilty of infamous conduct in any professional respect:

Provided further that the Registrar, on receiving an application for entry in the register from any person in respect of whom he considers that the Council may wish to exercise the power of refusal conferred by the last foregoing proviso, may refer the said application to the Council, and shall not make any entry in the register in respect of such person until the Council informs him that the entry may be made.

¹[14-A. Every person registered under clause (b) or clause (c) of first proviso to section 14 shall engage the services of a registered Pharmacist for dispensing; and shall not—

- (a) prescribe any dangerous drug; or
- (b) issue any medical certificate for any purpose whatsoever; or
- (c) issue any death certificate in any medico-legal case or otherwise.

Explanation.—For the purposes of this section the expression “dangerous drug” shall have the meaning assigned to it in the Dangerous Drugs Act, 1930 (Central Act 2 of 1930.)

15. Entry of new titles and qualifications in register

If any person whose name is entered in the register obtains any title or qualification other than the title or qualification in respect of which he has been registered, he shall on payment of the prescribed fee be entitled to have an entry stating such other title or qualification made against his name in the register either in substitution of, or in addition to, any entry previously made.

16. Appeal against the decision of Registrar

An appeal shall lie to the Council against any order of the Registrar under section 14 or section 15. The said appeal shall be preferred within three months from the date of the order appealed against.

17. Alteration of register by Council

(1) The Council may, if it sees fit and after giving notice to the person concerned and inquiring into his objections, if any, order that any entry in the register which shall be proved to the satisfaction of the Council to have

1 Section 14-A substituted by Act XXXII of 1966. It was inserted by Act IX of 1965.

been fraudulently or incorrectly made or brought about be cancelled or amended.

(2) The Council may direct the removal altogether or for a specified period from the register of the name of any registered practitioner who has been convicted of any such offence as implies in the opinion of the Council a defect of character, or who, after an inquiry at which opportunity has been given to such registered practitioner to be heard in person or by pleader, has been held by the Council to have been guilty of infamous conduct in any professional respect. The Council may also direct that any name so removed shall be restored.

18. Procedure in inquiries and appeals

(1) The Council may at its discretion hold an inquiry under section 14 or section 17 in camera.

(2) For the purpose of any such inquiry or of any appeal under section 16, the Council shall be deemed to be a Court within the meaning of the Evidence Act, 1977, and shall exercise all the powers of a Commissioner appointed under the Public Servants (Inquiries) Act, 1977, and such inquiries and appeals shall be conducted, as far as may be, in accordance with the provisions of section 5 and sections 8 to 20 of the Public Servants (Inquiries) Act, 1977.

19. Appeal against the decision of Council

An appeal shall lie to the Government against every decision of the Council under section 14 or section 17. Such appeal shall be preferred within three months from the date of the Council's decision.

20. Limiting of jurisdiction of Civil Courts

No act done in the exercise of any power conferred by this Act on the Government or the Council or the Registrar shall be questioned in any Civil Court.

21. Power of Government to alter Schedule

It shall be lawful for the Government by notification in the Government Gazette to alter the Schedule.

22. Power of the Council to call for information regarding efficiency of teaching and to attend examinations

The Council shall have power to request the governing body or authorities of any University, medical college or school included in, or desirous of being included in, the Schedule-

- (a) to furnish such reports, returns or other information as the Council may require to enable it to judge of the efficiency of the instruction given therein in medicine and surgery and midwifery, and

- (b) to provide facilities to enable any member of the Council deputed by it in this behalf to be present at the examination held by such University, college or school.

If the said body or authorities fail or refuse to comply with any such request the Government may, upon the report by the Council, remove the name of such University, medical college or school from the Schedule, or refuse to include it in the Schedule.

23. Control by the Government

If at any time it shall appear to the Government that the Council has neglected to exercise or has exceeded or abused any power conferred upon it under this Act or has neglected to perform any duty imposed upon it by this Act, the Government may communicate the particulars of such neglect, excess or abuse to the Council; and, if the Council fails to remedy such neglect, excess or abuse, within such time as may be fixed by the Government in this behalf, the Government may, for the purpose of remedying such neglect, excess or abuse cause any of the powers and duties of the council to be exercised and performed by such agency and for such period as the Government may think fit.

24. Penalty for falsely pretending to be a registered practitioner

Any person who falsely pretends to be a registered practitioner, whether any person is actually deceived by such pretence or not, or who voluntarily and falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, licence or certificate conferred, granted or issued by any authority specified in the Schedule ¹[x x x] shall on conviction by a ²[Judicial Magistrate] of the first class be punishable with a fine which may extend to three hundred rupees, ³[or with imprisonment which may extend to six months, or with both.]

25. Cognizance of offence

No Court shall take cognizance of an offence punishable under this Act, except upon complaint made in this behalf.

26. Power to make rules and bye-laws

(1) The Government may, after previous publication, make rules for the purpose of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the Government may make rules:-

- (i) for the election of members to the Council under section 6 and 7;

1 Certain words omitted by Act IX of 1957. These were inserted by Act XXXII of 2011.

2 Substituted by Act XL of 1966 for "Magistrate".

3 Added by Act XXXII of 2011.

- (ii) for the election of the vice-president of the Council;
- (iii) to regulate the procedure at an inquiry held under section 14 or section 17;
- (iv) for the institution, hearing and disposal of appeals under section 16 or section 17;
- (v) for the compilation or publication of the register;
- (vi) to fix the amount of fees to be levied under this Act;
- (vii) for the disposal of fees received under this Act.

(3) The Council may, with the previous sanction of the Government, make bye-laws—

- (i) for convening of meetings of the Council;
- (ii) for the conduct of business at such meetings;
- (iii) for the appointment, control, pay and allowances of the establishment employed under section 11.

THE SCHEDULE

(Vide section 14)

1. Recognised medical qualifications granted by medical institutions in any State in the Indian Union which are included in the First Schedule of the ¹Indian Medical Council Act, 1933 (see Appendix A.)

2. Recognised medical qualifications granted by medical institutions outside India which are included in the Second Schedule of the ¹Indian Medical Council Act, 1933 (see Appendix B.)

3. A diploma or certificate granted by the Government of a State in the Indian Union or the Government of Burma to any person trained in a medical college or school declaring him to be qualified to practise medicines, surgery and midwifery or to perform the duties of a military assistant surgeon, hospital assistant or sub-assistant surgeon.

4. The holders of certificates, diplomas or licences granted by the following examining bodies to practise medicines, surgery and midwifery:

- (i) The Punjab State Medical Faculty.
- (ii) The State Medical Faculty of ²[West Bengal].
- (iii) The College of Physicians and Surgeons of Bombay.
- (iv) The Board of Examiners, Madras Medical College, Madras.
- (v) The U.P. State Board of Medical Examinations or State Medical Faculty.
- (vi) The Bihar and Orissa Medical Examination Board.

¹ Now Indian Medical Council Act, 1956 (102 of 1956)

² Substituted by A.L.O. 2008 for "Bengal".

- (vii) The Assam Medical Examination Board.
- (viii) The Central Provinces Medical Examination Board.
- (ix) King Edward Hospital Medical School, Indore.
- (x) The Bihar State Board of Medical Examination.
- (xi) The Burma Medical Examination Board, Rangoon.

5. Bachelor of Medicines and Bachelor of Surgery and Licentiate of Medicines and Surgery of the Osmania University.

APPENDIX-A

RECOGNISED MEDICAL QUALIFICATIONS GRANTED BY MEDICAL INSTITUTIONS IN ANY STATE IN THE INDIAN UNION.

Medical Institution	Recognised medical qualifications	Abbreviation for registration
University of Allahabad	Bachelor of Medicine and Bachelor of Surgery.	M.B.B.S. All
University of Bombay	Licentiate in Medicine and Surgery.	L.M.S. Bom.
	Bachelor of Medicine and Bachelor of Surgery	M. B. B. S. Bom.
University of Calcutta	Licentiate in Medicine	L. M. S., Cal.
	Bachelor of Medicine	M. B., Cal.
	Doctor of Medicine	M. D., Cal.
	Master of Surgery	M. S., Cal.
	Master of Obstetrics	M. O., Cal.
University of Lucknow	Bachelor of Medicine and Bachelor of Surgery.	M. B. B. S., Lucknow.
University of Madras	Licentiate in Medicine and Surgery.	L. M. S. Mad.
	Bachelor of Medicine and Master of Surgery.	M. B. C. M Mad.
	Bachelor of Medicine and Bachelor of Surgery.	M. B. B. S. Mad.
	Doctor of Medicine	M. D. Mad.

Punjab University	Licentiate in Medicine and Surgery	L.M. S., Pun.
	Bachelor of Medicine	M. B., Pun.
	Bachelor of Medicine and Bachelor of Surgery	M. B. B. S., Punjab.
	Doctor of Medicine	M. D. Pun.
	Master of Surgery	M. S., Pun.
University of Patna	Bachelor of Medicine and Bachelor of Surgery.	M.B.S., Pat.

APPENDIX B**RECOGNISED MEDICAL QUALIFICATION GRANTED BY
MEDICAL INSTITUTION OUTSIDE INDIA.**

Country		Qualifications.	
United Kingdom		Registrable qualifications admitting primarily to the Medical Register granted by licensing bodies in the United Kingdom as shown in Table 'F' set out in the Medical Register printed and published from time to time under the direction of the General Council of Medical Education and Registration of the United Kingdom in pursuance of the Medical Acts 1858 and 1886.	
Other Countries	Title	Registrable qualifications	
		Nature of qualification as stated in diplomas	Abbreviations
Nova Scotia			
Nova Scotia Provincial Medical Board.	D.M.S.	Medicine and Surgery	N. Scotia P.M. Bd.
Dalhousie University	M.D.CM	Do.	Dalhousie U.

Prince Edward Island			
Medical Council ¹			
CEYLON			
Ceylon Medical College ²	L.M.S.	Do.	
HONGKONG	L.M.S.	Do.	M. Co. P.E.I.
University of Hong Kong			
	M.B.		Ceylon M. Co.
	B.S.		
	M.D.	Do.	U. Hong Kong
MALTA	M.S.		
Royal University of Malta			
NEWFOUNDLAND			
Newfoundland Medical Board ³	M.D.	Do.	U. Malta
	I.M.S.	Do.	Nffd. M Bd.
NEW ZEALAND.			
University of New Zealand	M.B.		
	Ch.B.	Do.	U.N. Zealand
	Ch.M		
	M.D.		
UNION OF SOUTH AFRICA			
University of South Africa ⁴	M.B. Ch. B	Do.	U.S. Africa
University of Cape Town ⁵	M.B.,		
	Ch. B., Do.	U. Cape Town	
	M.D.		
	Ch. M		

1. The qualification must be included in Table (I) of the British Medical Register as published from time to time by the General Council of Medical Education and Registration of the United Kingdom.
2. The qualification must be included in Table (I) of the British Medical Register as published from time to time by the General Council of Medical Education and Registration of the United Kingdom.
3. When granted on or before the 31st October, 1937.
4. When granted on or before the 31st October, 1937.
5. When granted on or before the 31st October, 1937

University of Witwatersrand, Johannesburg ¹		Do.	U. Cape Town
STRAITS SETTLEMENTS AND FEDERATED MALAY STATES.	Do.	Do.	U. Witwatersand.
The King Edward VII College of Medicine, Singapore	L.M.S, Do.	Singapore Med. Coll.	
AUSTRALIA	M.B.	Medicine and Surgery	U. Sydney
	M.D.,		
New South Wales-	Ch. M		
University of Sydney.	B. S.,		
South Australia-University of Adelaide	M.B	-do-	U. Adelaide
	B. S.,		
	M. D.		
Victoria	M.S.,		
University of Melbourne ²	M. B		
	M. D.	-do-	U. Melbourne
	B.S.		
	M.S.		
BURMA-University of Rangoon	M.B.B.S.	Medicine and Surgery	U. Rangoon
CANADA			
Alberta			
College of Physicians and Surgeons of the Province of Alberta ³	Member M.D.	-do-	C. P. and S. Alta
University of Alberta		-do-	U. Alberta

1. When granted on or before the 31st October, 1937.

2. When granted on or before the 31st October, 1937.

3. The qualification must be included in Table (I) of the British Medical Register as Published from time to time by the General Council of Medical Education and Registration of the United Kingdom.

Manitoba			
College of Physicians and Surgeon of the Province of Manitoba ¹	Member	-do-	C.P. and S. Man
University of Manitoba	M.D. M D.C. M	-do-	U. Man
North West Territories			
College of Physicians and Surgeons of the Province of North West Territories (when held in conjunction with Licence of the College of Physicians and Surgeons of the Province of Saskatchewan or the Province of Alberta	Member	-do-	C.P. and S. N. W. Terr.

1. The qualification must be included in Table (I) of the British Medical Register as Published from time to time by the General Council of Medical Education and Registration of the United Kingdom.

**MEDICAL REGISTRATION
RULES, SVT. 2000 (1934 A.D.)**

MEDICAL REGISTRATION RULES, SVT. 2000 (1943 A.D.)

Amendments Made By:-

1. C.O. No. 1957-C of 1956
 2. SRO 62, dated 27.1.1979.
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THE MEDICAL REGISTRATION RULES, SVT. 2000 (1934 A.D.)

Notification published in Government Gazette dated 3rd Chet,
2001 Home Department

In exercise of the powers conferred by sub-sections (1) and (2) of section 26 of the Jammu and Kashmir State Medical Registration Act, 1998 (IV of 1998), Government are pleased to make the following Rules, namely:—

1. (1) These Rules may be called the Medical Registration Rules, 2000.
(2) They shall come into force from the date of their publication in the Government Gazette.

PART I-PRELIMINARY

DEFINITIONS

2. In these Rules, unless there is anything repugnant in the subject or context,—

- (1) the expression “the Act” means the Jammu and Kashmir Medical Registration Act, 1998;
- (2) “the President” means the President of the Jammu and Kashmir Medical Council nominated under section 6(2)(a) of the Act; and
- (3) “the Registrar” means the Registrar appointed under section 11(i) of the Act.

PART II

COMPILATION AND PUBLICATION OF THE JAMMU AND KASHMIR MEDICAL REGISTER

3. The Jammu and Kashmir Medical Register shall be maintained in Form No. I in the Appendix to these Rules.
4. The names of persons entitled to be registered shall be entered in the register in the order in which the applications are admitted and sufficient space shall be left for future additions or alterations in the qualifications and addresses of such persons.
5. Each page of the register shall be verified by the Registrar's signature.
6. The register shall, in every year, on or before a date to be fixed in this behalf by the Council, cause to be printed and published in Form No. II appended to these Rules, the list to be known as the Jammu and Kashmir Annual Medical List setting forth —
 - (a) all names for the time being entered in the Jammu and Kashmir Medical Register arranged in alphabetical order;
 - (b) the registered address or appointment of each person whose name is entered in the register;

- (c) the registered titles and qualifications of each such person, and the date on which each such title was granted or each such qualification was certified; and

- (d) a district-wise index of registered medical practitioners.

¹[6-A. Every person whose name has been entered in the register shall be entitled to receive from the Registrar a certificate of registration in the form prescribed in the appendix to these rules, which certificate shall set forth the full name of the person registered, his address, the date and place of registration and the qualifications in respect of which he has been registered.

6-B. No application for a duplicate certificate of original registration in the Medical Register shall be entertained, unless it be accompanied by a declaration made by the applicant setting forth the facts of the case stating that he is the person originally registered and the application be also supported by such evidence of the identity of the applicant as the Registrar may deem sufficient.]

PART III—FEES

7. Every person applying for registration under the Act, shall pay a fee of ²[Rs. 50] which shall accompany the application for registration:

Provided that if the applicant is already registered under the British Medical Acts or under any Medical Registration Act in force in any other Province in India, the fee shall be ³[ten] rupees.

7-A. Every registered practitioner who applies to the Registrar for a duplicate copy of his registration certificate shall pay registration fee of Rs. ⁴[5] including cost of stamp affixed on registration certificate.

7-B. Every registered practitioner who applies to the Registrar for an alteration in his name other than the additions of recognised titles shall pay a fee of Rs. 5 and furnish such particulars as the Council may desire. Lady Doctors whose names are changed on account of marriage shall, however, be exempt from the payment of this fee.

8. Every registered practitioner who applies to the Registrar in respect of any additional qualification obtained subsequent to registration or for any alteration shall, under the Act, pay a fee of Rs. 5 for each such addition or alteration, unless the additional qualification has already been registered under any Medical Registration Act in force in any other State in India.

8-A. The Registrar is empowered to erase from the register, with the written approval of the President, the name of any registered person with whom he is unable to establish communication; provided that any name so erased may

1 Rule 6-A inserted and 6-B inserted by C.O. No. 1957-C of 1956 (Government Gazette dated 30-08-1956).
2 Substituted by SRO 62, dated 27.1.1979.
3 Substituted for "five" by C.O. No. 1957-C of 1956.
4 Substituted for "3" ibid.

be re-entered in the register by direction of the Medical Council upon payment of a fee of Rs. 10.

9. The Registrar shall receive all fees payable under the Act and shall credit them to the account of the Council in the Government Treasury/Jammu and Kashmir Bank Ltd.

PART IV

APPOINTMENT OF MEMBERS OF COUNCIL

10. The Registrar shall maintain in Form No. III appended to these Rules a register of the members of the Council, and shall enter therein in respect of each member of the Council the particulars therein prescribed.

11. Ninety days before the expiration of the term of any existing appointment, the Registrar shall draw the attention of the President to the approaching vacancy, and the latter shall forthwith report it to the Government, in order that a new appointment may be made to take effect from the day on which the existing appointment will expire.

12. On the occurrence of any vacancy under section 9 of the Act, the Registrar shall at once draw the attention of the President to the vacancy, and the latter shall forthwith report it to the Government, which shall take steps, as soon as practicable, to have it filled by a fresh election or nomination, as the case may be.

PART V-A—ELECTION OF MEMBERS

13. In parts V-A and V-B, unless there is anything repugnant in the subject or the context:—

- (a) "constituency" means a class for the representation of which a member or members is or are to be or has or have been elected under these Rules;
- (b) "roll" means the roll of persons entitled to vote at an election under these Rules;
- (c) "the Council" means the Jammu and Kashmir Medical Council;
- (d) "the Registrar" means the Registrar of the Jammu and Kashmir Medical Council.

14. An election shall, unless the Government otherwise directs, be held for a seat on the Council that is to be filled by election on such date or dates not more than ninety days previous to the date on which the vacancy is to occur, as the ¹[Director Health Services] may determine, and notices of the date or dates so determined shall be published in the Gazette not less than six weeks before such date or the first of such dates, and shall also be simultaneously posted at the office of the Council, and a copy of such notice shall also be sent to every person whose name is entered on the roll concerned:

¹ Substituted for "Director of Medical Services" by C.O. No.1957-C of 1956 (G.G. dated 30-08-1956.).

Provided that in the case of vacancies to be filled by election occurring on account of death, resignation or any other similar cause, the ¹[Director Health Services] shall hold fresh election within six weeks of such occurrence after giving due notice of the fact in the manner hereinbefore provided.

15. (1) No person shall be entitled to be entered as a voter on any roll unless he is a registered practitioner of the constituency to which the roll relates.

(2) The electoral rolls under clauses ²[(c) to (e)] of section 6(2) shall be prepared by the Registrar from the Jammu and Kashmir Medical Register and shall contain the name, qualifications and address of every person qualified to vote.

16. (1) The ¹[Director Health Services] shall cause an up-to-date roll of the constituency of the Council in which the election is to be held to be prepared in Form I and cause it to be posted at the Council office not more than one hundred and twenty days before the date or the first of the dates fixed or to be fixed under the provisions of rule 14 for the election, together with a notice intimating the date not less than twenty-one days from the date of the notice by which objections or claims with regard to the rolls may be presented to the Registrar.

(2) The names of voters on the roll shall be arranged in alphabetical order and numbered serially.

(3) Copies of the roll and the notice as posted at the office of the Council shall be made available for sale at a price of Rs. 2 (or such price as may be fixed by the ³[Director Health Services] and the proceeds of such sale shall be credited to the funds of the Council.

17. (1) When a roll has been published under the provisions of rule 14, claims and objections relating to the inclusion of names in or their exclusion from the roll may be presented to the Registrar by four o'clock of the afternoon of the date specified in such notice; provided that—

- (a) a claim shall not relate to more than one person, shall be in writing, shall be verified by the claimant and shall be presented by him or by a duly authorized agent appointed by authority in writing signed by the claimant and verified by such agent;
- (b) an objection shall not be made except by a person whose name is on the roll of the constituency concerned, shall not relate to more than one person, shall be in writing, shall be verified by the objector, shall be accompanied by a duplicate copy for service on the objector and shall be presented by him personally or by an

1 Substituted for "Director of Medical Services" by C.O. No.1957-C of 1956 (G.G. dated 30-08-1956.).

2 Substituted for "(c) to (f)" *ibid*.

3 Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.).

agent duly authorised in the manner prescribed in clause (a) together with a copy thereof.

(2) If a claim or objection is presented by an agent, the Registrar shall not receive it unless such agent has certified in writing that such claim or objection was signed by the claimant or objector in his presence, and that the person who so signed is the person whom he represents himself to be in such claim or objection.

(3) The Registrar shall maintain a register of claims for registration in Form II appended to Part V-B and a register of objections in Form III appended to Part V-B in which he shall cause to be entered, at the time of receipt, particulars of every claim or objection, as the case may be.

18. When the Registrar receives an objection presented under the provisions of rule 17, he shall cause one copy of it to be served on the person to whom objection is taken, and when the period prescribed for the presentation of claims and objections has expired, he shall forthwith post at the office of the Council a list of all claims and objections received together with a notice showing the dates on which and the places at which such claims and objections will be heard; provided that in no case shall a date be fixed less than seven days or more than twenty-eight days from the date on which such list was posted.

19. (1) On the date and at the place fixed under the provisions of rule 18, the Registrar shall call up the cases in the order in which they are entered in the list posted under the provisions of the said rule, shall dismiss any case in which the claimant or objector is not present or is not represented, and after hearing the parties concerned or their authorised agents and, in the case of a claim, any person who objects to the admission of such claim, and such evidence as may be produced and may to him appear necessary, shall reject any claim or objection which does not comply with the provisions of clause (a) or clause (b) of sub-rule (1) of rule 17 or was received after 4 o'clock of the afternoon of the date specified in the notice published under the provisions of sub-rule (1) of rule 16 and shall pass such order in any other case as he may deem fit.

(2) Any person aggrieved by any order of the Registrar passed under the provisions of sub-rule (1) may, within three days from the date of such order, apply to the ¹[Director Health Services] for revision of the order and the ¹[Director Health Services], after giving notice to the parties concerned and hearing any representation which they may wish to make and such evidence as they may produce at the hearing, may confirm it or may set aside

¹ Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.) -

and pass such order with respect to the claim or objection as he may deem fit.

(3) Every order passed by the Registrar under sub-rule (1) and not set aside under sub-rule (2) and every order passed by the ¹[Director Health Services] under sub-rule (2) shall be final and shall not be called in question by any Court.

20. The Registrar, as soon as he has disposed of all claims and objections presented to him in any case not later than thirty days from the date by which under the provisions of sub-rule (1) of rule 16 claims and objections must be presented, shall forward a list of such claims and objections and of his orders accepting or rejecting them to the ¹[Director Health Services] who shall cause the roll to be corrected accordingly. The correction slip shall be posted on the Notice Board at the office of the Jammu and Kashmir Medical Council, and shall also be made available for sale at a price to be fixed by the ¹[Director Health Services].

21. (1) Any person whose name is on the roll of a constituency may at any time bring to the notice of the ¹[Director Health Services] by application in writing in any form any error in the entry in the roll relating to his name which is a clerical error, and the ¹[Director Health Services] may at any time make or cause to be made such correction in the roll as he may deem necessary in respect of such entry.

(2) Any person whose name was entered on a roll prepared under the provisions of sub-rule (1) of rule 16 may, if his name is omitted from the roll re-prepared under the provisions of rule 20 and no order for such omission has been passed under the provisions of rule 19, apply to the ¹[Director of Health Services] for the restoration of his name to such roll and the ¹[Director Health Services] shall cause his name to be restored accordingly.

Note. — It is not necessary to affix a stamp on an application presented under this rule.

22. The ¹[Director Health Services] shall, by notice posted at the office of the Council, fix a date for the nomination of candidates for election, not less than twenty days before the dates fixed for the election and not less than fifteen days after the date of the publication of the notice and not less than seven days after posting of the correction slip under the provisions of rule 20, and a date not more than seven days after the date fixed for the nomination of candidates for the scrutiny of nominations.

23. (1) Any person eligible for membership of the Council may be nominated as a candidate for election; provided that on or before the date fixed for the

¹ Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.).

nomination of candidates under the provisions of rule 22 between the hours of eleven o'clock of the forenoon and three o'clock of the afternoon, he shall, either in person or by his proposer and seconder together or by a duly authorised agent appointed by authority in writing signed by him, deliver to the ¹[Director Health Services] or to any officer appointed by the ¹[Director Health Services] in this behalf a nomination paper completed in Form IV appended to Part V-B which shall be supplied by the Registrar to any elector who may apply for such nomination, and subscribed by the candidate himself as assenting to the nomination and by two persons as proposer and seconder whose names are included in the roll of the constituency concerned corrected under the provision of rule 20; and the ¹[Director Health Services] or other officer appointed by him for the purpose of this rule shall endorse on nomination paper the date and hour of receipt of such paper by him.

(2) No person shall subscribe as proposer or seconder a number of nomination papers greater than the number of members to be elected to represent the constituency in question and if a person has subscribed, whether as proposer or seconder, a larger number of nomination papers than there are vacancies to be filled, only those of the papers so subscribed which have been first received up to the number of such vacancies shall be deemed to be valid. But if the ¹[Director Health Services] is unable to determine which of such nomination papers was first received by him, all of such nomination papers shall be held to be invalid.

(3) Nomination papers which are not received by the ²[Director Health Services] before the date appointed under these rules for the scrutiny of such papers shall be rejected.

24. Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the ³[Director Health Services] or other person authorised by the ⁴[Director Health Services] to receive such notices, not later than three o'clock of the afternoon of the seventh day succeeding the date fixed under the provisions of rule 22 for the scrutiny of nominations and no person who has thus withdrawn his candidature shall be allowed to cancel his withdrawal or to be renominated a candidate for the same election in the same constituency.

25. The ⁵[Director Health Services] shall, on the second day succeeding the date fixed for the nomination of candidates under the provisions of rule 22, post at the office of the Council and publish in the Government Gazette lists

1 Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.)
2 Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.)
3 Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.)
4 Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.)
5 Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.)

of all the candidates whose nomination papers have been presented under rule 22 together with descriptions, similar to those contained in the nomination papers of the candidates.

26. On the date fixed for the scrutiny of nominations under the provisions of rule 22 the candidates, one proposer and one seconder of each candidate and one other person for each candidate duly authorised in writing by such candidate and no other person may attend at such time and place as the ¹[Director Health Services] may appoint, and all reasonable facilities shall be given to them for examining the nomination papers of all candidates whose names are included in the list of candidates posted under the provisions of rule 25.

27. (1) On the date fixed for the scrutiny of nominations under the provisions of rule 22, after facilities have been given for examination of nomination papers under the provisions of rule 26, the Registrar shall examine the nomination papers of all candidates whose names are included in the list of candidates posted under the provisions of rule 25 and shall decide all objections made to any nomination, and shall, either on such objection or on his own motion after such summary inquiry, if any, as he may deem necessary, refuse any nomination if he is satisfied—

- (a) that the candidate was on the date fixed for the nomination of candidates ineligible for election under the provisions of section 7 or any other section of the Act or under the provisions of any other rules or of any other Act;
- (b) that a proposer or seconder was not qualified to subscribe the nomination paper under the provisions of rule 23;
- (c) that there has been any failure to comply with any of the provisions of rule 23;
- (d) that the candidate or any proposer or seconder is not identical with the person whose number on the roll is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be;
- (e) that the signature of any candidate or of any proposer or seconder is not genuine or has been obtained by force or by fraud:

Provided that nothing contained in clauses (b), (c), (d) or (e) of this sub-rule shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper if the candidate has been duly nominated by means of another nomination paper, in respect of which no irregularity has been committed:

1. Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.)

Provided further that no nomination shall be refused under clause (d) of this sub-rule if a summary inquiry is sufficient to establish the identity of the candidate, proposer and seconder with the persons who subscribed the nomination paper as such respectively.

(2) The Registrar shall endorse on each nomination paper his decision, accepting or rejecting it, and if he rejects it, he shall record in writing a brief statement of his reasons for so rejecting it.

(3) Any person aggrieved by any order passed by the Registrar under sub-rule (1) or sub-rule (2) may, within three days from the date of such order, present in person or by counsel or by a duly authorised agent appointed by authority in writing signed by him, to the ¹[Director Health Services] an application for revision of such order.

(4) When any application for revision of an order has been submitted to the ¹[Director Health Services], the ²[Director Health Services] may, after hearing the applicant or his counsel, confirm such order, or after sending by registered post notices to the candidates for election from the constituency concerned intimating the date, not less seven days from the date of the notices on which such application will be heard, may on such date, after hearing any representation which the applicant and any other such candidates as may appear, may make, confirm such order or may set it aside and pass such other orders as he may deem fit.

28. On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under the provisions of rule 24 the ³[Director Health Services] shall forthwith prepare lists of valid nominations and cause them to be pasted up at some conspicuous place at the office of the Council and to be published in the Government Gazette.

29. If a candidate dies before the poll and after the date fixed for the nomination of candidates and his nomination is or has been accepted as valid by the Registrar, all proceedings with reference to the election of a member in the constituency or constituencies in which he was a candidate other than the preparation of the roll shall be commenced anew in all respects as if for a fresh election; provided that no fresh nomination shall be necessary in the case of a candidate whose name is entered on a list of valid nominations posted under the provisions of rule 28.

30. Subject to the provisions of rule 29, if the number of candidates validly nominated in any constituency is equal to or less than the number of members to be elected for such constituency, then such candidate shall be

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2. Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.).

3. Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.).

deemed to have been elected, and if the number of such candidates is less than the number of members to be elected, the ¹[Director Health Services] shall fix another date for the election for the remaining members.

31. If the number of candidates validly nominated in any constituency is greater than the number of members to be elected for such constituency, a poll shall be taken as provided hereinafter.

32. The ²[Director Health Services] shall fix a place, date and time for the counting of votes, and shall, not less than thirty days previous to that date, forward by post under postal certificate to each elector of the constituency a ballot paper in Form V appended to Part V-B stamped with the official mark, which shall be kept secret after noting on its counterfoil the number of the electoral roll of the elector whom it is sent; and he shall at the same time send the elector copy of rules 33-B, 33-C, 33-D, and the date fixed for the counting of votes.

33. An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper or has misplaced the ballot paper or has not received the original ballot paper may, before eleven o'clock of the forenoon of the date preceding that fixed for the counting of votes, obtain another ballot paper in place of the original ballot paper and the counterfoil of the original ballot paper shall be marked as cancelled.

33-A. An elector whose ballot paper has been returned to the ³[Director Health Services] as undelivered may, on making an application in writing signed by himself before the ⁴[Director Health Services] or a Magistrate or the Medical Officer of the District in the State or in India, obtain the undelivered envelope containing the ballot paper or require the ⁵[Director Health services] to forward it to him again by post, under postal certificate.

33-B. No account will be taken of a ballot paper unless it is received by the ⁶[Director Health Services] not later than the day before that fixed for the counting of votes, or if, for any of the reasons given in rule 33-F, it is invalid.

33-C. The election shall not be invalidated because an elector to whom a ballot paper has been duly forwarded failed to receive it in time to enable him to return it to the ⁷[Director Health Services] not later than the day prescribed.

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2 Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.)
3 Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.)
4 Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.)
5 Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.)
6 Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.)
7 Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.)

33-D. An elector to whom a ballot paper has been sent under rule 31 may mark it in favour of the candidate for whom he desires to vote and shall put it into an envelope, close the envelope and cause the envelope containing the ballot paper to be delivered by post or otherwise to the ¹[Director Health Services] who shall endorse on each ballot paper the date and hour of its receipt by him.

33-E. The ²[Director Health Services] shall open all envelopes received by him before the date fixed for the counting of votes, and shall make a mark in the counterfoil of the ballot paper of the elector that his ballot paper has been received; and shall deposit in a locked and sealed ballot box the closed envelope containing the ballot paper unopened. A ballot paper not received by the ¹[Director Health Services] by the last date fixed for receiving the ballot papers shall be rejected.

33-F. The ³[Director Health Services] shall notify to the candidates or their duly authorised agents the place, date and time fixed by him for the counting of votes and shall, in the presence of such candidates or their duly authorised agents, if any, as may be in attendance, open the ballot box and the envelopes containing the ballot papers and count the valid votes recorded for each candidate rejecting as invalid any ballot paper which—

- (a) is not the one supplied to the voter by the Council office;
- (b) has not vote recorded on it by means of a cross; or
- (c) is so marked that it is uncertain how the voter intended to vote;
- or
- (d) bears any mark other than the serial number printed thereon by which the voter can be identified;
- (e) has already been marked on the counterfoil as having been received.

33-G. The candidate who is found to have obtained the greatest number of valid votes or, if more than one number is to be elected for the constituency, the candidates up to the number of members to be elected who are found to have obtained the greatest number of valid votes shall be declared to have been elected; provided that if it is impossible to determine which candidate or candidates has or have obtained the greatest number of votes, owing to two or more candidates having obtained an equal number of votes, the ⁴[Director Health Services] shall decide by lot which of such candidates shall

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2 Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.)

3 Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.)

4 Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.)

be deemed to have been elected and shall declare him or them elected accordingly.

33-H. When the counting of votes has been concluded and a declaration has been made stating which candidate or candidates has or have been elected, the ¹[Director Health Services] shall forthwith prepare and forward to the Government a return showing the names of the candidates, the number of votes recorded for each and the names of the candidates declared to have been elected, and shall also post a copy of the return in a conspicuous place at the office of the Council and shall within one week publish in the Gazette the names of the elected candidates together with the names of the candidates deemed to have been elected under the provisions of rule 31.

33-I. The ²[Director Health Services] shall seal up in separate packets, on the outside of which shall be endorsed a description of their contents—

- (a) the ballot papers counted as valid;
- (b) the ballot papers rejected as invalid;
- (c) the unissued ballot papers;
- (d) the tendered ballot papers;
- (e) the spoilt ballot papers;
- (f) the marked copy of the roll;
- (g) the counterfoils of the ballot papers, both issued and unissued.

33-J. The ³[Director Health Services] shall retain the packets referred to in rule 33-I in his custody until the expiry of six months from the date of the election and shall then, subject to any direction to the contrary made by the Government or a Court of Law, cause them to be destroyed.

33K. If on account of illness, absence from headquarters or any other reason the ⁴[Director Health Services] or Registrar is unable to perform any of his functions under these rules, the ⁵[Director Health Services] may, by order, in writing, appoint any gazetted medical officer of the Jammu and Kashmir Government or any member of the Jammu and Kashmir Medical Council to perform such functions on his behalf or on behalf of the Registrar.

33L. If any question arises as to the interpretation of these rules otherwise than in connection with an election petition, the question shall be referred to the Government whose decision shall be final.

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2 Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.)
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4 Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.)
5 Substituted for "Director of Medical Services" by C.O. No. 1957-C of 1956 (G.G. dated 30-08-1956.)

¹[33-M. The provisions of this part shall, as far as practicable, apply to the case of first elections of members of the Council.]

PART V-B

ELECTION OF VICE-PRESIDENT

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

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

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

34-A. Voting for the office of Vice-President shall be by ballot, and if only one candidate for the office is proposed the members present shall be required to vote by writing "Yes" or "No" on the ballot paper, and if a majority of votes is not in the affirmative, the election shall be postponed to the next meeting of the Council when a further ballot shall be taken in respect of such candidates as may then be proposed, and the chairman of the meeting shall not have casting vote.

34-B. When the office of the Vice-President of the Council has to be filled-

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

FORM I

Rule 16(1)

ELECTORAL ROLL

Jammu and Kashmir Medical Council Constituency _____

S.No.*	Name	Qualifica-tions and dates thereof.	Address or appointment.	Date of Registration	Serial No. as in the Register of Registered practitioners.

* Electors shall be numbered serially within constituencies.

1 Rule 33-M added *ibid*.

Rule 17 (3)

REGISTER OF CLAIMS FOR REGISTRATION

Jammu and Kashmir Medical Council _____ Constituency.

FORM III

Rule 17 (3)

REGISTER OF OBJECTIONS FOR REGISTRATION

Jammu and Kashmir Medical Council _____ Constituency.

S.No.	Person objected to and registered			Name and description of objector with electoral number	Date of presentation.	By whom and how process was served.	Abstract of process server's report with date	Date of decision	Decision		Signature of the Registrar	Signature of the official by whom effect was given to the Registrar's decision.
	(a) in constituency	(b) under name	(c) with electoral number.						Admitted	Rejected		
1	2			3	4	5	6	7	8		9	10

FORM IV

Rule 23(1)

Serial No. _____

Nomination

Paper . _____

Counterfoil . _____

Name of Constituency
_____Name and address of the candidate
_____Serial No. on electoral roll

Date of despatch . _____

Initials of dispatching officer
.....

Signature of seconder. _____

Nomination paper

Serial No. _____

Name of Constituency . _____

Name of Candidate . _____

Qualification and dates thereof

Address or appointment. _____

Date of registration. _____

Number . _____

Constituency on electoral roll of
which the candidate is registered as
an elector _____Serial number of the candidate on
the electoral roll of the constituency
in which he is registered as an elector

Name of the proposer. _____

Serial number of the proposer on the
electoral roll of the constituency in
which the candidate is a candidate for
election . _____

Signature of the proposer. _____

Name of the seconder. _____

Serial number of the seconder on the
electoral roll of the constituency in
which the candidate is a candidate
for election. . _____**DECLARATION BY CANDIDATE**

I hereby declare that I agree to this nomination

Dated _____

Signature of candidate _____

Note.- This nomination paper will not be valid unless it is delivered to the Director Health Services, Jammu and Kashmir Government or any other person appointed by him to receive it at his office between the hours of eleven o'clock of the forenoon and three o'clock of the afternoon on or before _____ 19.

(To be filled in by the Director Health Services, Jammu and Kashmir Government or other person appointed).

CERTIFICATE OF DELIVERY

Serial No.

This nomination paper was delivered to me at my office at (date and hour).

Signature of the Director of Health Services, or other person appointed

Dated.....

CERTIFICATE OF SCRUTINY

Rule 27(2)

I have scrutinised the eligibility of the candidate, the proposer and seconder, and find that they are respectively qualified to stand for election, to propose and to second the nomination, and I, therefore, accept the nomination.

OR

I have scrutinised this nomination and reject it for the following reasons:-

Signature of officer scrutinising the nomination.....

Dated.....

FORM V

Rule 32

FORM OF FRONT OF BALLOT PAPER

Counterfoil.	Outerfoil	Front
No. _____	_____	_____
Name of constituency _____	Abdul Karim	_____
No. on the roll of the elector to whom it is sent _____	Baij Nath	_____
Date of despatch _____	_____	_____
Initial of Despatching Officer _____	Ram Singh	_____
_____	_____	_____

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

Serial No. _____

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

- (1) Your electoral number is.....
- (2) The date of counting of votes is.....
- (3) You have as many votes as there are members to be elected.
- (4) You shall vote by placing the mark X opposite the name or names of candidates whom you prefer. If you do not wish to use all your votes (in cases where more than one vote is allowed) you need not do so, but more than one vote may not be given to anyone candidate.
- (5) The ballot paper shall be invalid, if the mark X is placed opposite the names of more candidates than are to be elected; or if the mark denoting any vote is so placed as to render it doubtful to which candidate such vote is intended to apply.
- (6) You should sign the following declaration, and append your number on the electoral roll and the place of your residence thereto; and then return this letter along with the ballot paper, which shall be put into a separate envelope. Without such signature and entry, the ballot paper shall be invalid.
- (7) In case you fill in more than one ballot paper, the first only of such ballot papers received by the Director Health Services, Jammu and Kashmir Government shall, if otherwise in order, be valid; and if the Director Health Services is unable to determine which of such ballot papers was first received by him, both or all such ballot papers shall be invalid.
- (8) Ballot papers shall be sent to the Director Health Services, Jammu and Kashmir Government by post or otherwise. Ballot papers which are not received by the Director Health Services before..... the day19will be rejected.
- (9) An extract (showing rules 33-B, 33-C and 33-D) from electoral rules is appended for your information.

"I hereby declare that my name appears on the electoral roll vide No.....

Signature of the elector

Residence

PART VI**PROCEDURE TO BE FOLLOWED IN CONDUCTING AN ENQUIRY**

35. Whenever information is received by the Registrar that a medical practitioner who is an applicant for registration, or whose name has already been registered, has been guilty of conduct which prima facie constitutes infamous conduct in a professional respect, the Registrar shall make an abstract of such information.

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

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

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

(2) The Committee shall report to the Council, and if the Council considers that the case is one in which any inquiry ought to be held, the President shall direct the Registrar to take steps for the institution of an inquiry and for having the case heard and determined by the Council.

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

40. The notice referred to in rule 38 shall be in Form No. IV in the Appendix to these rules with such variations as circumstances may require. It shall be sent three weeks before the date of the inquiry, and shall be accompanied

by a copy of section 14 or 17 of the Act, as the case may be, and of the rules to regulate the procedure for conducting any inquiry referred to in these sections.

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

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

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

44. At the hearing of the case by the Council, the complainant and also the practitioner may be represented or assisted by a legal practitioner.

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

- (1) The Registrar will read to the Council the notice of the inquiry addressed to the medical practitioner.
- (2) The complainant will then be invited to state his case by himself or by his legal representative and to produce his proofs in support of it. At the conclusion of the complainant's proofs his case will be closed.
- (3) The practitioner will then be invited to state his case by himself or by his legal representative, and to produce his proofs in support of it. He may address the Council either before or at the conclusion of his proofs, but only once.
- (4) At the conclusion of the practitioner's case, the Council will, if the practitioner has produced evidence, hear the complainant in reply on the case generally, but will hear no further evidence except in any special case in which the council may think it right to receive such further evidence. If the practitioner produces no evidence, the complainant will not be heard in reply except by special leave of the Council.
- (5) Where a witness is produced by any party before the Council, he will be first examined by the party producing him, and then

cross-examined by the adverse party and then re-examined by the party producing him. The Council may decline to admit in evidence any declaration where the declarant is not present, or declines to submit to cross-examination.

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

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

- (i) The Registrar will read to the Council the notice of inquiry addressed to the practitioner and will state the facts of the case and produce before the Council the evidence by which it is supported.
- (ii) The practitioner will then be invited to state his case by himself or by his legal representative, and to produce his proof in support of it. He may address the Council either before or at the conclusion of his proofs, but only once.

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

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

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

PART VII

INSTITUTION, HEARING AND DISPOSAL OF APPEALS UNDER SECTION 16 OR SECTION 19 OF THE ACT

49. An appeal to the Council, preferred under section 16 of the Act, against a refusal of the Registrar to register any title or qualification of any person on the register of registered practitioners, shall be in writing and shall state the title or the qualification, the grounds on which registration is claimed,

FORM NO. II

Vide Rule 6

ANNUAL MEDICAL LIST

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

The Registrar shall keep an interleaved copy of such printed list wherein he shall make during the year any entry, alteration or erasure that may be necessary.

¹FORM No. II-A

Vide Rule 6-A

COURT FEE

MEDICAL REGISTRATION CERTIFICATE JAMMU AND KASHMIR MEDICAL COUNCIL OFFICE.

.....19

I hereby certify that the following is a true copy of the entry in the Medical Register of the name specified below:—

Name	Address	Date of Registration	Place of Registration	Qualifications

N.B.—This certified copy remains evidence of registration only until the publication of the printed Medical REGISTER for 19

REGISTRAR

FORM NO. III

Vide Rule 10

**REGISTER SHOWING PARTICULARS OF THE MEMBERS OF
THE COUNCIL**

1	2	3	4	5	6	7
Name.	Address.	Whether nominated or elected, and in the case of elected members by whom elected.	Tenure.	Date of commencement of tenure.	Date on which the term is to expire in ordinary course.	If the appointment terminates before the due date mentioned in column 6 then the date and reason of earlier termination (See section 9).

FORM NO. IV

Vide Rule 40.

**Notice to practitioner to attend proceedings in connection with
the inquiry under sectionof the Act.**

Sir,

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

And I am directed further to give you notice that on the..... of..... 19..... a meeting of the Council will be held at..... o'clock in the..... to consider the above-mentioned charges against you and decide whether or not they should direct that your name shall not be registered in the/your name be removed from the Register of Registered Practitioners pursuant to section..... of the Jammu and Kashmir Medical Registration Act, 1998. You are invited and requested to answer in writing the above charges and to attend before the Council at the above named place and time to establish any denial or defence that you may have to make to the abovementioned charges, and you are

hereby informed that if you do not attend as requested, the Council may proceed to hear and to decide upon the said charges in your absence.

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

A copy of section of the Jammu and Kashmir Medical Registration Act, 1998, and of the rules to regulate the procedure for conducting any inquiry referred to in that section, to which your particular attention is invited, is enclosed herewith for your information.

Registrar, Jammu and Kashmir Medical Council.
