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JHARKHAND GAZETTE
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RANCHI, TUESDAY 9th MAY, 2023

Department of Health Medical Education and Family Welfare

NOTIFICATION

2nd May, 2023

File No-03/Estab.Doc-01-66/2012-583(3)-- In exercise of powers conferred under section 33 of “The Bihar and Orissa Medical Act-1916”, The Government of Jharkhand constitute “**The Jharkhand State Medical Council Rules-2023**” for the purpose of regulating the activities of the Jharkhand State Medical Council as follows:-

CHAPTER -1

1. Short title, extent and Commencement: -

- (1) These “Rules” may be called “The Jharkhand State Medical Council Rules-2023.”
- (2) It extends to the whole of Jharkhand state.
- (3) It shall become effective from such date when it published in official Gazette.
- (4) These Rules are applicable on all allopathic medical professionals.

2. Definitions: -

In these rules, unless there is anything repugnant in the subject or context,

- (a) “the Act” means “The Bihar and Orissa Medical Act, 1916”.
- (b) “State” means “State of Jharkhand”.
- (c) “Government” means “Government of Jharkhand”.

- (d) "Section" means sections of "The Bihar and Orissa Medical Act, 1916".
- (e) "Department" means Department of Health, Medical Education and Family Welfare, Government of Jharkhand.
- (f) "Council" means "The Jharkhand State Medical Council".
- (g) "The President" means the person elected by the members of Jharkhand state Medical Council;
- (h) "Rules" means "The Jharkhand State Medical Council Rules-2022"
- (i) Words and expressions not defined in these rules but defined in the Act shall have the same meaning assigned to them in the Act.

CHAPTER-2

3. Constitution of Jharkhand State Medical Council

According to section 4 of the Bihar and Orissa Medical Act 1916, this council will consist of 10 members which will be as follows :-

- (a) Three members to be appointed by the Government of Jharkhand.
- (b) Deen, Faculty of medicine of the Ranchi University.
- (c) Deen, Faculty of Medicine of the Vinoba Bhave University, Hazaribagh.
- (d) One female member elected by registered medical practitioners residing within the State.
- (e) Two members elected by and from the registered medical practitioners residing in the state; and
- (f) Two members elected by Jharkhand Branch of the Indian Medical Association.

4. Election of the President of the council:-

The President of the Council shall be elected by the members of the Council from amongst them and shall hold office for a term for which the members of the Council will be elected.

The member holding the post of the President may be paid the honorarium fixed by the department from time to time by the council.

No act of the council or its officers shall be invalid merely by reason of the existence of any vacancy in the council or any defect in the constitution of the council.

5. Maintenance of details of the members of the council: -

A Register shall be maintained in **FORM -I** of the Appendix to these Rules. In this register, the details of the appointed, nominated and elected members of the council, the date of appointment and term for which they have been appointed and in case of termination of their appointment, the date and reasons for termination will be recorded.

6. Notice of Vacancy of council members:-

- (1) Sixty days prior to the expiration of the terms of the appointment/nomination of a member of the Council appointed/nominated under section 4(1),(a) of the Act, shall be brought to the notice of the President by the Registrar of the council and it will be immediately informed by the President to the department.
- (2) Under the circumstances arising out of resignation or death and under the provisions of section 10 of the Act, if any vacancy arises, then it will be the responsibility of the Registrar of the council to bring the subject of the vacant post to the notice of the President and the President will

inform about it immediately to the department and such vacancy will be filled by the department through a new notification as soon as possible by adopting the procedure prescribed.

- (3) In the light of the expiry of the period of nomination or election of the members of the council or the situation arising under the provisions of section 10 of the Act. The information of the vacant members can be given to the Department by the President of the council, within a maximum of 60 days and the department shall direct the returning officer to take all necessary steps in this direction and within two months make available to the department a proposal to recommend the name of new member through fresh election. These vacancy can be filled by the department by publishing it in the Jharkhand Gazette after getting the recommendation.

7. Nomination of members in case of non-election: -

Nomination of members from (d) to (e) of rule 3 of this rule can be done by the department in case the election is not held within six months of the occurrence of the vacancy. such members nominated by the department shall be deemed to have been elected as per the procedure prescribed in the rules.

8. Disqualifications for being elected a member

A person shall be disqualified for election or nomination as a member of the Council, if he -

- (a) is not registered under this Act, or
- (b) has been convicted of a non-bailable offense by a court of law and that punishment has not been set aside or varied or this disqualification has not been declared to be inoperative by an order of the State Government.
- (c) is an undischarged insolvent.

9. Term of Office of the members:-

- (1) Under rule 3, the tenure of the elected or nominated members will be counted from the date of publication of their name in the Jharkhand Gazette and their tenure will be of 3 years. The period will be extended till the first meeting of the newly constituted council after three years, in which the quorum of the members will be complete.
- (2) A member shall be eligible for re-election or nomination if he is not disqualified under rule 8.

10. Members absent on leave :-

The Council may grant permission to any of its member to remain absent from the meeting of the Council for a maximum period of six months.

11. Cessation of membership: -

A member shall be deemed to have vacated his seat if -

- (a) He remains absent from three consecutive meetings of the council without any reason.
- or
- (b) He has been out of India for a continuous period of more than six months, or
- (c) He has been disqualified for election or nomination under rule 8.

12. Filling of Vacancies :-

- (1) If a member dies or a member resigns from the membership or the membership ceases to exist under Rule 8, the vacancy arising out of it shall be informed by the President to the department for fresh election or nomination to the vacant post.
- (2) In this way, the newly elected or nominated members will be able to work as members for the remaining term.

13. Traveling expenses to the Members: -

Council members (including office bearers) will be paid for traveling expense etc. to participate in council meeting etc. with the permission of the council at the rate fixed by the Government of Jharkhand. This traveling expenses will also be admissible to the members of the council, members of the committee appointed under the council, other named or nominated members. For this, it will be mandatory to submit a claim for travel expenses in the prescribed form.

CHAPTER-3

(Election of members under clauses (c) to (d) of section 4 of, the Act and rule 3(D) and (E) of these rules)

14. The Electoral Rolls:-

The department will appoint an officer of the level of Joint Secretary/Deputy Secretary of Jharkhand Administrative Service as Returning officer and an officer of the level of Under Secretary will be appointed as Assistant Returning Officer for the election under this section by the department.

The Returning Officer shall, under his supervision, prepare a voter list of every person eligible to vote in the election of a member or members from the register of registered medical practitioners in the state of Jharkhand. Name, qualification and address will be recorded in this voter list. It will be necessary to publish this voter list after receiving objections and dispose of it before every poll.

15. Publication of dates for Election:-

Dates for nomination, election, counting of votes and results for the election of vacant members under section 4 part (C) and (D) of the act shall be announced by the Returning officer, Through notice must be published in at least two newspaper, one of which shall be a national newspaper and one shall be local newspaper. In case of any change in these dates, its information will also be necessary to given through the same newspaper.

16. Nomination of candidates for election:-

- (1) Any person whose name is included in Register of Registered Practitioners and who is not disqualified for election to the Council under section 6 of the Act, may be nominated as a candidate for election under clause (c) or clause (d) of section 4 of the Act.
- (2) Such nomination shall be made by, means of a nomination paper in **FORM- II** of the Appendix to these rules. Any voter who demands this form for enrollment will be given this form by the Returning Officer on depositing the prescribed fee of Rs.1000/- (Rupees One thousand only).

- (3) Each, nomination paper shall be subscribed by two electors as proposer and seconder.
- (4) On receipt of each nomination paper, the Returning Officer shall forthwith endorse upon it the date and hour of receipt
- (5) Nomination papers, which are not received by the Returning Officer before the date fixed for the scrutiny of such papers under these rules shall be rejected.

17. Withdrawal of candidature: -

- (1) Any duly nominated candidate may withdraw his candidature by sending a withdrawal in writing to the Returning Officer which shall be valid only before the date fixed for this purpose under these rules and shall not be allowed later.
- (2) On receiving notice of such withdrawal, the Returning Officer shall publish the notice about the fact of the withdrawal in such manner as may direct.

18. Scrutiny of Nomination Papers:-

- (1) On the date and at the time and place fixed by the Returning Officer for the scrutiny of nomination papers every candidate and his proposer and seconder may attend. The Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him. Any objection and additional information against any nomination paper can be submitted in writing to the Returning Officer.
- (2) The Returning Officer will decide on the submitted nomination papers and objections received thereon and, on all questions, arising regarding the validity of any nomination and the decision taken by the Returning Officer on such question will be final.

19. Voting:-

- (1) If in the case of an election under any clause of section 4 of the Act, the number of duly nominated candidates who stand for election does not exceed the number of members to be elected under that clause, the Returning Officer shall forthwith declare such candidate or candidates to be elected.
- (2) If the number of such candidates exceeds the number of members to be so elected, the Returning Officer shall Cause the names and addresses of the candidates to be entered in voting papers in **FORM - III** in the Appendix to these Rules.
- (3) Voting action will be conducted as per the instructions of the Returning Officer on the date fixed for voting at the proposed place which will be in all the divisions of Jharkhand state, according to the fixed time, under the supervision of the presiding officer who will be the deputy director level officer of the division, who will be assisted by the polling officer who will be the head clerk of divisional office, and after the polling is over, the ballot box will be sealed and kept safe in the strong room designated by the Returning officer.
- (4) Voting paper will be printed in two copies, in which one copy can be made available to the concerned voter by making the necessary details and the second copy will be kept safe with the registrar as a counter file.

- (5) Every voter who wants to participate in the process of voting according to the prescribed procedure by being present on the date and place fixed for voting, he will be able to register his vote in the manner prescribed for voting in the process of voting. Provided that the voting paper shall be rejected by the Returning Officer if the vote is not recorded in the manner prescribed for voting.

20. Counting of votes and declaration and publication of results of election: -

- (1) At the end of the voting process, the voting paper will be checked in the first step for counting the votes in the prescribed manner by the Returning Officer whether the voting paper is filled correctly or not and the voting paper will be marked as acceptable or unacceptable and will be counter signed.
- (2) The Returning Officer shall endorse the word “Rejected” on any voting paper which he may reject on the ground that it does not comply with the instructions on the voting paper.
- (3) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be fixed.
- (4) Every candidate may be present in person or may send a representative, duly authorized by him in writing, to watch the process of counting.
- (5) The Returning Officer shall show the voting papers, but not the counterfoils, to the candidates or their representatives.
- (6) If any objection is made to any voting paper on the ground that it is invalid under these Rules, or to the rejection by the Returning Officer of a voting paper such objection shall be decided at once by the Returning Officer, whose decision shall be final.
- (7) When the counting of the votes have been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes have been given, to be elected.
- (8) When an equality of votes is found to exist between any candidates and the addition of a vote will entitle any of the said candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given, shall be made by lot to be drawn in the presence of the Returning Officer and in such a manner as he may determine.
- (9) Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election and shall retain the same for a period of six month and thereafter cause them to be destroyed.
- (10) The Returning Officer shall send the names of the elected candidates immediately, as the case may be, to the department for publication in the Jharkhand Gazette.
- (11) Notice shall be published by the Returning Officer in the local newspapers as to such date and time and place as may be considered appropriate for each of the following proceedings- nomination under rule 16, voting and last day of polling under rule 19 and day of counting of votes under rule 20.

21. Finality of decisions:-

Department, of their own motion or on objection made, declare any election to the Council to be void on account of corrupt practice or any other cause which shall appear to them sufficient and may call on the electorate to make a fresh election within a specified date, and any decision of the department under this rule shall be final. The decision of the department on any question that may arise as to the intention, construction or application of these rules shall be final.

CHAPTER-4**Rules for the Meetings of the Council****22. Meeting of the Council:-**

- (1) The Council shall ordinarily meet in the month of April, July, October and January in each year for the transaction of business.
- (2) Notice of every meeting shall be served on each member of the Council by the Registrar not less than fifteen days before the date of meeting.
- (3) A program of business to be transacted at any meeting or agenda of the meeting shall be sent to each member not less than seven days before the date of such meeting.
- (4) An emergency meeting of the council can be called by the chairman whenever he feels necessary, but it will be mandatory to inform all the members before the meeting.
- (5) All matters arising in the meeting of the Council will be decided on the basis of majority of the members present and voting in the meeting. In case of equality of votes, matters shall be decided on the basis of the vote of the President, or in the absence of the President the vote of the member conducting the meeting with the permission of the President.

23. Presiding over the meeting:-

Every meeting of the Council shall be presided over by the President of the Council. In the absence of the President, the member nominated by the President can preside over the meeting. The presence of at least four members is mandatory for the quorum of the meeting. In case the quorum is not complete, the meeting will be adjourned by the President.

24. Minutes of the Council:-

The proceedings of the meeting of the Council shall be preserved in the form of printed/written document, which shall be verified, certified and signed by the President and the Registrar. A Copy of the proceedings of the meeting shall be compulsorily made available to each member within 15 days of the conclusion of each meeting. Also, a copy of the same be made available to the department.

CHAPTER-5 (Rules for Registration)**25. Maintainance of a Register of Registered Practitioners:-**

- (1) According to the provisions contained in the Act, the Registrar, Jharkhand State Medical Council shall maintain the register of regular medical practitioners in accordance with the procedure prescribed in the Act in **Form-IV** appended in the Appendix to these Rules, in which

the name, address, appointment and qualification, the date on which qualification was granted, etc. of each person registered under the Act shall be recorded and from time to time, after representation or verification, changes can be made in the addresses or appointments and registered qualifications and titles of doctors and the names of dead doctors will be removed from the register. The names shall be entered in the registration register in the order in which applications for such entry are accepted.

(2) In order to perform the various duties in the said Rule 25, by sending a letter to the registered doctors on their registered address or appointment address, whether the practitioner is practicing or not and whether there has been a change in his residential address and appointment can be checked. If the report of such letter is not made available by the registered doctor within six months, then the name of the said doctor will be removed from the register. Provided that if the Council orders again, the name of the concerned doctor may be re-entered in the register.

(3) Each page of the Registration Register shall be signed and verified by the Registrar.

26. Grant of Registration :-

(A) Permanent Certificate:-

Any person who has any of the qualifications specified in the First, Second or third Schedule to the Indian Medical Council Act, 1956, in modern scientific system, and in relation to the service, subject to any conditions prescribed by under that Act, or desirous of practicing or practicing as medical practitioner in the state of Jharkhand, by making a representation to the Registrar in **Form-V** of the Appendix to these rules, copies of certificates of educational qualification required for registration in the registration register of council, four passport size photo along with prescribed fee. If the application is found eligible for registration by the Registrar, a registration certificate will be issued in **Form-VI** of the Appendix. It will be valid for life from the date of registration.

(B) Provisional Certificate:-

Any person who has passed the qualifying examination of any University or Medical Institution in India for a recognized medical qualification may be provisionally registered for the purpose of internship training on an application made to the Registrar for provisional registration in the form, such person shall be entitled to apply for provisional registration in the registration register along with copies of certificates of educational qualification required, four passport size photographs and the prescribed fee. After scrutiny of the application by the Registrar, if found eligible for registration, a provisional registration certificate will be issued in **Form-VII** of Appendix.

27. Refusal to register: -

The Council may refuse to allow the registration of the name of any person:-

- (A) A person who has been sentenced by any court for any non-bailable offence, such sentence has not subsequently been reversed or set aside, and such sentence has not been set aside by an order of the State Government.
- (B) Any person who, after due inquiry by a majority of two-thirds of the members present and voting at a meeting of the Council (on which he has been given an opportunity of being heard in his defense, and either in person or by a pleader) for any professional misconduct was found guilty.

28. Information to be presented before the Registrar for registration:-

Every person who applies to have his name entered in the register of registered practitioners-

- (1) He shall satisfy the Registrar that he holds the requisite title or qualification as prescribed in the Schedule.
- (2) If he is registered under the Medical Acts,-
 - (i) He will have to tell the correct date of registration to the registrar, and
 - (ii) In relation to degree and qualification, he will have to give a true statement to the Registrar as to the date on which he received the degree.
- (3) If he is not registered, he will have to inform correctly that on which date he obtained the degree or qualification mentioned in the schedule and on the basis of which he is claiming to be registered.

29. Entry in the register of new degree or qualification:-

If any person acquires a new title or qualification, which is different from the title or qualification at the time of registration, he may, by making an application along with such fee as may be prescribed by the Council, get the new title or qualification entered against his name, which shall replace the previous title, or will be entered with the former title. For this, he will have to make an application to the Registrar along with the prescribed fee in the prescribed manner in **Form-V** of Appendix of these rules. On being satisfied after the review of the received application, the Registrar will issue a certificate of additional qualification in **Form-VIII** of the Appendix.

30. Deletion of fraudulently wrong entry –

Any entry made in the register of registered medical practitioners, which in the opinion of the Council has been entered fraudulently or by mistake, may be deleted by a written order of the Council.

31. Notice of deaths and deletion of names from register: -

- (1) Every Registrar of Deaths whose cognizance the information about the death of the registered doctor is received, he will without delay inform with the necessary documents and death certificate or such document from which the time and place of death can be known to the Registrar of the Council.
- (2) Such information :
 - (i) Which is a certificate of death, or
 - (ii) Any other document of death on which the council may rely,The Council may remove the name of such deceased person from the register.

32. Establishment of Registrar and Council:-

- (1) With the previous sanction of the Jharkhand Government, the Council –
 - (a) May appoint a Registrar,
 - (b) Can sanction leave to the registrar and can appoint a substitute for his leave period.

- (c) The salary and allowances shall be paid to the person authorized by the Council to act as Registrar or the person appointed as substitute, as may be desired by the Council.
- (2) The work prescribed under the Act and these rules will be done by the Registrar. In addition he shall act as the Secretary of the Council and shall be in charge of correspondence etc. and shall issue all necessary notices in the manner required under these rules. The Registrar as the Secretary of the Council will be the competent authority to approve financial transactions in day-to-day business. Approval of the Council will be mandatory in financial transactions other than day-to-day business. The Registrar or the authority designated as Registrar shall be authorized to file complaints in the Court, and shall also represent the Council in court cases with the assistance of a lawyer.
- (3) The registrar will be allowed to act as the secretary of the council and participate in the meeting of the council and make statements, but shall not have the right to vote.
- (4) The persons appointed under rule 32 (1) and (6) shall be deemed to be public servants under section 21 of the Indian Penal Code.
- (5) The registrar will be paid the honorarium fixed by the department from time to time through the Council.
- (6) According to the following details, the Council will be able to get the services of the employees for smoothly conducting the work of the Council, as it considers necessary for the purpose of these rules and as the Council may determine and will pay the estimated contract amount against it.

Sl. No.	Name of Posts	Nature of the Post	Number of Posts	Salary/ Honorarium	Increment	Nature of Appointment	Educational Qualification and Experience	Remarks
1	Clerk	Contractual	2	At the rate decided by Finance Department Govt. of Jharkhand for contractual appointments	At the rate decided by Finance Department Govt. of Jharkhand for contractual appointments	On Contract	Graduation with knowledge of Computer with minimum 3 years of experience in relevant work.	
2.	Accountant	Contractual	1	At the rate decided by Finance Department Govt. of Jharkhand for contractual appointments	At the rate decided by Finance Department Govt. of Jharkhand for contractual appointments	On Contract	Commerce Graduate with Computer and Accounting Knowledge with minimum 3 years of experience in relevant work.	
3.	Data Entry Operator	Contractual	2	At the rate decided by Finance Department Govt. of Jharkhand for contractual appointments	At the rate decided by Finance Department Govt. of Jharkhand for contractual appointments	On Contract	Graduate with Computer and Data Entry, Typing in Hindi and English Knowledge with minimum 3 years of experience in	

					ts		relevant work.	
4.	Peon	Contractual	1	At the rate decided by Finance Department Govt. of Jharkhand for contractual appointments	At the rate decided by Finance Department Govt. of Jharkhand for contractual appointments	On Contract	Matriculate/10 th Pass With minimum 3 years of experience in relevant work.	
5.	Sweeper	Contractual	1	At the rate decided by Finance Department Govt. of Jharkhand for contractual appointments	At the rate decided by Finance Department Govt. of Jharkhand for contractual appointments service	On Contract	Literate With minimum 3 years of experience in relevant work.	

NOTE:- The age limit of all the above contract based service will be as per the rules of the Government of Jharkhand.

(A) Nature of posts:-

All the above posts shall be for contract-based service and candidates will be selected for these posts for one year contract-based service. As per the requirement of the council, depending on the evaluation of the works of the selected candidates, the duration of the contract will be extended for a year. The salaries of the personnel serving under the Council will be paid from the receipts received under the Council.

(B) Process of obtaining service:-

The selection of personnel in the council for getting contract based service will be done by the registrar on the basis of the recommendation made by the selection committee constituted by the Council. A selection committee will be constituted under the Council as follows:-

Chairman of the selection Committee

Secretary of the selection Committee

Member

Member

Member

- President of the Council.

- Registrar of the Council.

- One Member nominated by Council.

- Member nominated by Council as Expert of relevant field.

- Member of Scheduled Caste and Scheduled Tribe nominated by Department of Personnel, Administrative Reforms and Official Language, Jharkhand, Ranchi.

The advertisement, age limit, reservation and other conditions will be determined by the selection committee, subject to the criteria set by the state government, for the personnel to get service on contract.

(C) **Leaves:-**

According to the provisions prescribed by the finance departmental circular 4569 dated 05-07-2022 and related resolution/ circular issued from time to time, for contractual employees of the Government of Jharkhand, contractual employees served under the Jharkhand State Medical Council, the consumption of leave is subject to approval by the Registrar.

(D) **Traveling Allowances:-**

The employees of the Council will be eligible for the traveling expenses prescribed for contractual employees of equivalent posts of the Government of Jharkhand.

(E) **Maximum age limit for continuance in service.**

Under normal circumstances, any staff appointed in Council can give his service till he attains the age of maximum 60 years. In special Circumstances, if there is an urgent need to have an employee in the Council, then assessing the efficiency and usefulness of the concerned employee. An extension of one year may be given. Such extension can be given to an employee a maximum of three times, but prior permission of the Council will be required by the Registrar.

(F) **Resignation from service:-**

Any staff of the Council may resign from his post by giving one months' written notice to this effect addressed to the Registrar, but such resignation shall be effect from the date of its acceptance. If necessary, information is not given, he will have to deposit or sacrifice an amount equivalent to one month's emoluments.

(j) **Termination of service:-**

The service of any employee can be terminated by the Council after giving him one month's notice and giving him a reasonable opportunity to defend himself. In case of non-giving of prior notice of one month, the employee concerned shall be entitled to receive emoluments equivalent to one month.

CHAPTER-6

(Rules for Accounting)

33. The treasurer

One member from amongst the members of the Council shall be nominated as the Treasurer of the Council. The Treasurer shall have complete administrative control over the Jharkhand State Medical Council Fund. Maintenance of book-keeping, management of receipts, budget preparation, financial reports and all kinds of financial work for the Council will be done under the supervision of the Treasurer and he will have complete control over it.

The treasurer will be paid the honorarium fixed by the department from time to time by the council.

34. Receipts:-

All receipts under the Council will be for the use of the Council only. Available and receipts under the Council will be invested or deposited in the name of Jharkhand State Medical Council.

35. Maintenance of accounts and other register:-

The following registers will be maintained for accounting and financial management under the Council:-

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

Annual accounts will be prepared every year under the direction of the treasurer from the above registers and records.

36. In the month of November-December in every financial year, a statement of income and expenditure received from the current financial year will be prepared by the Treasurer and on the basis of this, an estimate/budget of income- expenditure of the next financial year will be prepared considering the plans to fulfill the responsibilities and objectives of the Council and will be kept in the next meeting of the Council. Consent will be given considering this by the Council.
37. In addition to the approved estimate/ budget during the year, for any new purpose or expenditure in excess of the approved provisions, provisional approval can be given by the President on the expenditure, but it will be kept in the next meeting of the Council for approval.
38. A printed receipt form will be used for receipt of any kind of fee.
39. Under the council, the fee, grant or the amount received from any source will be deposited in the bank account of the Council.
40. A Cash-book shall be maintained in the Council in the prescribed form, in which all receipts and payments shall be recorded with necessary details as soon as any transaction takes place. The cash-book will be maintained daily and it will be countersigned by the Treasurer verifying the transactions.
41. The Cash-book shall be carefully maintained and the receipt and payment vouchers, sub-vouchers along with the receipts shall be kept safe for audit.
42. After payment, all voucher and sub-voucher shall be stamped with as Paid and Cancelled, and will be Countersigned by the Treasurer.
43. A non-permanent advance of Rs 20,000 (Twenty Thousand) may be permitted by the Registrar. This amount can be adjusted every month through submitted bills.

44. Following the financial rules, the registrar will be authorized to make any payments or purchase goods from the provisioned budget or estimated amount with the permission of the President.
45. The accounts of the Council shall be audited once in each year by the qualified Charter Accountant and thereafter the audit report will be presented in the next meeting of the Council.
46. (i) A bank account in any nationalized/scheduled bank will be opened for maintaining the amount of fee received by the council and grant/amount received from any other source.
(ii) The grant amount received by the Council from the State Government will be maintained by opening a PL account in the concerned Treasury.
(iii) The account of the council will be operated with the joint signature of the registrar and the treasurer. In the absence of the Treasurer, the President will be authorized to sign jointly.

CHAPTER-7

(Rules for redressal of complaints and disciplinary action related to professional conduct, etiquette and ethics by doctors)

(As per Professional Conduct Etiquette and Ethics Regulation, 2002 and other provisions of the Medical Council of India.)

47. Disciplinary Committee:-

For redressal of complaints relating to professional conduct, etiquette and ethics by doctors. Council shall have a Disciplinary Committee for disciplinary action as follows-

- (A) Chairman Nominated by the Council.
 - (B) Member A legal expert to be nominated by the council.
 - (C) Member An eminent medical specialist in the relevant specialty to which the complaint pertains, to be nominated by the council.
 - (D) Member An expert member nominated by Indian Medical Association.
48. If a registered practitioner has been, after due inquiry held by the Council or by the Disciplinary Committee in the prescribed manner, found guilty of any misconduct by the Council or the Disciplinary Committee, the Council may-
- (a) Issue a letter of warning to such practitioner; or
 - (b) Remove the name of such person permanently from the register or for a specific period as may be specified in the aforesaid direction; **Explanation:-** For the purpose of this section a registered practitioner shall be deemed to be guilty of misconduct if-
 - (i) He is convicted by a criminal court for a crime.
 - (ii) In the opinion of the Council his conduct is infamous in relation to the medical profession particularly, under any Code of Ethics prescribed by the Council or by the Medical Council of India or by the National Medical Commission in this behalf.
 - (c) The Council may, on sufficient cause being shown, direct on any subsequent date that the name of a practitioner removed under the rule 48 shall be re-entered in the register on such conditions, and on payment of the prescribed fee, as the Council may deem fit.
 - (d) The Council may, of its own motion, or on the application of any person, after due and proper inquiry and after giving an opportunity to the person concerned of being heard, cancel or alter any entry in the register, if in the opinion of the Council, such entry was fraudulently or incorrectly made.

49. Norms for investigation of complaint of medical negligence/professional misconduct against registered medical practitioner:-

1. All Complaints of medical negligence/professional misconduct against any registered medical practitioner received in the Jharkhand State Medical Council shall first be examined in consultation with the concerned field specialist and the President at the level of Registrar of the Council, to which the complaint related and if at that stage it is of the opinion that no prima facie case of medical negligence of professional misconduct is made out, the same may be disposed of forthwith by an order.
2. If required, the Registrar may hear the parties before deciding the matter. If the Registrar is of the opinion that the matter cannot be dealt with in this manner and requires detailed investigation, such matter shall be referred to the Disciplinary Committee for hearing.
3. It is mandatory for the concerned parties to appear before the Disciplinary Committee of the Council on the date of hearing fixed by the Registrar or the Disciplinary Committee or on any other date if the hearing is adjourned.
4. Where the complainant fails to appear on such days, the Disciplinary Committee may, at its discretion, either dismiss the complaint for default or decide, depending on the nature of the complaint, where the opposite party fails to appear on the date of hearing, in such a case the Disciplinary Committee may take a decision ex-parte.
5. The decision of the inquiry is placed before the Council for confirmation and after the decision thereon shall be communicated to the parties concerned and other as necessary.

50. Particulars to contained in the complaint:-

Any complaint received by the Council must contain the following details: -

- (a) The name and address of the complainant and description of the complaint;
 - (b) The name, description and address of the opposite party or parties, in at least sufficient detail to enable them to be traced or contacted.
 - (c) The facts relating to the complaint, when did the cause of action arise and what are the basis or causes of the complaint;
 - (d) The documents in support of the complaint, if any;
 - (e) Relief/action desired by the complaint.
 - (f) An affidavit by the complainant clearly stating along with other particulars that the complaint is true and is not being made with mala fide intention.
- 51.** No Complaint shall be entertained unless it is in writing and signed by the person making it. The complaint shall be verified by the Registrar, during the verification the complaints made anonymously or pseudonymously will be rejected.
- 52.** Such complaints will be rejected by the Council which do not pertain to the medical practitioner registered or practicing in the State of Jharkhand.

CHAPTER-8

(MISCELLANEOUS)

53. Migration/Transfer:-

If a written requests for migration or transfer to any other medical council is made by a registered medical practitioner under the prescribed procedure, it will be considered and the Registrar will issue a no-objection certificate after being satisfied on receipt of such application.

54. Certificate of good standing: -

Certificate relating to no enquiry etc. is pending against the him by any registered medical practitioner, such certificate can be issued by the registrar on applying for a certificate related to it through the prescribed procedure along with the prescribed fee, this certificate will be valid for a period of six months from the date of issue.

55. Mandatory Registration:-

It will be mandatory for the doctors holding any position and practicing in Jharkhand state to register with the Jharkhand State Medical Council. Doctors who are registered with the Council of Other states and are giving their services or practicing in Jharkhand state area, It will be mandatory for them to register in Jharkhand State Medical Council, such doctors who are registered under the Indian Medical Council, it is not necessary to register again in Jharkhand State Medical Council, but it will be mandatory for them to inform about it.

56. Prohibition of unregistered person on any particular appointment.

No person other than a registered doctor can be appointed on any post under the government and special approval by the government will be an exception.

57. Publication and use of medical register.

1. The registrar shall print and publish the correct list of names of registered medical practitioners maintained in the registration register up to the date fixed by the council from time to time. In which-
 - (a) All the names maintained in the registration register will be included in the serial name.
 - (b) The registered address or appointment of all the names maintained in the registration register shall be included.
 - (c) The registered title and qualification of each of the said person and the date of conferring the said title and the date of obtaining the qualification will be mentioned.
2. Every year in which such list is not be published, the Registrar shall print and publish a supplementary list to the extent fixed by the Council in that year. In which-
 - (a) According to the arrangement prescribed in the above paragraph (1) (a) to (c), the names of those persons whose names were included in the register in the year of publication of such supplementary list will be mentioned.
 - (b) The names of those persons whose names have been removed from the register at that year will also be included.

58. Repeal and savings.

- (1) In case of difference of opinion /confusion in the activities subject to the rules, action can be taken only in the light of the advice / instructions received from the department.
- (2) The state government can amend the provisions of the rules from time to time as per the requirement.
- (3) With effect from the date of coming into force of these rules, all notifications/resolutions prior to this shall be deemed to be amended to this extent.

Schedule - I**FEE STRUCTURE OF JHARKHAND STATE MEDICAL COUNCIL, RANCHI**

SL. No.	PARTICULAR	AMOUNT
1.	Provisional Registration	1000/-
2.	Permanent Registration	2000/-
3.	Foreign Provisional Registration	10100/-
4.	Foreign Permanent Registration	20100/-
5.	Foreign Transfer Registration	Registration subject to confirmation of authenticity from previous state council Candidates whose verification has been done earlier are required to pay Rs.10100/- and who were registered by any state medical council without verification has been done to pay Rs.20100/- Registration fees subject to reply from previous state council).
6.	Additional Qualification Entry	700/- (A delay fine for registration of PG degrees @ Rs.200/- per year per degree)
7.	No Objection Certificate	1000/-
8.	Good Standing	500/-
9.	Duplicate Provisional Registration	1000/-
10.	Duplicate Permanent Registration	2000/-
11.	Restoration of Registration	1000/-

This can be changed from time to time as required.

The approval of the Council of Ministers on the proposal is received as item number 4 on 17.04.2023.

Enclosures-As mentioned.

By order of the Governor of Jharkhand,

Arun Kumar Singh,
Additional Chief Secretary.

Appendix

FORM NO. - 1

(Register Showing particulars of the Members of the Council)

(See Rule 5)

Name	Address	Whether nominated or elected, and, in the case of elected members, by whom elected	Tenure	Date of commencement of tenure	The 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 10 & 11)
1	2	3	4	5	6	7

FORM NO. - 2

(See Rule- 16)

Nomination Paper.

Nomination Paper.

1. Name of candidate
2. Father's Name.
3. Age.
4. Nature of qualification under section 4.
5. Address.
6. Signature of proposer
7. Signature of seconder.

Returning Officer.

INSTRUCTIONS.

Nomination papers which are not received by the Returning Officer before.....on the day of..... Shall be invalid.

FORM No.-3

(See Rule 19 B)

VOTING PAPER

Counterfoil	Serial Number of voting paper.		
Serial Number of voting paper.	One/Two member (s) is/are to be elected To the Council by the persons entered in the Electoral Roll.		
-----	Serial number of candidates duly nominated.	Names and address of candidates duly nominated.	Vote.
1	2	3	4
For elections under clauses (c) to (d) of section 4. I hereby declare that my name appears on the Electoral Roll. Signature and place of residence.			

FORM NO. - 4

Register of Registered Practitioners

(See rule 25)

Serial no.	Date of Registration	Name	Address or Appointment	Qualifications and dates thereof.	Date and reason of removal Date. Section of the Act under which the name is removed.	Remarks
1	2	3	4	5	6	7

FORM NO. –V

(Application for Registration along with declaration)

(See rule-

APPLICATION FOR REGISTRATION

To,
The Registrar
Jharkhand Council of Medical Registration
Ranchi

Sir,
I request that my name may be entered in the Register of Registered Medical Practitioners, maintained by the Jharkhand Council of Medical Registration under Section 16 of the Bihar Medical Act 1916, adopted by the Government of Jharkhand. The Fee of Rs. 1000.00 (One Thousand) for Provisional / Rs. 2000.00 (Two Thousand) for Permanent Registration is enclosed Vide Demand Draft No. _____

Name of the Bank issue _____

Date of issue _____ payable at Ranchi.

(Please fill in Capital Letters only)

Name :

Father's Name :

Date of Birth : Sex : ☐ M ☐ F

Qualification MBBS/MD/MS/PhD/ MCH. Etc.	Year of Passing	Institute	University	Previous Medical Council where registered

Address (Permanent) :

Address (Present) :

Phone No./ Mobile No.

e-mail: in Capital letter. Small letter

Reason for Transfer of Registration:

Ranchi, Dated

Yours faithfully

()



JHARKHAND STATE MEDICAL COUNCIL

DECLARATION

1. I solemnly pledge myself to consecrate my life to Service of humanity.
2. I will maintain the utmost respect for human life from the time of conception.
3. I will not permit considerations of religion, nationality, race, party politics or social standing to intervene between my duty and my patient.
4. I will practice my profession with conscience and dignity.
5. The health of my patient will be my first consideration.
6. I will respect the secrets, which are confined in me.
7. I will maintain by all means in power, the honour and noble traditions of medical profession.
8. I will treat my colleagues with all respect and dignity.
9. I shall abide by the Code of medical ethics as enunciated in the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002.

I make these promise solemnly, freely and upon my honour.

Signature

Name

Place

Address(Permanent).....

Date

FORM NO. - 6

(Certificate of Registration)

(See rule -26 $\frac{1}{4}A\frac{1}{2}$)**The Jharkhand Council of Medical Registration****CERTIFICATE OF REGISTRATION**

JHARKHAND MEDICAL COUNCIL OFFICE

Certificate Number

The _____

NAME WITH FATHER'S NAME	<u>PERMANENT</u> PRESENT	ADDRESS AND APPOINTMENT IF IN SERVICE	DATE AND PLACE OF REGISTRATION	QUALIFICATIONS AND DATES THEREOF

It is hereby certified that the entries in the above column is as per the Register of Registered Practitioners.

REGISTRAR

Every Registered Medical Practitioner should be careful to send to the Register immediate notice of any change in his address and also to answer all enquiries that may be sent to him by the Registrar in regard thereto in order that his correct address may be duly entered in the Register of Registered Practitioners, otherwise by section 16, sub-section (2) of the Bihar and Orissa Medical Act 1916*, such Practitioners is liable to have his name erased from the Register of Registered Practitioners.

* (ADOPTED BY GOVERNMENT OF JHARKHAND)

FORM NO. – 7

(Certificate of Provisional Registration)

(See rule –26 ½B)PLEASE BRING THIS PROVISIONAL REGISTRATION
CERTIFICATE FOR CANCELLATION AT THE TIME OF
PERMANENT REGISTRATION.**PROVISIONAL**THIS CERTIFICATE IS VALID DURING
INTERNSHIP ONLY & NOT FOR APPOINTMENT,
POST-GRADUATION ETC.**The Jharkhand Council of Medical Registration****CERTIFICATE OF REGISTRATION**Provisional Reg. No.....
VALID FOR ONE YEAR AND LIMITED TO
COMPULSORY ROTATING INTERNSHIP
AT RIMS, Ranchi**JHARKHAND MEDICAL COUNCIL OFFICE**

The _____

NAME WITH FATHER'S NAME	<u>PERMANENT</u> PRESENT	ADDRESS AND APPOINTMENT IF IN SERVICE	DATE AND PLACE OF REGISTRATION	QUALIFICATIONS AND DATES THEREOF

It is hereby certified that the entries in the above column is as per the Provisional Register of Registered Practitioners.

REGISTRAR

Every Registered Medical Practitioner should be careful to send to the Register immediate notice of any change in his address and also to answer all enquiries that may be sent to him by the Registrar in regard thereto in order that his correct address may be duly entered in the Register of Registered Practitioners, otherwise by section 16, sub-section (2) of the Bihar and Orissa Medical Act 1916*, such Practitioners is liable to have his name erased from the Register of Registered Practitioners.

* (ADOPTED BY GOVERNMENT OF JHARKHAND)

FORM NO.- 8

(See rule –29)

(Additional Medical Qualification Certificate)

The Jharkhand Council of Medical Registration**ADDITIONAL MEDICAL QUALIFICATION****REGISTRATION CERTIFICATE**

JHARKHAND MEDICAL COUNCIL OFFICE

Ranchi, Dated _____

Certificate Number _____

NAME WITH FATHER'S NAME	<u>PERMANENT</u> PRESENT	ADDRESS AND APPOINTMENT IF IN SERVICE	DATE AND PLACE OF REGISTRATION	QUALIFICATIONS AND DATES THEREOF

It is hereby certified that the entries in the above column is as per the Register of Registered Practitioners.

REGISTRAR

Every Registered Medical Practitioner should be careful to send to the Registrar immediate notice of any change in his address and also to answer all enquiries that may be sent to him by the Registrar in regard thereto in order that his correct address may be duly entered in the Register of Registered Practitioners, otherwise by section 16, sub-section (2) of the Bihar and Orissa Medical Act 1916*, such Practitioners is liable to have his name erased from the Register of Registered Practitioners.
