

Government of Tripura

Law Department

No.F.8(18)-Law/Leg-I/2010

Dated, Agartala, the 31st December, 2010.

The following Act of the Tripura Legislative Assembly received the assent of the Governor on the 27th December, 2010 and is hereby published for general information.

Samiran.Das

Secretary, Law.

Government of Tripura.

THE TRIPURA STATE MEDICAL COUNCIL ACT, 2010

ACT NO. 11 OF 2010

AN

ACT

to establish a State Medical Council for regulating registration of practitioners in medicine and matters connected therewith in Tripura

Be it enacted in the Tripura Legislative Assembly in the Sixty First year of the Republic of India.

PRELIMINARY

1. Short title, extend and commencement

- (1) This Act may be called The Tripura State Medical Council Act, 2010.
- (2) It extends to the whole State of Tripura
- (3) It shall come into force on such date as the State Government may, by Notification in the official Gazette, appoint.

2. Definition

- (1) In this Act, unless the context otherwise requires;
 - (a) "College" means Medical College established by law and affiliated to any University and recognized by Medical Council of India.
 - (b) "Government" means the Government of Tripura.

- (c) "Medicine" means and includes the Modern Scientific system of Medicine and includes Surgery, Obstetrics and allied disciplines;
- (d) "Member" means a member of The Tripura State Medical Council;
- (e) "Notification" means Notification issued by the State Government under this Act;
- (f) "Prescribed" means prescribed by rules;
- (g) "President" means President of The Tripura State Medical Council;
- (h) "Recognized Medical Practitioner" means a practitioner duly qualified in Modern Scientific medicine included in the Schedules appended to the Indian Medical Council Act, 1956 (102 of 1956);
- (i) "Recognized Medical Qualification" means any of the Medical qualifications included in the Schedules of the Indian Medical Council Act, 1956 (102 of 1956);
- (j) "Register" means the Tripura Medical Register maintained by The Tripura State Medical Council for registration of registered medical practitioners;
- (k) "Registrar" means the Registrar of The Tripura State Medical Council appointed under this Act;
- (l) "Regulation" means the regulations made under this Act;
- (m) "Rules" means rules made under this Act;
- (n) "State" means the State of Tripura;
- (o) "State Council" means The Tripura State Medical Council constituted under this Act;
- (p) "University" means any recognized University of India.

3. First State Council

(1) The Government shall by Notification in the official Gazette constitute the First State Council with the following members namely -

- (a) Director of Health Services, Govt. of Tripura, or Director of Medical Education, Govt. of Tripura shall be the President and such other person as nominated by the Govt. shall be the Vice-President of the Council.
- (b) The Principal of Agartala Govt. Medical College and the Principal of Tripura Medical College & Dr. B.R.A.'M. Teaching Hospital will be nominated as members of the First State Council.
- (c) The Secretary, I.M.A., Tripura State Branch and Secretary of recognized service Doctors Associations will be nominated as Members of the First State Council.

(d) The State Government shall nominate Secretary and 2 (two) Joint Secretaries of the State Council from amongst the qualified medical practitioner of the State.

2 (a) The term of the First State Council shall be for three years from the date of Notification.

(b) The President of the Council shall inform the State Government 6(six) months before the date of expiry of the term of First State Council so that the process for constitution of the State Council can be taken by the Government in accordance with the provisions of this Act.

4. Constitution of regular State Council

(1) Before the expiry of three years of constitution of first nominated State Council, the State government shall, by notification in the official Gazette, constitute for the purposes of this Act, a State Council with the following:-

(a) Such number of members not exceeding seven who possess recognized medical qualification and are enrolled in the State Medical Register, to be elected from amongst themselves by persons enrolled in Register.

(b) Two persons possessing recognized medical qualification and enrolled in State Medical Register shall be nominated by the State Government.

(c) Secretary, IMA, Tripura State' Branch will be the ex-officio member of the State Council.

(d) Principals of recognized Medical Colleges of the State, Director, Health Services, Govt. of Tripura and Director, Medical Education, Govt. of Tripura will be ex-officio Members of the State Council.

5. President, Vice-President and Members of the Council

The President and Vice-President of the State Council shall be elected or selected by the members of the State Council from amongst themselves.

(2) The term of the President, Vice-President and members of the State Council shall be five years from the date of Gazette notification or until successors shall have been duly elected or nominated whichever is longer.

6. Restrictions on nomination of Membership

(1) No person shall be eligible for nomination as an ex-officio member u/s 4, unless he possess any of the medical qualifications included in the first and second schedules of the Indian Medical Council act, 1956 % and resides in the State.

(2) No person may at the same time serve as a member in more than one capacity.

(3) The members of the Council shall be eligible for reelection or for re-nomination, but a member who holds, or who has held, office as President or

Vice-President of State Council, shall be eligible for re-nomination or reelection as the case may be, to that office, but only once.

7. Incorporation of the State Council

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

8. Meeting of the Council, Quorum etc

(1) Unless otherwise prescribed 50% of the total number of the members of State Council shall form a quorum, and all the Acts of the State Council shall be decided by a majority of members present and voting if required.

(2) A casual vacancy, prior to the expiry of the term, in the State Council due to the death, resignation of any member shall be filled up by way of election or nomination by the State Government for remaining term accordingly as specified under this Act.

(3) A nominated or elected member shall be deemed to have vacated his seat if he is absent without excuse continuously for six months.

(4) The State Council shall meet at least once in three months of every year at its office at such time as may be appointed by the Council

(5) No Act, proceeding of the State Medical Council or any committee thereof shall be called in question on the ground merely on the existence of any vacancy, or any defect in the constitution of the state council.

(6) The office of the State Council shall be situated at Agartala.

9. Executive Committee, and other Committees

(1) The Council shall constitute from amongst its members an Executive Committee and such other committees as may be considered essential by the Council for execution of business of the Council.

(2) The Executive Committee shall be formed with not less than five members and not more than seven members. The President, Vice-President and Registrar, shall be the Ex-Officio members of the Executive Committee.

(3) The President and Vice-President of the Council shall act as President and Vice-President respectively in the Executive Committee.

10. Registrar and Secretary

The Council with prior approval of the Government shall appoint or nominate a Registrar from registered medical practitioners, enrolled in the State Register, who will also function as Secretary of the Council.

11. Officers & Employees of the Council

The Council with prior approval of the State Government shall appoint or nominate such employees or such other persons as the Council may deem necessary to carry out the purposes of this Act.

12. Remuneration, salaries & allowances

(1) The Council with prior approval of the State Government shall fix the remuneration and allowances to be paid to its president, Vice-President and Members.

(2) The salary and other allowances and terms and conditions of service of the Registrar and other employees of the State Council shall be such as may be decided by the Council with prior approval of State Government.

13. Funds of the State Council

The State Council shall receive one time financial assistance of maximum Rs.25 lakhs from the State Government, All revenue received by the state Council shall be deposited to its Bank Account. The State Council shall maintain its all sorts of expenditure towards functioning of the Council with that financial assistance and revenue receipt from time to time. The accounts of the State Council shall be audited annually through the State Government authorities.

14. State Medical Register

(1) The State Council shall maintain in such form as may be prescribed by the State Council, a register of medical practitioners to be known as State Medical Register, which shall contain the names, address and recognized medical qualification of all persons together with the dates on which such qualifications were acquired.

(2) Every person who holds any of the medical qualifications included in the Schedules to the Indian Medical Council Act, 1956, may apply to the Registrar giving a correct description of his qualifications, with the dates on which they were granted, and present his degree, diploma or licence along with such fee as may be prescribed for being registered under this Act.

(3) Any person who were in medical practice or profession in the State of Tripura, but were registered immediately before the date of commencement of this Act in other State Council shall require to register with The Tripura State Medical Council within six months.

(4) All medical practitioners are to be duly registered with The Tripura State Medical Council for practicing in the State of Tripura.

15. Duties of Registrar

(1) The Registrar shall, if satisfied that an applicant is entitled to be registered, enter his name in the register provisionally.

(2) The Registrar shall send six printed copies of the State Medical Register to the Indian Medical Council after the first day of April of each year and also inform the Medical Council of India, without any delay, all additions, and all other amendments, in the State Register made from time to time.

(3) It shall be duty of the Registrar of the State Council to revise from time to time the Tripura Medical Register and publish it in Tripura Gazette and in such other manner as the Council may deem fit and proper.

(4) Subject to the provisions of this Act and subject to orders of State Council, it shall be the duty of the Registrar to keep and maintain the State Register.

16. Functioning of State Council

(1) The State Council shall consider all applications as may be received by the Registrar from persons holding recognized medical qualifications for registration with State Council in the manner as may be prescribed.

(2) The Registrar of State Council, shall award provisional registration to the students of either the Government or Private Medical Colleges in the State, for undertaking their compulsory internship training after passing final examination in the manner as may be prescribed.

(3) The Registrar of the State Council on being satisfied that the person concerned possesses a recognized medical qualification and all Other criterions shall enter the name of a medical practitioner in the State Medical Register.

17. Rights of Practitioner

(1) No person, other than a practitioner of Modern Scientific system of medicine who possesses a recognized medical qualification and is enrolled on the State Register -

(A) shall hold office as Physician or Surgeon or any other office (by whatever designation called) in government or in any institution maintained by local or other authority for treating the patients in Modern Scientific System of Medicine or for administrative purposes.

(b) shall be entitled to sign or authenticate medical illness or fitness certificate or any other certificate required by any law to be signed or authenticated by a duly qualified medical practitioner.

18. Power to refuse registration

(1) The Council may refuse to permit the registration of the name of any person in the roll of the Tripura Medical Register who has been imprisoned by any court for an offence which amount to moral turpitude; or

(2) Who, after the enquiry, has been found guilty of serious professional misconduct.

19. Removal of names from the Tripura Medical Register

The Council may direct the removal of the name of any person from the Tripura Medical Register--

(i) Whose name, is provided to the satisfaction of the State Council, has been fraudulently or incorrectly entered in the Tripura Medical Register, or

(ii) who has been sentenced by any court for any offence which amounts to moral turpitude; or

(iii) who after due enquiry made by the Council has been found guilty of serious professional misconduct.

20. Furnishing of information to the State Govt. by the State Council

(1) The State Council shall furnish all such reports, copies of its minutes, abstracts of its accounts and other informations to the State Government as the Government may require.

(2) The State Government may publish in such manner as it may deem fit, any report, copy, abstract or other information furnished to it under this section.

21. Professional conduct and punishment

(1) The State Council may prescribe standard of professional conduct and etiquette and code of ethics for medical practitioners consistence with the provisions made by the Indian Medical Council.

(2) Any practitioner who commits professional misconduct shall be punished by the State Council in the manner as may be prescribed.

22. Protection of action taken in good faith

No suit, prosecution or other legal proceedings shall lie against the Government, the Council, or any Committee thereof, or any officer or servant of the Government or Council for anything which is in good faith done or intended to be done under this Act.

23. Appeal

(1) An appeal shall lie to the State Government for every decision of the State Council under clause 12 and 13 of this Act.

(2) Every appeal shall be preferred within three months from the date of such decision.

24. Commission of inquiry

(1) Whenever it appears to the State Government that the State Council is not complying with any of the provisions of this Act, the State Government may appoint a Commission of enquiry consisting of three persons, two of whom may be appointed by the State Government and out of the said two, one being a sitting or retired Judge of a High Court, and the third one by the State Council, and shall inquire in a summary manner and submit to the State Government the findings of such inquiry.

(2) The State Government on the basis of report of such commission shall direct the State Council to take suitable actions or remedial steps as may seem necessary.

(3) A Commission of inquiry shall have power to administer oaths, to enforce the attendance of witness and the production of document, and shall have all such other necessary powers for the purpose of any inquiry conducted by it as are exercised by a Civil Court under the Code of Civil Procedure, 1908.

25. Registration of additional qualification

If any person whose name is entered in the State Medical Register obtains any title, diploma or other qualification for proficiency in sanitary science, public health or medicine which is a recognized medical qualification, he shall, on application made in this behalf in the prescribed manner be entitled to have any entry stating such other title, diploma or other qualification made against his name in the State Medical Register either in substitution for or in addition to any entry previously made.

26. Privileges of persons who are enrolled on the State Medical Register

Subject to the conditions and restrictions laid down in this Act, regarding medical practice by persons possessing certain recognized medical qualifications, every person whose name is for the time being borne on the State Medical Register shall be entitled according to his qualifications to practice as a medical practitioner in any part of State and to recover in due course of law in respect of such practice and expenses,, charges in respect of medicaments or other appliances, or any fees to which he may be entitled.

27. Persons enrolled on the State Medical Register to notify change of place of residence or practice

Every person registered in the State Medical Register shall notify any transfer of the place of his residence or practice to the State Medical Council, within thirty days of such transfer failing which his right to participate in the election of members of the State Medical Council shall be liable to be forfeited by order of the State Government either permanently or for such period as may be specified thereon.

28. Power to make rules

(1) The State Government may, by notification in the official gazette, make rules to carry out the provisions of this Act.

In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters, namely :-

- (i) election of the president and V ice-President of the State Council;
- (ii) management of the property of the State Council and the maintenance and audit of its accounts;
- (iii) powers and duties of the President and Vice-President; (iv) resignation of members of State Council;
- (v) the tenure of office and powers and duties of the Registrar and other officers of the State Council;

(vi) The particulars to be started and the proof of the qualifications and the format of applications for registration under this Act;

(vii) the fees to be paid on applications for registration and provisional registration; and

(viii) any other matter for which under this Act provision may be made by Rules.

(2) Every rule made under this section shall be laid as soon as may be after it is "made, before the State Assembly while it is in session.

29. Power to make regulations

The Tripura State Medical Council may, with previous approval of the State Government, by notification, make regulations not inconsistent with the provisions of this Act and the Rules made there under for all matters for which provision is necessary to expedient for the purposes of giving effect to the provisions of this Act.

Without prejudice to the generality of the foregoing powers such regulations may provide for all or any of the following matters :-

(i) the summoning and holding of meetings of the Council, the times and places where such meetings are to be held, the conduct of business thereat and other matters ancillary or incidental thereto;

(ii) the conduct of business of the State Council;

(iii) any matter for which under this Act provisions may be made by regulations.

30. Establishment of Government and private Medical College

(1) A society or a Trust lawfully registered under the relevant laws of the State may establish Medical College duly recognized by the Indian Medical Council after obtaining previous permission from the State Government.

(2) The colleges so established shall be affiliated to such Universities as may be recognized by the University Grants Commission and the State Government.

(3) The State Government may, in the similar manner mentioned in sub-sections (1) and (2) establish Medical Colleges.

31. Power to remove difficulties

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, not inconsistent with the provisions of this Act, remove such difficulty.

Provided that no such order shall be made after the expiry of the period of two years from the commencement of this Act.

(2) However, order made under this section shall be laid, as soon as may be, after it is made, before the State Assembly.

Samiran Das

Secretary, Law.

Government of Tripura.