

निदेशालय स्वास्थ्य सेवाएँ,
बिहार पटना।

आदेश


सं० सं०-4/प्रा०-12-04/2018

41(4)

पटना, दिनांक- 4/1/19

स्वास्थ्य विभागीय आदेश ज्ञापांक-1129(4) दिनांक-20.09.2018 के द्वारा प्रयोगशाला प्रावैधिक संवर्ग के नियंत्रण तथा उनके अधिकार एवं कर्तव्य निर्धारित किये जाने के लिए कॉसिल गठन हेतु त्रिसदस्यीय समिति का गठन किया गया है। समिति के द्वारा कॉसिल गठन का प्रारूप विभाग को प्राप्त हुआ है। उक्त कॉसिल गठन के प्रारूप के संबंध में अगर किसी को कोई आपत्ति है, तो दिनांक-15.01.2019 के अपराहन 5:00 बजे तक आपत्ति मुख्यालय को उपलब्ध करावें। निर्धारित तिथि के उपरांत आपत्ति स्वीकार नहीं होगा।

उक्त के साथ कॉसिल गठन के प्रारूप पृष्ठ 1-10 तक संलग्न है।


4/1/19
(डॉ० आर०डी० रंजन)
निदेशक प्रमुख(रोग नियंत्रण)
स्वास्थ्य सेवायें,बिहार पटना।


ज्ञापांक-4/प्रा०-12-04/2018

41(4)

/स्वा०, पटना, दिनांक-4/1/19

प्रतिलिपि- ऑल इंडिया मेडिकल लेबोरेट्री टेक्नॉलॉजिस्ट एसोसियेशन/सभी प्रयोगशाला प्रावैधिक, बिहार, पटना को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

प्रतिलिपि- आई०टी० मैनेजर को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित करते हुए निदेशित है कि विभागीय वेबसाई पर अपलोड करना सुनिश्चित की जाय।


4/1/19
निदेशक प्रमुख(रोग नियंत्रण)
स्वास्थ्य सेवायें,बिहार पटना।

(117)

BIHAR MEDICAL LABORATORY TECHNICIAN COUNCIL BILL 2018

(First published, after having received the assent of the President in the

"Bihar Government Gazette", on the.....September 2018).

A Bill to provide for the establishment of a Medical Laboratory Technician Council to regulate certain matters in the State pertaining to registration of Medical Laboratory Technician practitioners and for matters connected there with or incidental thereto.

WHEREAS, it is expedient to provide for the establishment of the Medical Laboratory Technician council to regulate certain matters in the State pertaining to the registration of Medical Laboratory Technician practitioners and for matters connected therewith or incidental thereto; it is hereby enacted in the 2018 Year of the Republic of India as follows :—

Short title, extent and commencement	<p>1. (1) This Act may be called the Bihar Medical Laboratory Technician Council Act, 2018.</p> <p>(2) It extends to the whole of the State of Bihar.</p> <p>(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.</p>
Definitions	<p>2. In this Act, unless the context otherwise requires :-</p> <p>(a) " Council" means the Medical Laboratory Technician Council established under Section 3;</p> <p>(b) "Government" or "State Government" means the Government of Bihar;</p> <p>(c) "member" means a member of the Council;</p> <p>(d) "Medical Laboratory Technician Qualification" means any degree, diploma, certificate or course, by whatever name called, specified in the Schedule and any recognized qualification designed to train a person in providing services ancillary to or required as assistance in the teaching or practice of modern scientific medicine and such other Qualification, as may be notified by the Government, as recognized Medical Laboratory Technician qualification, from time to time;</p> <p>(e) "Prescribed" means prescribed by rules;</p> <p>(f) "President" means the President of the Council;</p> <p>(g) "recognized Medical Laboratory Technician institution" means any medical college or hospital or other institution recognized for the purposes of this Act, for conducting Medical Laboratory Technician practices;</p> <p>(h) "Recognized Medical Laboratory Technician qualification" means P.HD, PG, degree, diploma certificate or course is any medical laboratory Technician qualification, by whatever name called, granted by any university or institution recognized by the Health Department & State Govt. of Bihar in this behalf.</p> <p>(i) "Registered Medical Laboratory Technician practitioner" means a person registered under Section 26;</p> <p>(j) Registrar means a appointed as such by the council.</p> <p>(k) Regulation means the regulation made by the council under Section 41;</p> <p>(l) "rules" means the rules made under Section 40;</p> <p>(m) "Schedule" means the Schedule appended to this Act;</p> <p>(n) "State Register" means a Register maintained under Section 26 and the expressions "registered" and "registration" shall be construed accordingly;</p> <p>(o) "Vice-President" means the Vice-President of the Council.</p>

CHAPTER II

**ESTABLISHMENT AND CONSTITUTION OF THE
MEDICAL LABORATORY TECHNICIAN COUNCIL**

<p>Establishment of Medical Laboratory Technician Council</p>	<p>3. (1) The Government shall, as soon as may be, after the commencement of this Act, establish by notification in the Official Gazette, a Council to be called the Bihar Medical Laboratory Technician Council with effect from such date as may be specified therein.</p> <p>(2) The Council established under Sub-section (1), shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and may, sue or be sued by its corporate name.</p>
<p>Constitution of Council</p>	<p>4. The Council shall of the following member, namely:-</p> <p>(i) Director in Chief, Health Services, Bihar Ex-Officeo cum-President</p> <p>(ii) Director/Additional Director, Health Medical Education, Bihar Ex-Officeo</p> <p>(iii) Director PHI, Patna Ex-Officeo</p> <p>(iv) Head of department of pathology, PMCH Ex-Officeo</p> <p>(v) Five member nominated by the Government.</p> <p>(vi) Five member to eleted from amongst the register Laboratory Technician from five difference Ex-Officeo</p> <p>(vii) Vice-President should be eleted by the members from among then staffs;</p>
<p>Term of office of nominated and elected members and nominee</p>	<p>5. (1) The Government shall, by notification in the official Gazette, publish the names of the elected and nominated members.</p> <p>(2) Save as otherwise provided in this Act, a member, whether elected or nominated, shall hold office for a term of three years commencing from the date of the first meeting of the Council:</p> <p>Provided that, the members nominated under the proviso to clause (vii) of sub-section (1) of section 4 shall hold office till the elected members have entered their offices, and the members so elected, shall continue in the office for the unexpired term of the nominated members under the said clause (vii).</p> <p>(3) The President and Vice-President of the Council shall hold office from the date of their election, upto the day on which their term of office as a member expires.</p> <p>(4) Notwithstanding anything contained in sub-section (2), an outgoing member shall continue in the office till the nomination or election, as the case may be, of his successor.</p> <p>(5) Leave of absence may be granted by the Council to any member for a period not exceeding three months.</p>
<p>Disqualification</p>	<p>6. A person shall be disqualified for being nominated or elected as, and for continuing as, a member-</p> <p>(a) If he is not a citizen of India;</p> <p>(b) If he is an undischarged insolvent;</p> <p>(c) If he is, or becomes of, unsound mind and stands so declared by a competent court;</p> <p>(d) If he is, or has been convicted of any offence involving moral turpitude;</p> <p>(e) If he is an employee of the Council and is remunerated by honorarium;</p> <p>(f) If his name has been removed from the State Register.</p>

Resignation by nominated or elected member	<p>7. (1) The President or the Vice-resident or a nominated member may at any time resign his office, by submitting a letter of resignation to the Government, Under intimation to the Registrar of the Council. The resignation shall take effect from the date on which it is accepted by the Government.</p> <p>(2) An elected member may at any time resign his office by submitting a letter of resignation to the President, under intimation to the Government, Every such resignation shall take effect from the date on which it is accepted by the President.</p>
Office of absent or disqualified member to be declared vacant	<p>8. (1) If any member other than ex-officio, during the term of his office:-</p> <p>(a) absents himself from three consecutive meetings of the Council, without the leave of the Council granted under sub-section(6) of section 5; or</p> <p>(b) remains out of India for a period exceeding twelve consecutive months;</p> <p style="text-align: center;">or</p> <p>(c) becomes or is found to be subject to any of the disqualifications mentioned in section 6, the Council shall declare his office vacant:</p>
Filling up of casual vacancies	<p>9. Any casual vacancy, before the expiry of the term of a member, other than an ex-officio member, caused by reason of death, resignation, disqualification, disability or any cause, shall be filled in, as soon as may be, by nomination or election, as the case may be, and the person so nominated or elected shall hold the office for the unexpired term of his predecessor.</p>

CHAPTER III CONDUCT OF BUSINESS OF COUNCIL

Convening of meeting	<p>10. (1) The President shall convene and fix the date of every meeting, which may either be ordinary or special.</p> <p>(2) A notice of every meeting, specifying the date, time and place thereof and the business to be transacted thereat, shall be dispatched to every member fifteen clear days before an ordinary meeting and seven clear days before a special meeting.</p> <p>(3) No business other than that specified in the notice shall be transacted at a meeting except with the permission of the President.</p>
Power of President to call special meeting	<p>11. The President may, if he thinks fit, within a period of not more than two weeks of the receipt of a written requisition, signed by not less than seven members call a special meeting.</p>
Presiding over meeting	<p>12. The President when present shall preside over every meeting of the Council. If at any meeting the President is absent then the Vice-President, and in the absen</p>
Decision of question by majority of votes	<p>13. Except as otherwise provided by or under this Act, all question at a meeting of the Council shall be decided by a majority of the votes of the members present and voting at the meeting and in case of an equality of votes, the presiding authority at a meeting shall exercise a second or a casting vote. (Director in Chief, Health Department, ex-officio member cum president will presiding officer)</p>
Procedure of meeting of Council	<p>14. The procedure for adjournment and recording of minutes of meeting of the Council shall be such as may be prescribed.</p>
Validity of Proceedings	<p>15. No act or proceedings of the Council shall be invalid merely by reason of -</p> <p>(a) any vacancy or defect in the constitution there of; or</p> <p>(b) any defect in the election or nomination of a person as a member thereof; or</p> <p>(c) any irregularity in its procedure not affecting the merits of the case.</p>

114

<p>Allowances to members</p>	<p>16. (1) There shall be paid to the President, the Vice-President and other members, such allowances for attendance at meetings and such reasonable travelling and other allowances, as may be prescribed.</p> <p>(2) No member shall be entitled to any payment from the Council other than the payment as specified under sub section (1).</p>
<p>Powers of Council to invite any person having special knowledge or experience</p>	<p>17. (1) The Council may, if deemed appropriate or necessary, invite any person having special knowledge or experience in paramedical field or related studies or practice, or in other fields relevant to the objects and functions of the Council, to any of its meetings. Such person shall have the right to take part in the discussions but shall have no right to vote.</p> <p>(2) Such invitee shall be entitled to receive such travelling and other allowances as are specified under section under 16 for the purpose of attending the meeting.</p>
<p>Committees</p>	<p>18 (1) The Council may appoint from time to time, and for such period, a committee or committees consisting of such number of its members as it may think fit and may refer to such committee or committees for enquiry and report or for opinion, any matter for the purposes of this Act.</p> <p>(2) Every committee appointed under sub-section (1) shall, at its first meeting, select one of its members to be its President.</p> <p>(3) The mode of appointment of such committee, the summoning and holding of meeting and conduct of business of such committee shall be such as may be determined by regulations.</p> <p>(4) The President of such committee, if deemed appropriate or necessary, may invite any person having special knowledge or experience in the subject with the committee, to any of its meetings, and in that case the provision of section 17 shall apply.</p>

**CHAPTER IV
POWERS AND FUNCTIONS OF COUNCIL**

<p>Powers and functions of Council</p>	<p>19. (1) Subject to the provisions of this Act and the rules made thereunder, the Council shall exercise such powers and perform such functions as may be necessary for carrying out the purposes of this Act.</p> <p>(2) In particular and without prejudice to the generality of the foregoing provisions, the powers and functions of the Council shall be-</p> <p>(a) To maintain the State Register ;</p> <p>(b) To recommend to the Government for recognition of new Medical Laboratory Technician, qualifications through board which constituted by Ex Officeo cum President</p> <p>(c) To hear and decide appeals from any of the decision of the Registrar, in such manner as may be determined by regulations;</p> <p>(d) To frame a Code of Ethics for regulating the professional conduct of registered Medical Laboratory Technician practitioners;</p> <p>(e) To reprimand a registered Medical Laboratory Technician practitioner, or to suspend or remove him from the State Register, or to take such other disciplinary action against him as may, in the opinion of the Council, be necessary or expedient;</p>
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	<p>(f) To permit any member to absent himself from three consecutive meetings of the Council;</p> <p>(g) To promote innovations, research and development in establishment of new and existing Medical Laboratory Technician and related subjects are under directorate of Health Services;</p> <p>(h) To conduct the election of members under clause (vii) of subsection (1) of section 4;</p> <p>(i) To perform such other functions as per Govt. Guideline.</p>
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CHAPTER V
RECOGNITION OF MEDICAL LABORATORY TECHNICIAN QUALIFICATION

<p>Recognition of Medical Laboratory Technician qualifications granted by Universities or Medical Laboratory Technician institutions in India and in countries with which there is scheme of reciprocity.</p>	<p>20. (1) No Institution granting diploma/degree/certificate for the Medical laboratory Technician shall be established/function without prior approval of the State Government.</p> <p>(2) The Government after getting inspected by our inspecting team may recognize any Medical Laboratory Technician qualification for the purpose of this Act.</p> <p>(3) Every Laboratory shall have 1-4 medical laboratory technician as per category lab.</p> <p>(4) No Medical Laboratory Technician shall be attached not more than one lab.</p>
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CHAPTER VI
REGISTRAR AND OTHER EMPLOYEES OF THE COUNCIL

<p>Registrar and other employees of the Council</p>	<p>21. (1) The Council shall, appoint a Registrar, who will be elected, shall act as the Registrar of the Council.</p> <p>(2) The qualifications, salaries, allowances and other conditions of service of the Registrar and of other officers and employees shall be such as may be prescribed.</p> <p>(3) The Registrar and any other officer or employees appointed by the Council under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860. (45 of 1860)</p>
<p>Duties of Registrar</p>	<p>22. (1) It Shall be the duty of the Registrar to prepare and maintain the State Register in accordance with the provisions of this Act and any order made by the Council, from time to time, and to revise the State Register and to publish the order in the Official Gazette, in such manner as may be determined by regulations.</p> <p>(2) The Registrar shall perform the duties and discharge such other functions as may be specified under this Act or as may be prescribed.</p> <p>(3) The Registrar shall ensure that the State Register is correct at all times and may, from time to time, enter therein any material alteration in respect of the address and qualifications of the registered Medical Laboratory Technician practitioners.</p> <p>(4) The Registrar shall remove from the State Register, the names of the registered Medical Laboratory Technician practitioners who die or whose names are directed to be removed from the State Register or who cease to be the registered paramedical practitioners.</p>

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112

	(5) On receipt of intimation from the registered Medical Laboratory Technician practitioners, if the Council is satisfied that the practitioner has not ceased to practice, then the Council may direct the Registrar to restore the name of such practitioner in the State Register and the Registrar shall Registrar shall comply with such direction.
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**CHAPTER VII
FUNCTION AND DUTIES OF MEDICAL LABORATORY TECHNICIAN**

	<p>23. (1) The registered Medical Laboratory Technician shall perform test mentioned under schedule "2" of the Act.</p> <p>(2) The Medical Laboratory Technician practitioner shall work under guidance of the pathologist of the institution.</p> <p>(3) The Medical Laboratory Technician practitioners test report shall be countersigned by the MBBS/ M.D., DNB, PHD, DCP (Pathology)/ MD.DNB (Microbiology).</p> <p>(4) The Medical Laboratory technician should collect the sample of female patient in presence female staff or guargian.</p> <p>(5) Eligibility for Govt. Job registration from Bihar Medical Laboratory Technician council is mandatory.</p>
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**CHAPTER VIII
FUND OF COUNCIL**

Fund of Council	<p>24. (1) The Council shall establish a fund to be called the Council Fund.</p> <p>(2) The following shall form part of, or be paid into, the Council Fund-</p> <p>(a) All income of the Council from all sources including income from fees and fines;</p> <p>(b) All donations, endowments income or moneys from other grants, if any;</p> <p>(c) All other sums received by the Council.</p>
Objects to which fund of Council shall be applied	<p>25. The Council Fund shall be applied to the following objects, namely:-</p> <p>(a) Repayments of debts incurred by the Council for the purposes of this Act;</p> <p>(b) Expenses of any suit or legal proceedings to which the Council is a party;</p> <p>(c) Payment of salaries and allowances to the officers and employees of the Council;</p> <p>(d) Payment of travelling and other allowances to the members of the Council;</p> <p>(e) Payment of any expenses incurred by the Council in implementation of the provisions of this Act and the rules and regulations made thereunder.</p>
Accounts and audit	<p>26. (1) The accounts of the Council shall be audited before such date and at such intervals and in such manner, as may be prescribed.</p> <p>(2) The accounts of the Council shall be audited by the registered Chartered Accountant. The audit fee of the Chartered Accountant shall be determined by the regulations.</p>

(11)

CHAPTER IX
REGISTRATION AND STATE REGISTER

<p>Registration and State Register</p>	<p>27. (1) As soon as may be, after the commencement of this Act, the Registrar shall prepare and maintain a State Register of Medical Laboratory Technician/Technologist for the State, in accordance with the provisions of this Act.</p> <p>(2) Every person who possesses any of the recognized Medical Laboratory Technician/Technologist Qualifications, specified in the Schedule and who desires to practice as Medical Laboratory Technician/Technologist shall, on making such application to the Registrar alongwith the proof of such qualification and on payment of such fee as may be prescribed, be entitled to have his name entered in the State Register. Such registration shall be valid for a period of five years and it shall be incumbent duty of the registered person to get his registration renewed in the manner determined by the regulations.</p> <p>(3) The Council shall cause to be maintained the State Register of the Medical Laboratory Technician/Technologist in such form as may be determined by regulations.</p> <p>(4) The State Register shall be deemed to be a public document within the meaning of the Indian evidence Act, 1872 (1 of 1872)</p>
<p>Power of Council to prohibit entry and removal of name from State Register</p>	<p>28. The Council may, upon a reference from the Registrar or otherwise, by order, prohibit the entry in or, order the removal from the State Register, the name of any person-</p> <p>(a) who has been convicted by a criminal court for an offence which involves any criminal activities.</p> <p>(b) whose conduct, in the opinion of the Council, is infamous in relation to the profession, particularly under any code of conduct framed by the Council:</p> <p>provided that, no order shall be passed under this section without giving a reasonable opportunity of being heard to the person concerned.</p>
<p>Alteration of State Register</p>	<p>29. (1) The Council may, after giving the person concerned a reasonable opportunity of being heard and enquiring into his objections, if any, order that any entry in the State Register which, in the opinion of the Council, has been fraudulently or incorrectly made or brought about, be cancelled or amended.</p> <p>(2) The Council may direct the removal forever, or for a specified period from the State Register, the name of any registered Medical Laboratory Technician/Technologist for the same reason for which registration may be prohibited by the Council under section 27.</p> <p>(3) The Council may direct that the name removed under subsection (2) shall be restored as per Government direction subject to such conditions, if any, which the Council may deem fit to impose.</p>
<p>Appeal against order of Council</p>	<p>30. Any person-</p> <p>(a) Whose application for enrollment in the State Register is rejected under section 26 or 28;</p> <p>(b) whose entry in the State Register is prohibited under section 27; or</p> <p>(c) Whose name, from the State Register is removed, may, within ninety days of order of rejection, prohibition or removal, as the case may be, appeal to the Government in such manner as may be prescribed and the decision of the Government thereon shall be final.</p>

CHAPTER X
OFFENCES AND PENALTIES

<p>Prohibition of practice except as provided in this Act.</p>	<p>31. (1) No person other than a registered Medical Laboratory Technician/Technologist whose name is entered in the State Register prepared and maintained under this Act shall practice as a Medical Laboratory Technician/Technologist.</p> <p>(2) Any person who contravenes the provisions of sub-section (1) shall on conviction, be punished,-</p> <p>(a) For the first offence, with imprisonment for a term which may extend to three year and with fine which shall not be less than five thousand rupees but which may extend to ten thousand rupees; and</p> <p>(b) For a second or subsequent offence, with imprisonment for a term which may extend to ten years and with fine which may extend to twenty-five thousand rupees.</p> <p>(3) All offences under sub-section (2) shall be cognizable and non bailable.</p>
<p>Misuse of title</p>	<p>32. If any person not being a registered Medical Laboratory Technician/Technologist takes or uses the description or Medical Laboratory Technician/Technologist or consultant or is not possessing a recognized Medical Laboratory Technician/Technologist qualification, or uses a degree or a diploma or an abbreviation indicating or implying such Medical Laboratory Technician/Technologist qualification, shall, on conviction, be punished-</p> <p>(a) For the first offence, with fine which may extend to five thousand rupees; and</p> <p>(b) For a subsequent offence, with imprisonment which may extend to one year or with fine which may extend to ten thousand rupees, or with both.</p>
<p>Failure to surrender certificate of registration</p>	<p>33. If any person whose name has been removed from the State Register fails, without sufficient cause, forthwith to surrender his certificate of registration or renewed certificate of registration, or both, he shall, on conviction, be punished with fine which may extend to five hundred rupees per month of such failure.</p>
<p>Penalty for dishonest use of certificate</p>	<p>34. Any person who-</p> <p>(a) Dishonestly makes use of any certificate of registration granted under this Act; or</p> <p>(b) Procures or attempts to procure registration under the provisions of this Act by making or producing, or causing to be made or produced any false or fraudulent declaration, certificate or representation, whether in writing or otherwise; or</p> <p>Willfully makes or causes to be made any false representation in any manner relating to the certificate of registration issued under the provisions of this Act, shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to twenty thousand rupees, or with both.</p>

CHAPTER XI
MISCELLANEOUS

<p>Cognizance of offences</p>	<p>35. (1) No court shall take cognizance of an offence punishable under this Act, except upon a complaint, in writing, made by the Registrar or any other officer authorized by the Council in this behalf, by general or special order.</p> <p>(2) No court lower to that of a judicial Magistrate of First Class shall try any offence punishable under this Act.</p>
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Information furnished by Council	36. The Council shall forward such reports, copies of its minutes, abstracts of its accounts and other information to the Government, as the Government may require.
Power to amend Schedule	37. If it appears to the Government, on the reports of the Council or otherwise, that any Medical Laboratory Technician subject is not specified or any Medical Laboratory Technician subject needs to be deleted or needs some modification, the Government may, by notification in the Official Gazette, amend the Schedule so as to include therein such subject not already specified therein or omit there from any subject or modify the description of any subject.
Control by Government	<p>38. (1) If at any time, it appears to the Government that the Council or its President or Vice-President has failed to exercise or has exceeded or misused any of the powers conferred upon it or him by or under this Act, or has ceased to perform any of the duties imposed upon it or him by or under this Act, the Government may, if it considers such failure, excess, misuse or incapacity to be of a serious nature, notify the particulars thereof to the Council or the President or the Vice-President, as the case may be. If the Council or the President or the Vice-President fails to remedy such failure, excess, misuse or incapacity within such reasonable time as the State Government may fix in this behalf, the Government may remove the President, Vice-President or dissolve the Council.</p> <p>(2) Upon the dissolution of the Council-</p> <p>(a) All the members of the Council shall, notwithstanding that their term of office had not expired on the date of dissolution, vacate their offices;</p> <p>(b) All the powers and duties of the Council which may, by or under the provisions of this Act, be exercised and performed by or on behalf of the Council shall be exercised and performed by such person or group of persons as the Government may direct, for such period not exceeding two years as it may think fit. The Government shall take steps to constitute a new Council in the manner provided;</p> <p>(c) All the properties vested in the Council shall, during the period of dissolution, vest in the Government.</p>
Protection of action taken in good faith	39. No suit, prosecution or other legal proceeding shall lie against the Government, Council, President, Vice-President, member or any officer or other employee of the Council or of the Government for anything which is done or intended to be done in good faith under this Act.
Power to make rules	<p>40. (1) The State Government may, by notification in the <i>Official Gazette</i>, and subject to the condition of previous publication, make rules to carry out the purposes of this Act. Such rules may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.</p> <p>(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the <i>Official Gazette</i>, the rule shall from the date of publication of such decision in the <i>Official Gazette</i>, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.</p>

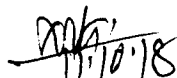
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108

<p>Power to make regulation</p>	<p>41. (1) The Council may, with the previous sanction of the Government make regulations not inconsistent with the provisions of this Act and the rules made thereunder, for enabling it to perform its functions under this Act and generally to carry out the purposes of the Act, by notification in the <i>Official Gazette</i>.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—</p> <p>(a) the management of the property of the Council and the maintenance and audit of its account;</p> <p>(b) the resignation by nominated or elected members of the Council;</p> <p>(c) the powers and duties of the President and Vice-President;</p> <p>(d) the mode of appointment of committees, the summoning and holding of meetings and the conduct of business of such committees;</p> <p>(e) (i) the manner to hear and decide appeals from the decision of the Registrar under clause (c) of sub-section (2) of section 19;</p> <p>(ii) the Code of Ethics for regulating the professional conduct under clause (d) of sub-section (2) of section 19;</p> <p>(f) the manner of revision of the State Register under sub-section (1) of section 22;</p> <p>(g) the manner of renewal of registration under sub-section (2) of section 26;</p> <p>(h) any other matter for which provisions may be made by regulations.</p> <p>(3) The Government, on receiving regulations for sanction, may sanction them subject to such modification as it may think fit or return them to the Council for reconsideration.</p> <p>(4) The Government may, by notification rescind or modify any regulation made under this section and thereupon, the regulation shall cease to have effect or be modified accordingly.</p>
<p>Power to remove difficulties</p>	<p>42. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order, published in the <i>Official Gazette</i>, do anything, not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty: Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.</p> <p>(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.</p>


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