

অসম



ৰাজপত্ৰ

**THE ASSAM GAZETTE**

অসাধাৰণ

**EXTRAORDINARY**

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

**PUBLISHED BY AUTHORITY**

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নং 187 দিশপুৰ, শনিবাৰ, 18 চেপ্তেম্বৰ, 2004, 27 ভাদ, 1926 (শক)  
No.187 Dispur, Saturday, 18th September, 2004, 27th Bhadra, 1926 (S.E.)

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GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

**NOTIFICATION**

The 9th September, 2004

**No. LGL.105/2003/4.--** The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information :

ASSAM ACT NO. XIX OF 2004

(Received the assent of the Governor on 4th September, 2004)

THE ASSAM RURAL HEALTH REGULATORY AUTHORITY ACT, 2004.

AN

ACT

to provide for the establishment of a regulatory authority in the State of Assam to regulate and register the diploma holders in Medicine & Rural Health Care (DMRHC) and their practice of medicine in rural areas and also to regulate opening of Medical Institutes for imparting education and training for the course of diploma in Medicine and Rural Health Care (DMRHC);

Be it enacted by the Assam Legislative Assembly in the Fifty-fifth year of the republic of India as follows:

CHAPTER-I  
PRELIMINARY

Short Title,  
Extend and  
Commence  
ment

1. (1) This Act may be called the Assam Rural Health Regulatory Authority Act, 2004.
- (2) It extends to the whole of Assam
- (3) It shall come in to force on such date as the State Government may, by notification published in the Official Gazette appoint.

Definitions

2. In this Act unless the context otherwise requires
  - (a) 'Act' means the Assam Rural Health Regulatory Authority Act, 2004;
  - (b) 'Authority' means the Assam Rural Health Regulatory Authority established under section 3;
  - (c) 'certificate' means a certificate issued by the Authority under section 17;
  - (d) 'Course' means the prescribed course of education and training for the Diploma in Medicine and Rural Health Care.



- (e) 'Diploma in Medicine and Rural Health Care' means the diploma awarded by the Authority on successful completion of the course of Diploma in Medicine and Rural Health Care under the provisions of the Act;
- (f) 'Fund' means the Assam Rural Health Regulatory Authority fund referred to in section 13;
- (g) 'Medicine' means allopathic medicine but does not include veterinary medicines;
- (h) 'Medicine and Rural Health Care' means practice of allopathic medicines and health care system in rural areas in the State of Assam;
- (i) 'Medical <sup>Institute</sup> School' means ~~schools~~ <sup>Institutes</sup> established under this Act for imparting medical education both theoretical and practical for the course of Diploma in Medicine and Rural Health Care;
- (j) 'prescribed' means prescribed by rules framed under the Act;
- (k) 'Regulation' means regulation made under section 23;
- (l) 'rural areas' means areas not included in a Municipal Corporation, a Municipal Board or a Town Committee or any other area notified as urban area.;
- (m) 'Rules' means the rules framed under section 22 of the Act;
- (n) 'Rural Health Practitioners' means a holder of the diploma in Medicine and Rural Health Care who has registered himself as such with the Authority and obtained a certificate and a registration number;
- (o) 'State Register of Rural Health Practitioners' means the register maintained under section 17 and the expressions 'Registered' and 'Registration' shall be construed accordingly;
- (p) 'State' means the State of Assam;
- (q) 'State Government' means the Government of Assam;

**CHAPTER-II**  
**CONSTITUTION OF ASSAM RURAL HEALTH**  
**REGULATORY AUTHORITY**

**Establishment of the Authority.** 3. (1) The State Government shall, by notification published in the Official Gazette, establish an authority to be called the Assam Rural Health Regulatory Authority.

(2) The Authority shall be a body corporate having perpetual succession and a common seal with powers to acquire, hold and dispose of property, movable or immovable and to do all things necessary for the purpose of its functions and continuation and may sue and be sued in its corporate name.

**Constitution of the Authority.** 4. (1) The Authority shall consist of the following members, namely:-

(a) The Director of Medical Education, Assam Chairman

(b) An officer of the Directorate of Health Services, Assam, not below the rank of Additional Director- Vice Chairman

(c) One Principal of the Medical Colleges of the State to be nominated by the State Government Member

(d) Three medical practitioners of repute to be nominated by the State Government Member

(e) Principal, Regional Nursing College Member

(f) Principal, Regional Dental College Member



(g) Principals of the Medical Member institutions established under the Act.

(h) An officer of the Health & Member Family Welfare Department not below the rank of Deputy Secretary to be nominated by the State Government

(i) Joint Director of Medical Member Education

(J) Deputy Director of the Member - Directorate of Medical Secretary Education, Assam

(2) The Chairman and the Vice Chairman shall, subject to the provisions of the Act, exercise such powers and perform such duties as may be prescribed.

(3) The term of the Authority shall be three years from the date of publication of the notification issued under section 3 of the Act.

(4) Any interim vacancy amongst the members of the Authority caused by any reason shall be filled up in the like manner in which his predecessor was appointed as such member and only for the rest of the term of the said predecessor.

Disqualification. 5. (1) A person shall not be qualified for being nominated or elected as a member of the Authority if

(a) he is not a citizen of India, or

(b) he has been sentenced for an offence involving moral turpitude, or

(c) he is an employee of the Authority:

(2) The business of the Authority shall be conducted in the manner as may be prescribed.

**CHAPTER-III**  
**POWERS AND FUNCTIONS OF THE AUTHORITY**

**Powers and Functions** 6. (1) Subject to the provisions of this Act and the rules made thereunder the Authority shall exercise such powers and perform such functions as may be necessary for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, the powers and functions of the Authority shall include :-

- (a) to hold, conduct and regulate the examination for the course including entrance test for admission into the Medical Institute;
- (b) to maintain State Register of Rural Health Practitioners;
- (c) to hear and decide appeals by and against such registered Rural Health Practitioners;
- (d) to prescribe regulations and code of ethics for regulating the profession for conduct of such registered Rural Health Practitioners;
- (e) to reprimand a Rural Health Practitioner, to suspend or remove the name from the State Register of Rural Health Practitioner or to take such other disciplinary actions against him as may in the opinion of the Authority be necessary or expedient;
- (f) to lay down norms and standard for the course, curriculum, facilities for instruction, training assessments and examinations for students undergoing the course for Diploma in Medicine and Rural Health Care and of the Medical Institute;
- (g) to fix norms and guidelines for charging tuition fees;
- (h) to provide guidelines for admission of students to the course;



(i) to inspect the physical facilities, staff position, Hospital and academic infrastructure of a Medical Institute imparting education and training for Diploma in Medicine and Rural Health Care at the time of starting of such an Institute and to give no objection certificate after the said Institute has completed all formalities and norms and to make periodical inspection to judge compliance of shortcomings pointed out, and to maintain standard of the Institute;

(j) to perform such other functions as may be prescribed by rules;

CHAPTER-IV

MEDICAL INSTITUTE

Minimum Standard.

7. The Authority may prescribe the minimum standards of the course, the curriculum, the examination etc. in respect of the course and prescribe by regulation the terms conditions and norms to be fulfilled, facilities to be provided by a Medical Institute for imparting education and training for the course of Diploma in Medicine and Rural Health Care.

Permission to open a Medical Institute

8. (1) Notwithstanding anything contained in this Act or any other law for the time being in force no person or organization other than the State Government of Assam shall establish a Medical Institute without (a) the recommendation of the Authority and (b) prior and expressed permission of the State Government.

(2) Every person or organization or trust wanting to start a Medical Institute shall for the purpose of obtaining permission under sub-section (1) submit to the State Government a proposal in accordance with the provisions of the Act and the rules framed thereunder and the State Government shall refer the proposal to the Authority for its scrutiny and recommendations.



(3) On receipt of the proposal, the Authority may obtain such other particulars and information as may be considered necessary from the person or the organization concerned and thereafter if may, if the proposal is defective and does not contain any necessary particulars, give a reasonable opportunity to the person or organization concerned for making a written representation and it shall be open to such person or organization to rectify the defects, if any, specified by the Authority.

(4) The State Government may after considering the proposal and the recommendations or observations of the Authority and after obtaining, where necessary, such other particulars as may be considered necessary by it from the person or the organization concerned either approve (with such conditions, if any, as may be considered necessary) or disapprove the proposal.

(5) The Authority while making its recommendations and the State Government while passing an order, either approving or disapproving the proposal shall have due regard to the following factors, namely,-

(a) whether the proposed person or organization seeking to open a Medical Institute would be in a position to offer the minimum standards of education as prescribed by the Authority;

(b) whether the person seeking to establish a Medical Institute has adequate financial resources;

- (c) whether necessary facilities in respect of staff, equipment, accommodation, training and other facilities to ensure proper functioning of the Medical Institute
  - (d) whether adequate hospital facilities having regard to the number of students likely to attend the Medical Institute would be available;
  - (e) whether adequate qualified teaching and non-teaching staff would be available in the Medical Institute.
  - (f) any other condition as may be prescribed.
- (6) A copy of the order passed by the State Government either approving or disapproving of the proposal shall be communicated to the concerned parties and the Authority.

**Powers of inspection and information**

9.

The Authority shall have powers to inspect or cause inspection and call for any information as may be required by the Authority to discharge its duties.

**Withdrawal of recognition.**

10.

- (1) When upon a report or inspection or otherwise it appears to the Authority that the courses of study and examinations undergone in any Medical Institute, or the staff, equipment, accommodation, training and other facilities for instructions and training provided in such Medical Institute do not conform the standards prescribed by the Authority; the Authority may refer the matter to that effect to the State Government.



(2) After considering such reference the State Government may send such reference to the Medical Institute with an intimation of the period within which the Medical Institute may submit its explanation to the State Government

(3) On receipt of the explanation or where no such explanation is received within the period fixed, the State Government after making such further inquiry as it may think fit, may by an order de-recognize the Medical Institute and on such de-reorganization the said Medical Institute shall not admit any students for the course.

CHAPTER-V  
SECRETARY AND OTHER OFFICERS AND STAFF

- Secretary and other Officers and Staff of the Authority.
11. (1) The Deputy Director in the Directorate of Medical Education, Assam shall be the Secretary of the Authority.
- (2) The State Government shall place at the disposal of the Authority the required manpower to enable the Authority to function smoothly.
- (3) The Secretary, other officers and the staff shall be under the administrative control of the Authority and shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).
- Duties and functions of the Secretary.
12. (1) It shall be the duty of the Secretary to keep and maintain the State Register of Rural Health Practitioners in accordance with the provisions of this Act and the rules made thereunder, and to revise it from time to time in such manner as may be prescribed.
- (2) The Secretary shall see that the State Register of Rural Health Practitioners is as far as possible correct at all times and may from time to time enter therein any material alteration in the address or qualifications or other material alteration in the address or qualifications of the Rural Health Practitioners;
- (3) The Secretary may remove from the State Register of Rural Health Practitioners the name of Diploma Holders who has died or whose name is directed to be removed from the State Register of Rural Health Practitioners.



CHAPTER-VI

FUND OF THE AUTHORITY

Fund of the Authority.

13. (1) The Authority shall establish a fund to be called the Assam Rural Health Regulatory Authority Fund.
- (2) The following shall form part of or be paid into the Fund,-
- (a) any contribution or grant made by the Central or the State Government;
  - (b) income of the Authority from all the sources including income from fees and fines;
  - (c) trust, donations, endowments and other grants, if any; and
  - (d) all other sums received by the Authority.

Purpose for which the Fund of Authority may be utilised.

14. The Fund of the Authority may be utilized for the following purposes, namely,-
- (a) the expenses of any suit or legal proceeding to which the Authority is a party;
  - (b) the payment of salaries and allowances to the officers and staff of the Authority, if any;
  - (c) the payment of allowances to the Members of the Authority, if required;
  - (d) the payment of any expenses incurred by the Authority in carrying out the provisions of this Act and the rules framed thereunder.

Accounts and Audit.

15. (1) The accounts of the Authority shall be prepared before such date and at such intervals, and in such manner as may be prescribed.
- (2) The accounts of the Authority shall be audited by a Chartered Accountant. The Audit fees of the Chartered Accountant shall be fixed by the Authority from time to time.

(3) As soon as the accounts of the Authority are audited the Authority shall send a copy thereof together with a report of the Auditor to the State Government.

(4) Notwithstanding anything contained in the foregoing provisions of this section the accounts of the Authority shall be subject to the audit by the Comptroller and Auditor General.

Budget

16. (1) The Secretary shall prepare the budget of the Authority and place the same in a meeting of the Authority before the commencement of a financial year and the Authority after due discussion, addition or alteration, as it may think necessary, shall pass the budget and the Secretary shall forward a copy thereof to the State Government.

(2) If the State Government is of the opinion that the provisions of the budget so forwarded to it are not adequate for carrying out the purposes of this Act, it shall return the budget to the Authority for such modifications, as may be suggested by the State Government and the Authority shall thereupon rectify, alter or amend the budget accordingly.

(3) The Authority shall be competent to re-appropriate such amounts as may be necessary from one head to another and within such heads.



CHAPTER-VII

**REGISTRATION AND STATE REGISTER OF RURAL HEALTH PRACTITIONERS**

State Register of Rural Health Practitioners.

17. (1) The Authority shall cause to be maintained in the prescribed manner and form a register of Diploma Holders in Medicine and Rural Health Care to be known as the State Register of Rural Health Practitioners.
- (2) It shall be the duty of the Secretary to keep and maintain the State Register of Rural Health Practitioners in accordance with the provisions of this Act and the rules made thereunder.
- (3) The State Register of Rural Health Practitioners shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872.
- (4) Every person on successful completion of the course shall be eligible for enrollment in the State Register of Rural Health Practitioners on furnishing to the Secretary the proof of such qualification and on payment of such fees as may be prescribed.
- (5) Every person whose name has been enrolled in the State Register of Rural Health Practitioners shall be entitled to have a certificate issued by the Authority under the hand and seal of the President and the Secretary and bearing a Registration Number and shall be eligible to practise medicine and Rural Health Care in rural areas of the State of Assam:

(6)

Provided that no Rural Health Practitioner shall use the word "Doctor" or "Dr." before and after his name. However he may identify himself as Rural Health Practitioner or RHP.

Power of the Authority to prohibit entry in, or to order removal from State Register, name of any person.

18. The Authority may upon a reference from the Secretary or otherwise by order prohibit the entry in, or order the removal from the State Register of Rural Health Practitioners the name of any person;

(a) who has been sentenced by a criminal court for imprisonment for an offence indicating, in the opinion of the Authority, such a defect in character as would render the enrollment or continuance of his name in the State Register of Rural Health Practitioners undesirable;

(b) whom the Authority after reasonable inquiry has found guilty of infamous conduct in any professional respect by a majority of two thirds of the members present and voting at the meeting:

Provided that no order shall be passed under this section without giving a reasonable opportunity of being heard to the person concerned.

Alteration of the State Register of Rural Health Practitioners.

19. (1) The Authority may after giving the person concerned a reasonable opportunity of being heard and inquiring into his objections, if any order that any entry in the State Register of Rural Health Practitioners, which in the opinion of the Authority, has been incorrectly or fraudulently been made or brought about, be cancelled or amended.



(2) The Authority may direct removal for ever, or for a specified period from the State Register of Rural Health Practitioners the name of any Rural Health Practitioner for the same reason for which registration may be prohibited or denied by the Authority under section 21.

Appeal against order of the Authority.

20. Any person whose application for enrollment in the State Register of Rural Health Practitioners has been rejected or whose entry in the State Register of Rural Health Practitioners has been denied or prohibited under section 21, or whose name has been removed from the State Register of Rural Health Practitioners may within ninety days of the order rejecting, prohibiting or removing, as the case may be, may prefer an appeal to the State Government and the decision of the State Government thereon shall be final.

Prohibition of Practice except as provided in this Act.

21. (1) No person whose name is not enrolled or has been cancelled or removed from the State Register of Rural Health Practitioners shall practise Medicine and Rural Health Care at any place whether rural or urban in the State of Assam.

(2) Any person who contravenes the provisions of sub-section (1) shall be punished with imprisonment, which may extend to 6 years or fine which may extend up to rupees thirty thousand or with both.

**CHAPTER-VIII**  
**RULES AND REGULATIONS**

Power to  
make rules.

22. (1) The State Government may make rules to carry out the purposes of this Act.
- (2) Without prejudice to the generality of the forgoing provision such rules may provide for,-
- (a) the management of property of the Authority and the maintenance and audit of its accounts;
  - (b) powers, functions and duties of the Chairman and the Vice-Chairman of the Authority;
  - (c) the travelling and other allowances including the sitting allowance payable to the Members of the Authority and the fees of the Auditor;
  - (d) the qualifications, conditions of the service and pay and allowance of the Officers and staff of the Authority;
  - (e) the form and the manner for maintenance of the State Register of Rural Health Practitioners and the manner of revision thereof;
  - (f) any other matter that may be required to be prescribed.
- (3) Every rule made under this section shall be laid, as soon as may be after it is made, before the Assam Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Assam Legislative Assembly agree in making any modification in the rules or the Assam Legislative Assembly agree that the rules should not be made the rules shall thereafter 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 under that rules.

Power to  
make  
Regulations.

23. (1) The Authority may with the previous approval of the State Government and subject to the provisions of the Act and the rules made under section 22 make regulations generally to carry out the purposes of this Act, and without prejudice to the generality of the forgoing powers, such regulations may provide for;-
- (a) the conduct of businesses of the Authority and the procedure to be followed for such conduct of businesses;
  - (b) the mode of appointment of committees, the summoning and holding of meetings and the conduct of business of such committees;
  - (c) the code of ethics for regulating the professional conduct of Rural Health Practitioners;
  - (d) the manner of admission to the Medical Institute in the State;
  - (e) the manner in which the examinations for the course in the Medical Institute are to be conducted;
  - (f) any other matter for which under this Act or the rules made thereunder provision is required to be made by regulations.
- (2) The State Government on receiving the regulations, may approve them, subject to such modifications as it may think fit or return them to the Authority for reconsideration.

- (3) The State Government may, by order require the Authority to amend, alter, resind or modify the regulations in the manner as it may direct, and the Authority on receipt of such an order shall amend, alter, resind or modify the regulations accordingly.

**CHAPTER-IX  
POWERS AND FUNCTIONS OF RURAL HEALTH  
PRACTITIONERS**

**Powers and Functions.** 24. The Rural Health Practitioners shall be eligible to practise Medicine and Rural Health Care subject to the following conditions, namely,-

- (a) they shall treat only those diseases and carry out those procedures which shall be outlined in the rules;
- (b) they shall prescribe only those drugs, which shall be outlined in rules;
- (c) they shall not carry out any surgical procedure, invasion, investigation or treatment, Medical Termination or Pregnancy etc., but shall confine themselves to such medicinal treatment and perform such minor surgery as may be prescribed.
- (d) they shall practise only in rural areas as defined in the Act;
- (e) they may issue illness certificates and death certificates.
- (f) they shall maintain name, address, age, sex, diagnosis and treatment records of all patients treated by them; and
- (g) they shall not be eligible for employment in Hospitals, Nursing Homes and Health establishments located in urban areas as General Duty Physicians involved in patient care in OPD, Emergency and Indoor Services.



CHAPTER-X  
MISCELLANEOUS

- Penalty for dishonest use of certificate.
25. Any person who,-
- (a) dishonestly makes use of any certificate of registration granted to him; or
  - (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
  - (c) willfully makes or causes to be made by false representation in any matter relating to the certificate or registration issued under provisions of this Act;
- shall on conviction, be punishable, with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.
- Cognizance of offences.
26. (1) No court shall take cognizance of an offence punishable under this Act, except upon a complaint in writing made by the Secretary or any other officer authorized by the Authority in this behalf by general or special order of the Authority.
- (2) No court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act.
- Information to be furnished by the Authority
27. The Authority shall furnish such reports, copies of its minutes, abstracts of its accounts, and other information to the State Government as the State Government may require.

Penalties for not following section 27 of this Act.

28. Any registered Rural Health Practitioners who does not strictly follow the conditions laid down under section 24 of the Act shall be liable to be-

- (a) prosecuted under the provisions of this Act and on conviction may be imprisoned for 6 months or fined with rupees five thousand or both; and
- (b) his name shall be removed from the State Register of Rural Health Practitioners.

Control by the State Government.

29. If at any time it appears to the State Government that the Authority has failed to exercise, or has exceeded or abused any powers conferred upon it by or under this Act, or has failed to perform any of the duties entrusted or vested upon it by or under this Act, the State Government may, if it considers such failure, excess or abuse, to be of a serious nature, notify the particulars thereof to the Authority, requiring it to remedy such failure, excess or abuse within the period specified in the notice, and if the authority fails to remedy such failure, excess or abuse within the period specified in the notice, the State



Government may dissolve the Authority and cause all or any of the powers and duties of the Authority to be exercised by such person and for such period not exceeding two years as it may think fit, and shall take steps to bring into existence a new Authority.

**M. K. DEKA,**  
**Commissioner & Secretary**  
**to the Govt. of Assam,**  
**Legislative Department, Dispur.**