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## NOTIFICATION

No. H. 12018 2/91-LJ 2/163, the 24th September, 1992. The following Ordinances is hereby published for general information.

Rolura Sailo,  
Deputy Secretary to the Govt. of Mizoram,  
Law, Judicial & Parliamentary Affairs Department.

## MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 27th August, 1992/Bhadra 5, 1914 (Saka)

### THE ESSENTIAL COMMODITIES (SPECIAL PROVISIONS) AMENDMENT ORDINANCE, 1992

No. 12 OF 1992

Promulgated by the President in the Forty-third Year of the Republic of India.

An Ordinance further to amend the Essential Commodities (Special Provisions) Act, 1981 and to make special provision by way of amendment to the Essential Commodities Act, 1955.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause(1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Essential Commodities (Special Provisions) Amendment Ordinance, 1992. Short title and commencement.

(2) It shall come into force at once.

18 of 1981 2. In paragraph 2 of the Preamble to the Essential Commodities (Special Provision) Act, 1981 (hereinafter referred to as the principal Act), for the words "ten years", the words "fifteen years" shall be substituted. Amendment of Preamble.

Amendment of section 1 3. In section 1 of the principal Act, in subsection (3), for the words "ten years", the words "fifteen years", shall be substituted.

Insertion of new section 9A 4. After section 9 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 10AA in Act 10 of 1955. 9A, In the Essential Commodities Act, 1955, after section 10A, the following section shall be inserted, namely:—

Power to arrest. "10AA. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no officer below the rank of an officer incharge of a police station or any police officer authorised by him in this behalf in writing shall arrest any person accused of committing an offence punishable under this Act". 2 of 1974.

Shanker Dayal Sharma,  
President.

K.L. Mohanpuria,  
Secy. to the Govt. of India.

NO.H. 12018/4/91-LJD/162, the 24th September, 1992. The following Ordinances is hereby published for general information.

Rolura Sailo,  
Deputy Secretary to the Govt. of Mizoram,  
Law, Judicial & Parliamentary Affairs Department.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS  
(Legislative Department)

New Delhi the 27th August, 1992/Bhadra 5, 1914 (Saka)

THE INDIAN MEDICAL COUNCIL (AMENDMENT) ORDINANCE, 1992

No. 13 OF 1992

Promulgated by the President in the Forty-third Year of the Republic of India.

An Ordinance further to amend the Indian Medical Council Act, 1956.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which renders it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Indian Medical Council (Amendment) Ordinance, 1992. Short title and commencement.

(2) It shall come into force at once.

102 of 1956 2. After section 10 of the Indian Medical Council Act, 1956 (hereinafter referred to as the principal Act), the following sections shall be inserted, namely:— Insertion of new sections 10A, 10B and 10C.

Permission for establishment of new medical college, new course of study, etc.

'10A. (1) Notwithstanding anything contained in this Act or any other law for the time being in force,—

(a) no person shall establish a medical college; or

(b) no medical college shall —

(i) open a new or higher course of study or training (including a post-graduate course of study or training) which would enable a student of such course or training to qualify himself for the award of any recognised medical qualification; or

(ii) increase its admission capacity in any course of study or training (including a post-graduate course of study or training).

Except with the previous permission of the Central Government obtained in accordance with the provisions of this section.

**EXPLANATION 1.**— For the purposes of this section, "person" includes any University or a trust but does not include the Central Government.

**EXPLANATION 2.**— For the purposes of this section, "admission capacity", in relation to any course of study or training (including post-graduate course of study or training) in a medical college, means the maximum number of students that may be fixed by the Council from time to time for being admitted to such course or training.

(2) (a) Every person or medical college shall, for purpose of obtaining permission under sub-section (1), submit to the Central Government a scheme in accordance with the provisions of clause (b) and the Central Government shall refer the scheme to the Council for its recommendation.

(b) The scheme referred to in clause (a) shall be in such form and contain such particulars and be preferred in such manner and be accompanied with such fee as may be prescribed.

(3) On receipt of a scheme by the Council under sub-section (2) the Council may obtain such other particulars as may be considered necessary by it from the person or the medical college concerned and thereafter, it may,—

(a) if the scheme is defective and does not contain any necessary particulars, give a reasonable opportunity to the person or college concerned for making a written representation and it shall be opened to such person or medical college to rectify the defects, if any specified by the Council;

(b) consider the scheme, having regard to the factors referred to in sub-section (7), and submit the scheme together with its recommendations thereon to the Central Government.

(4) The Central Government may, after considering the scheme and the recommendations of the Council under sub-section (3) and after obtaining, where necessary, such other particulars as may be considered necessary by it from the person or college concerned, and having regard to the factors referred to in sub-section (7), either approve (with such condition, if any, as it may consider necessary) or disapprove the scheme and any such approval shall be a permission under sub-section (1):

Provided that no scheme shall be disapproved by the Central Government except after giving the person or college concerned a reasonable opportunity of being heard:

Provided further that nothing in this sub-section shall prevent any person or medical college whose scheme has not been approved by the Central Government to submit a fresh scheme and the provisions of this section shall apply to such scheme, as if such scheme has been submitted for the first time under sub-section (1).

(5) Where, within a period of one year from the date of submission of the scheme to the Central Government under sub-section (1), no order passed by the Central Government has been communicated to the person or college submitting the scheme, such scheme shall be deemed to have been approved by the Central Government in the form in which it had been submitted, and, accordingly, the permission of the Central Government required under sub-section (1) shall also be deemed to have been granted.

(6) In computing the time limit specified in sub-section (5), the time taken by the person or college concerned submitting the scheme, in furnishing any particulars called for by the Council or by the Central Government, shall be excluded.

(7) The Council, while making its recommendations under clause (b) of sub-section (3) and the Central Government, while passing an order, either approving or disapproving the scheme under sub-section (4), shall have due regard to the following factors, namely:-

(a) Whether the proposed medical college or the existing medical college seeking to open a new or higher course of study or training, would be in a position to offer the minimum standards of medical education as prescribed by the Council under section 19A or, as the case may be, under section 20 in the case of post-graduate medical education;

(b) Whether the person seeking to establish a medical college or the existing medical college seeking to open a new or higher course of study or training or to increase its admission capacity 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 college or conducting the new course of study or training or accommodating the increased admission capacity have been provided or would be provided within the time-limit specified in the scheme.

(d) Whether adequate hospital facilities, having regard to the number of students likely to attend such medical college or course of study or training or as a result of the increased admission capacity, have been provided or would be provided within the time-limit specified in the scheme;

(e) Whether any arrangement has been made or programme drawn to impart proper training to students likely to attend such medical college or course of study or training by persons having the recognised medical qualifications;

(f) the requirement of manpower in the field of practice of medicine; and

(g) any other factors as may be prescribed,

(8) Where the Central Government passes an order either approving or disapproving a scheme under this section, a copy of the order shall be communicated to the person or college concerned.

Non-recognition of medical qualifications in certain cases

10B. (1) Where any medical college is established except with the previous permission of the Central Government in accordance with the provisions of section 10A, no medical qualification granted to any student of such medical college shall be a recognised medical qualification for the purposes of this Act.

(2) Where any medical college opens a new or higher course of study or training (including a post-graduate course of study or training) except with the previous permission of the Central Government in accordance with the provisions of section 10A, no medical qualification granted to any student of such medical college on the basis of such study or training shall be a recognised medical qualification for the purposes of this Act.

(3) Where any medical college increases its admission capacity in any course of study or training except with the previous permission of the Central Government in accordance with the provisions of section 10A, no

medical qualification granted to any student of such medical college on the basis of the increase in its admission capacity shall be a recognised medical qualification for the purposes of this Act.

**EXPLANATION**—For the purposes of this section, the criteria for identifying a student who has been granted a medical qualification on the basis of such increase in the admission capacity shall be such as may be prescribed.

Time for seeking permission for certain existing medical colleges etc.

10C. (1) If, after the 1st day of June, 1992 and on and before the commencement of the Indian Medical Council (Amendment) Ordinance, 1992 any person has established a medical college or any medical college has opened a new or higher course of study or training or increased the admission capacity, such person or medical college, as the case may be, shall seek, within a period of one year from the commencement of the Indian Medical Council (Amendment) Ordinance, 1992, the permission of the Central Government in accordance with the provisions of section 10A of the principal Act.

(2) If any person or medical college, as the case may be, fails to seek the permission under sub-section (1) of this Ordinance, the provisions of section 10B of the principal Act shall apply, so far as may be, as if permission of the Central Government under section 10A of the principal Act 10A has been refused.

Amendment of section 33.

3. In section 33 of the principal Act, after clause (f), the following clauses shall be inserted, namely:—

“(fa) the form of the scheme, the particulars to be given in such scheme, the manner in which the scheme is to be preferred and the fee payable with the scheme under clause (b) of sub-section (2) of section 10A;

(fb) the criteria for identifying a student who has been granted a medical qualification referred to in Explanation to sub-section (3) of section 10B”.

Shanker Dayal Sharma,  
President.

K.L.Mohanpuria,  
Secy. to the Govt. of India.

NO.H. 12018/4/91-LJD/164, the, 24th September, 1992. The following Ordinances is hereby published for general information.

Rolura Sailo,  
Deputy Secretary to the Govt. of Mizoram,  
Law, Judicial & Parliamentary Affairs Department.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 27th August, 1992/Bhadra 5, 1914 (Saka).

THE DENTISTS (AMENDMENT) ORDINANCE, 1992  
No. 14 of 1992

Promulgated by the President in the Forty-third Year of the Republic of India  
An Ordinance further to amend the Dentists Act, 1948.

WHEREAS Parliament is not in session and the President is satisfied that  
circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article  
123 of the Constitution, the President is pleased to promulgate the following  
Ordinance:—

1. (1) This Ordinance may be called the Dentists Short title  
(Amendment) Ordinance, 1992. and com-  
mencement.
- (2) It shall come into force at once.

Insertion of new sections 10A, 10B and 10C. 2. After section 10 of the Dentist Act, 1948 (hereinafter referred to as the principal Act) the 16 of 1948. following sections shall be inserted, namely:—

Permission for establishment of new dental college, new courses of study, etc 10A. (1) Notwithstanding anything contained in this Act or any other law for the time being in force,—

(a) no person shall establish an authority or institution for a course of study or training (including a post-graduate course of study or training) which would enable a student of such course or training to qualify himself for the grant of recognised dental qualification; or

(b) no authority or institution conducting a course of study or training (including a post-graduate course of study or training) for grant of recognised dental qualification shall—



(i) open a new or higher course of study or training (including a post-graduate course of study or training) which would enable a student of such course or training to qualify himself for the award of any recognised dental qualification; or

(ii) increase its admission capacity in any course of study or training (including a post-graduate course of study or training),

except with the previous permission of the Central Government obtained in accordance with the provisions of this section.

**EXPLANATION 1.**—For the purposes of this section, “person” includes any University or a trust but does not include the Central Government.

**EXPLANATION 2.**—For the purposes of this section “admission capacity”, in relation to any course of study or training (including a post-graduate course of study or training) in an authority or institution granting recognised dental qualification, means the maximum number of students that may be fixed by the Council from time to time for being admitted to such course or training.

(2) (a) Every person, authority or institution granting recognised dental qualification shall, for the purpose of training permission under sub-section (1), submit to the Central Government a scheme in accordance with the provisions of clause (b) and the Central Government shall refer the said scheme to the council for its recommendation.

(b) The scheme referred to in clause (a) shall be in such form and contain such particulars and be preferred in such manner and be accompanied with such fee as may be prescribed.

(3) On receipt of a scheme by the Council under sub-section (2), the Council may obtain such other particulars as may be considered necessary by it from the person, authority or institution concerned, granting recognised dental qualification and thereafter, it may,—

(a) If the scheme is defective and does not contain any necessary particulars, give a reasonable opportunity to the person, authority or institution concerned for making a written representation and it shall be opened to such person, authority or institution to rectify the defects, if any, specified by the Council;

(b) consider the scheme, having regard to the factors referred to in sub-section (7) and submit the scheme together with its recommendations thereon to the Central Government.

(4) The Central Government may, after considering the scheme and the recommendations of the Council under sub-section (3) and after obtaining, where necessary, such other particulars as may be considered necessary by it from the person, authority or institution concerned, and having regard to the factors referred to in sub-section (7), either approve (with such conditions, if any, as it may consider necessary) or disapprove the scheme and any such approval shall be a permission under sub-section (1):

Provided that no scheme shall be disapproved by the Central Government except after giving the person, authority or institution concerned granting recognised dental qualification a reasonable opportunity of being heard:

Provided further that nothing in this sub-section shall prevent any person, authority or institution whose scheme has not been approved to submit a fresh scheme and the provisions of this section shall apply to such scheme, as if such scheme has been submitted for the first time under sub-section (1).

(5) Where, within a period of one year from the date of submission of the scheme to the Central Government under sub-section (1), no order passed by the Central Government has been communicated to the person, authority or institution submitting the scheme, such scheme shall be deemed to have been approved by the Central Government in the form in which it had been submitted, and accordingly, the permission of the Central Government required under sub-section (1) shall also be deemed to have been granted.

(6) In computing the time limit specified in sub-section (5), the time taken by the person, authority or institution concerned submitting the scheme in furnishing any particulars called for by the Council or by the Central Government shall be excluded.

(7) The Council while making its recommendation under clause (b) of sub-section (3) and the Central Government, while passing an order either approving

or disapproving the scheme under sub-section (4), shall have due regard to the following factors, namely:-

(a) whether the proposed authority or institution for grant of recognised dental qualification or the existing authority or institution seeking to open a new or higher course of study or training, would be in a position to offer the minimum standards of dental education in conformity with the requirements referred to in section 16A and the regulations made under sub-section (1) of section 20;

(b) whether the person seeking to establish an authority or institution or the existing authority or institution seeking to open a new or higher course of study or training or to increase its admission capacity has adequate resources;

(c) whether necessary facilities in respect of staff, equipment, accommodation, training and other facilities to ensure proper functioning of the authority or institution or conducting the new course of study or training or accommodating the increased admission capacity have been provided or would be provided within the time-limit specified in the scheme;

(d) whether adequate hospital facilities, having regard to the number of students likely to attend such authority or institution or course of study or training or as a result of the increased admission capacity have been provided or would be provided within the time-limit specified in the scheme;

(e) whether any arrangement has been made or programme drawn to impart proper training to students likely to attend such authority or institution or course of study or training by persons having the recognised dental qualifications;

(f) the requirement of manpower in the field of practice of dentistry; and

(g) any other factors as may be prescribed.

(8) Where the Central Government passes an order either approving or disapproving a scheme under this section a copy of the order shall be communicated to the person, authority or institution concerned.

**Non recognition of dental qualifications in certain cases.**

10B. (1) Where any authority or institution is established for grant of recognised dental qualification except with the previous permission of the Central Government in accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution shall be a recognised dental qualification for the purposes of this Act.

(2) Where any authority or institution granting recognised dental qualification opens a new or higher course of study or training (including a post-graduate course of study or training) except with the previous permission of the Central Government in accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution on the basis of such study or training (including a post-graduate course of study or training) shall be a recognised dental qualification for the purposes of this Act.

(3) Where any authority or institution granting recognised dental qualification increases its admission capacity in any course of study or training (including a post-graduate course of study or training) except with the previous permission of the Central Government in accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution on the basis of the increase in its admission capacity shall be a recognised dental qualification for the purposes of this Act.

**EXPLANATION.**— For the purposes of this section, the criteria for identifying a student who has been granted a dental qualification on the basis of such increase in the admission capacity shall be such as may be prescribed.

10C. (1) If, after the 1st day of June, 1992 and on and before the commencement of the Dentists (Amendment) Ordinance, 1992 any person has established an authority or institutions for grant of recognised dental qualification or any authority or institution granting recognised dental qualification has opened a new or higher course of study or training (including a post-graduate course of study or training) or increased its admission capacity, such person, authority or institution as the case may be, shall seek, within a period of one year from the commencement of the Dentists (Amendment) Ordinance, 1992, the permission of the Central Government in accordance with the provisions of section 10A of the principal Act.

**Time for seeking permission for certain existing authorities.**

(2) If any person or as the case may be, any authority or institution granting recognised dental qualification fails to seek the permission under sub-section (1) of this Ordinance, the provisions of section 10B of the principal Act shall apply, so far as may be, as if permission of the Central Government under section 10A has been refused.

3. In section 55 of the principal Act, in sub-section (2), after clause (f), the following clauses shall be inserted, namely:-

Amendment  
of section  
55

“(fa) the form of the scheme, the particulars to be given in such scheme, the manner in which the scheme is to be preferred and the fee payable with the scheme under clause (b) of sub-section (2) of section 10A;

(fb) the criteria for identifying a student who has been granted a medical qualification referred to in Explanation to sub-section (3) of section 10B.”

Shanker Dayal Sharma,  
President.

K.L. Mohanpuria  
Secy. to the Govt. of India.