



UPCHAR - UNITED PRIVATE CLINICS & HOSPITALS ASSOCIATION OF RAJASTHAN

(A subsidiary of the Society of Private Clinical Establishments of Rajasthan - SOPCER)
(Registered under the Rajasthan Societies Registration Act, 19



THE CONSTITUTION

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Approval : SOPCER
YEAR : 2020-2021

Society of Private Clinical Establishments of Rajasthan – (SOPCER)

(Registered under the Rajasthan Societies Registration Act, 1958)

Reg. No. :- COOP/2020/JAIPUR/200733



COMMITTEE MEMBERS

(IN ALPHABETIC ORDER)

Dr ANAND GUPTA

Dr AVNEESH OJHA

Dr KANTESH KHETANI

Dr KEWAL KRISHN DANG

Dr LOKESH JINDAL

Dr MANISH DHANKAR

Dr MANJU RATHI

Dr RAJPAL LAMBA

Dr RAJSHEKHAR YADAV

Dr RAMDEV CHOUDHARY

Dr SANWAR MAL YADAV

Dr SUNIL GARSA

Dr VIKRAM TANWAR

Dr VIVEK SABOO

Chapter 1

PREAMBLE

Members of the "Society of Private Clinical Establishments of Rajasthan (SOPCER)", which is a duly registered institute under the Rajasthan Societies' Registration Act, 1958, at the office of Deputy Registrar, Jaipur(Rajasthan), bearing the Registration number-COOP/2020/JAIPUR/200733 dated 17.07.2020 , have unanimously and solemnly resolved to form, in the year 2020 at Rajasthan, an autonomously functioning organised body of private clinical establishments of Rajasthan which deal in Modern Scientific Medicine(Allopathy), by the name "UNITED PRIVATE CLINICS & HOSPITALS ASSOCIATION OF RAJASTHAN", which would commonly and hereinafter be known by its acronym UPCHAR.

UPCHAR intends to represent such private healthcare establishments, on different fronts, so that their day-to-day common operational and sociopolitical problems receive a proper address and amicable resolutions. At the same time UPCHAR would work in every way possible, in good spirit, obeying the law of the land, for the benefit, welfare, dignity and fulfillment of rights of the private healthcare sector, irrespective of caste, colour, race, religion, region, gender, age, and economic or social status.

UPCHAR would primarily fight against any injustice, harassment, exploitation and defamation of any sort which affects the professional functioning and goodwill of such private healthcare establishments and its owners or administrators. It would promote and uphold ethics in professional practice and oppose quackery.

All clinical establishments affiliated with UPCHAR would be represented by one of its owners or administrators, who are qualified doctors of Modern Scientific Medicine(Allopathy).

UPCHAR is determined to function with transparency and efficiency, upholding democratic values, involving at the same time, certain intrinsic procedures of checks and balances in its structure and functioning, so as to consistently prevent any misuse of this platform for pursuing any political agenda or vested interests by any member, executive or group thereof.

The vision of the members of "Society of Private Clinical Establishments of Rajasthan (SOPCER)" led to the formation of UPCHAR. These members, who are socially active clinicians/private hospital owner from across Rajasthan, and who would be the promoters & founder members of UPCHAR are (in alphabetical order) Dr Anand Gupta, Dr Avneesh Ojha, Dr Kantesh Khetani, Dr Kewal Krishn Dang, Dr Lokesh Jindal, Dr Manish Dhankar, Dr Manju Rathi, Dr Rajpal Lamba, Dr Rajshekhar Yadav, Dr Ramdev Choudhary, Dr S M Yadav, Dr Sunil Garsa, Dr Vikram Tanwar and Dr Vivek Saboo.

This Contitution of UPCHAR was prepared under the able guidance and legal expertise of Dr Manju Rathi(Ajmer), from the experienced inputs of Dr Lokesh Jindal (Bharatpur), Dr Anand Gupta (Udaipur), Dr Rajashekhar Yadav (Alwar) and Dr Ajay Singla (Sirohi), which were, after including valuable feedback and views from different members, compiled & penned by Dr Kantesh Khetani (Jodhpur).

Chapter 2

AIMS & OBJECTIVES

All the members of UPCHAR pledge to work selflessly and solemnly for the realisation of following objects at both local and state levels :-

1. Representing the concerns of private healthcare centres on all possible forums.
2. Safeguarding the interests of private healthcare centres in negotiations with concerned authorities in all the fields which cumulatively affect the functioning of the private healthcare sector.
3. Approaching and negotiating with the Ministries or any agency thereof for framing of such legal provisions, as dictated by any current state of affairs, which could be conducive to the fruitful functioning of private clinical establishments.
4. Fight for the injustice, harassment, exploitation and defamation of any sort which affects the professional goodwill and functioning of the clinical establishments of its members.
5. Promoting an atmosphere and sense of unity and harmonial coexistence among its members.
6. Promote ethical practices in the professional and social fields of its members. Discourage any form of professional jousting or rivalry between members.
7. Engage in philanthropic and charitable activities related to public welfare and health promotion, either solely or in collaboration with other NGOs and charitable organisations.
8. Apprise, guide, recommend regarding the matters of public health situations to the Government, its agencies and various local bodies.
9. Supporting activities like Continuous Medical Education (CME) and other literary activities like publication of journals, bulletins, magazines, newspapers etc. for the constant and regular information and update of its members.
10. Establishing a legal cell to guide its members or various day to day issues of proper functioning, criminal intimidations, administrative or political harassment, professional violence etc. If need be, the legal cell would also arrange to institution of legal suits at

affordable prices. This legal cell would also keep the members regularly updated, through platforms of social media, about the various statutes, official orders, drafts, acts, news etc. which is related to the private clinical establishments in any manner, for which it would also entertain enquiries from members.

11. To organise an insurance scheme for its members which could be a helping hand during times of their unfortunate sudden demise or accidental death and provide professional indemnity.

12 . To develop a system of bulk purchase of various readily used consumables in healthcare establishments, so that the same can be made available at a more economical price to the members.

13 . Establishing social rapport of private healthcare sector and in this process gather support from various social organisations and public representatives.

14. Inform the members and masses about various health and mediolegal issues through physical or online newsletters, bulletins, journals, or tv channels, radio etc.

15 . To form such other sub-committees/wings in future, and to confer upon them such powers and duties as appear appropriate, for representing the concerns of medical students(undergraduate and post graduate), lady doctors and such other subgroups of medical fraternity.

16 . To arrange for training programmes and informative sessions for the diifferent genres of the staff employed in private clinical establishments, along with working for their welfare.

17 . To extend support, in whatever form practicable according to the existing circumstances, to all such other organisations who are working for the benefit, welfare and rights of the medical and paramedical community.

18 . To help in amicably resolving any disputes of the member establishments which may occur between, themselves, with their employed staffs or with any other member of the medical fraternity, or the professional organisations thereof, in any manner appropriate or suitable according to the contemporary circumstances.

19 . Working in good spirit, obeying the law of the land, for any task which aims in

achieving the benefit, welfare, dignity and fulfillment of rights of the private healthcare sector, irrespective of caste, colour, race, religion, region, gender, age, and economic or social status.

20 . Help and support the Government and its agencies in implementation of various public health programmes and awareness campaigns on such terms which are mutually acceptable.

21 . Oppose any type of quackery or unethical practice in the field of medicine.

22. To institute any legal proceedings or suite with the intention of welfare, benefit or protection of the medical fraternity or any component thereof of the state or country.

Chapter 3

MEMBERSHIP ELIGIBILITY, PROCEDURE & FEE

1. Any Private Clinical Establishment situated anywhere in the state of Rajasthan, offering services and facilities related to diagnosis of, or treatment and care of any illness, injury, deformity, abnormality or pregnancy, in Allopathic System of Medicine (or Modern Medicine) and established, administered or maintained by any person or body of persons, whether incorporated or not, can avail the membership of UPCHAR, namely any hospital, maternity home, nursing home, dispensary, clinic, polyclinic, IVF centre, dialysis centre, diagnostic centre, laboratory, sanatorium, private medical college or an institution operating by whatever name.

2. In future the STATE ADVISORY COMMITTEE would decide whether to include dental clinics as member of UPCHAR, who at present are not accepted as the members of the same;

3 . Every clinical establishment seeking affiliation to UPCHAR would be represented by and registered under the name of a single person, who must be a qualified doctor of Modern Medicine, MBBS and above by profession, representing the above establishment in position of its Owner, Proprietor, Partner, Medical Director, Administrator, Trustee, Executive member or Medical Officer Incharge.

4. The STATE EXECUTIVE COMMITTEE & LOCAL BRANCH COMMITTEE would maintain a register of its members online, with their such particulars like name of the clinical establishment, its permanent membership code number, its address(including phone number, email), the Rajasthan Medical Council registration number of its representing member, his/her permanent address, his/her mobile number, email address and qualifications. The permanent membership code, or simply mentioned as membership code, provided to any member would be a specific alphanumeric code allotted by the STATE EXECUTIVE COMMITTEE, which would consist of first three capital alphabets as UMN (denoting UPCHAR Membership Number) followed by five digit numerals starting from 00001 denoting the chronological order of joining membership. eg UMN00985.

5. Any eligible private clinical establishment who wishes to be a member of UPCHAR has to

apply therefor online or submit a filled prescribed membership form physically to the ZONAL ORGANISATION SECRETARY or the President/Secretary of the respective LOCAL BRANCH COMMITTEE along with the required membership fees payable through cheque (as prescribed). Its credentials would be verified by that LOCAL BRANCH COMMITTEE who would also recommend in written for its membership to the STATE EXECUTIVE COMMITTEE along with remitting the above membership fees. The STATE EXECUTIVE COMMITTEE will accept its membership, enter its particulars in the Members' register and allot it a specific membership number(as mentioned in clause 4 above). After receiving this membership number and its share of membership fees (payable through cheque) from the STATE EXECUTIVE COMMITTEE, the LOCAL BRANCH COMMITTEE would finally make similar entries in its local Members' register. On receiving the membership number followed by its entries in both the above state & local Members' register, the related clinical establishment would officially be registered as the member of UPCHAR, both at local and state levels. This whole process should be completed within one month from the date of receipt of filled membership form by the LOCAL BRANCH COMMITTEE or online.

6 . The prescribed membership fee, whether annual or for life, would be as decided by the STATE ADVISORY COMMITTEE from time to time.

7. If any local pre-functional association of private clinical establishment owners/administrators, expresses the desire of meagre or affiliation with UPCHAR, and seeks reduction or waiver in membership fees on account of such en block membership acceptance or any special consideration of any sort, this could be done through negotiations and mutual agreement reached to that effect, between that association and the STATE ADVISORY COMMITTEE.

Chapter 4

STRUCTURE & CONDUCT OF BUSINESS

(A) For the purpose of fulfilling the objectives and for conducting the businesses of UPCHAR, the state of Rajasthan has been divided into the following ZONES (consisting of different districts), which, in alphabetical order, are as follows :-

1. AJMER ZONE :- Having districts of AJMER, BHILWARA & NAGPUR.
2. BHARATPUR ZONE :- Having districts of BHARATPUR, ALWAR, DAUSA, DHOLPUR, KAROLI, SAWAIMADHOPUR.
3. BIKANER ZONE :- Having districts of BIKANER, HANUMANGARH, SRIGANGANAR.
4. JAIPUR ZONE :- Having districts of JAIPUR CITY, JAIPUR RURAL, TONK.
5. JODHPUR ZONE :- Having districts of JODHPUR, PALI, SIROHI, JALORE, BARMER, JAISALMER.
6. KOTA ZONE :- Having districts of KOTA, BARAN, BUNDI, JHALAWAR.
7. SIKAR ZONE :- Having districts of SIKAR, CHURU, JHUNJHUNU.
8. UDAIPUR ZONE :- UDAIPUR, BANSWARA CHITTORGARH, DUNGARPUR, PRATAPGARH, RAJSAMAND.

(B) The structure of UPCHAR consists of mutually related, two tier organisational levels - LOCAL level & STATE level.

1. The LOCAL level organisation :- To carry out the aims and objectives of UPCHAR at local levels, there will be LOCAL BRANCHES of UPCHAR .

(i) LOCAL BRANCHES of UPCHAR :-

(a) All the members of UPCHAR who belong to any specific LOCALITY (town, city etc) which consists of 12 or more clinical establishments, could form a corresponding LOCAL BRANCH of UPCHAR, which would be referred to by the name of that LOCALITY prefixed with the word UPCHAR. eg UPCHAR ALWAR, UPCHAR BHARATPUR, UPCHAR JODHPUR and so on.

(b) Any LOCAL BRANCH would have a jurisdiction in its corresponding LOCALITY only, as far as the activities of UPCHAR are concerned, and the jurisdiction of one LOCAL BRANCH would not in any case overlap with that of another.

(c) Such LOCAL BRANCH would elect an Executive body by the name LOCAL BRANCH COMMITTEE, consisting of 1 President, 1 Vice President, 1 Secretary, 1 Treasurer and minimum 5 Executive members. The LOCALITIES having less than 12 clinical establishments could be merged with an adjoining larger LOCALITY for formation of such LOCAL BRANCHES.

(d) The first Executive body of any LOCAL BRANCH would be nominated by the related ZONAL ORGANISATION SECRETARY for a period of two years. Thereafter it would be elected by all the official members of that LOCALITY, once in every two years.

(e) The LOCAL BRANCH COMMITTEE so formed above could coapt, as SPECIALLY INVITED MEMBERS, private doctors of that LOCALITY holding high respect and experience, as PATRONS, who would aid in the functioning of that LOCAL BRANCH.

(f) The institutional address of the elected Secretary of the COMMITTEE would be the temporary official/correspondence address of that LOCAL BRANCH, until the BRANCH has such permanent address.

(g) The COMMITTEE would meet as per its convenience, and atleast once every 3 months, over a agenda, as decided according to the problems/affairs of the member establishments of that LOCALITY and to decide activities to fulfill the aims and objectives of UPCHAR.

(h) Such agenda would be widely publicised among the COMMITTEE members, a reasonable time before such meetings, by the Secretary.

(i) All decisions in such COMMITTEE meetings would be taken by majority voting of the available COMMITTEE members.

(j) On the written requisition of more than 50% members of the COMMITTEE, the President/Secretary would be mandated to call an URGENT COMMITTEE meeting within 7 days. In any inability in this regard, such COMMITTEE members could call such meeting on their behalf and take decisions on majority basis.

(k) The President would work as the teamleader of its LOCAL BRANCH COMMITTEE, presiding over its meetings and casting a tie breaking vote during its discussions. The Vice President may work on his behalf in his absence.

(l) The Secretary would write and maintain the minutes of the meeting & do all the correspondences in the name of its LOCAL BRANCH as directed by the decisions of its COMMITTEE or GENERAL BODY. Any seeming important correspondences would be undersigned by both the President & Secretary of that COMMITTEE.

(m) The Treasurer will keep the records of the expenses or revenues (membership fees, local donations, personal contributions from members etc) of its LOCAL BRANCH.

(n) The COMMITTEE would organise atleast one GENERAL BODY meeting of ALL MEMBERS of that LOCALITY per year, before the beginning of the new financial year, in which it would submit its annual working report. Also in such meeting decisions like appointment of the Chartered Accountant for auditing the accounts (of the present financial year) of the BRANCH; selection of Election Officer during elections etc. would be decided. Moreover the COMMITTEE would also seek the approval of the GENERAL BODY on its audited financial accounts of the immediately previous financial year(displayed on the website of UPCHAR well before the meeting). All decisions in such GENERAL BODY MEETINGS would be taken by majority voting of the available members.

(o) On the written requisition of more than 50% members of the BRANCH, the President/Secretary would be mandated to call an URGENT GENERAL BODY meeting within 7 days. In any inability in this regard, such members could call such meeting on their behalf and take decisions on majority basis.

(p) The GENERAL BODY could pass a VOTE OF NO CONFIDENCE against any of its LOCAL BRANCH COMMITTEE, in which case such COMMITTEE would stand dissolved and non-functional and re-elections for a new COMMITTEE would be arranged as prescribed.

(q) For any LOCAL BRANCH COMMITTEE to generate its individual funds (for fulfilling the objects of UPCHAR), it would require to institute a separate bank account in a local branch of any nationalised bank, for which it would require the local registration (with local or nearest Deputy Registrar, Societies.) of its individual constitution, which would contain the same provisions as are mentioned in this Constitution of UPCHAR, for it. Thereafter, the LOCAL BRANCH COMMITTEE would apply for a individual PAN CARD required for instituting such separate bank account as mentioned above.

(r) In continuation of the provision (q), the above such LOCAL BRANCH COMMITTEE could decide over any amount of money which could be added to the prescribed membership fees of UPCHAR payable by the prospective members of its LOCALITY. From such membership fee amount, the decided share of the LOCAL BRANCH would be transferred to its individual bank account by the STATE TREASURER within 15 days of credit of such membership fees to the bank account of the STATE EXECUTIVE COMMITTEE.

(s) The financial liability incurred by any LOCAL BRANCH COMMITTEE under its individual capacity would have no financial or legal bearing over the STATE EXECUTIVE COMMITTEE or any other COMMITTEE in mentioned herein.

(ii) The functions of the LOCAL BRANCH COMMITTEE would chiefly be the following, without prejudice to the aims & objectives of UPCHAR :-

(a) To work for the benefit and harmonial coexistence of the private clinical establishments of that LOCALITY.

(b) Establish social rapport and gather support from various social organisations and public representatives active in that LOCALITY.

(c) To collect and maintain data related to its members (of the related LOCALITY) as asked from time to time by the STATE EXECUTIVE BODY.

(d) To invest money lying in its bank account in excess of its near future use in relatively safe government schemes in nationalised banks.

(e) To seek guidance of the related ZONAL ORGANISATION SECRETARY in event of any difficulty in conducting any of its businesses.

(f) To fulfill any other task or responsibility as entrusted upon by the STATE EXECUTIVE BODY from time to time.

(g) To maintain its individual Branch Members' Register enlisting all its members with such details as prescribed.

(h) The LOCAL BRANCHES, through the ZONAL ORGANISATION SECRETARY, would refer to the STATE EXECUTIVE COMMITTEE for guidelines, all the matters related to State and Central Government which affect the operations of their members.

(i) It would be forbidden for any LOCAL BRANCH to behave, in any manner, against the law of the land or any statute while pursuing its activities; in which case the STATE EXECUTIVE COMMITTEE or the STATE ADVISORY COMMITTEE would be immune from incurring any liability in this regard.

(iii) DISTRICT COORDINATOR :- Activities of all LOCAL BRANCHES of any DISTRICT would be coordinated by the related DISTRICT COORDINATOR. The contemporary President of the LOCAL BRANCH COMMITTEE of any DISTRICT HEADQUARTER city, would ex-officio be the DISTRICT COORDINATOR of that DISTRICT.

(iv) ZONAL ORGANISATION SECRETARY :-

The functional activities of all the LOCAL BRANCH COMMITTEES included in every ZONE would be looked after by one member called the ZONAL ORGANISATION SECRETARY, who, thus would be the incharge of any particular ZONE. The STATE ADVISORY COMMITTEE would nominate one of its COMMITTEE members OR any member from the LOCAL BRANCH COMMITTEES of the related ZONES, as the ZONAL ORGANIZATION SECRETARY of any given ZONE, for a term of two years.

(v) The functions of the ZONAL ORGANISATION SECRETARY would be :-

(a) To watch over and guide the functioning of the LOCAL BRANCH COMMITTEES included in his/her ZONE.

(b) To serve as a link between the STATE EXECUTIVE BODY and the individual LOCAL BRANCH COMMITTEES and its MEMBERS in his/her ZONE conveying all relevant and necessary information and instructions to the above respective parties.

(c) To see that at the end of every 2 year term the contemporary LOCAL BRANCH COMMITTEES in its ZONE are stood dissolved and regular elections are held of the same.

2 . STATE level organisation :- The STATE level activities of UPCHAR would be looked after and conducted by two COMMITTEES namely, STATE EXECUTIVE COMMITTEE and STATE ADVISORY COMMITTEE.

(a) STATE EXECUTIVE COMMITTEE:-

(i) It would be the chief executive body of the state having jurisdiction over all its LOCAL BRANCHES and in areas devoid of any such BRANCHES.

(ii) The STATE EXECUTIVE COMMITTEE would consist of following members - 1 PRESIDENT, 1 GENERAL SECRETARY, 1 TREASURER, 2 VICE PRESIDENTS, 2 JOINT SECRETARIES and 5 EXECUTIVE MEMBERS, all of which would be elected, for a period of 2 years. Its immediate Past PRESIDENT and immediate Past GENERAL SECRETARY will also be the ex officio members of the STATE EXECUTIVE COMMITTEE. All ZONAL ORGANISING SECRETARIES would be ex-officio members of the STATE EXECUTIVE COMMITTEE. Besides these the STATE EXECUTIVE COMMITTEE would also have two nominated members, namely, 1 SPOKESPERSON/MEDIA MANAGER and 1 LEGAL EXPERT, for every term.

(iii) Till a permanent registered office for UPCHAR is available, the registered office of SOPCER would be its temporary registered office.

(iv) The STATE EXECUTIVE COMMITTEE will meet atleast thrice in a year, over a pre-decided agenda (decided by the PRESIDENT & the SECRETARY), circulated amongst the COMMITTEE members atleast 7 days prior to such meeting by the GENERAL SECRETARY.

Meetings may be conducted both physically or online as per discretion of the PRESIDENT.

(v) The STATE EXECUTIVE COMMITTEE will conduct its businesses as per the objectives and aims of UPCHAR, paying heed to the advice, if any, in this regard of the STATE ADVISORY COMMITTEE.

(vi) The PRESIDENT would be the ceremonial and executive head of the STATE EXECUTIVE COMMITTEE, who would preside over its meetings and cast a decisive vote in event of a tie or dispute in any of the voting/discussion process of the STATE EXECUTIVE COMMITTEE, the CORE COMMITTEE or the STATE GENERAL BODY. The PRESIDENT would also present the future plan and vision of the COMMITTEE in the STATE GENERAL BODY MEETINGS.

(vii) In the absence of the PRESIDENT, VICE-PRESIDENTS (in their order) may take over his functions during meetings. The VICE-PRESIDENTS would perform such other jobs (as HEADS of any sub-committees constituted) as delegated to them from time to time.

(viii) The GENERAL SECRETARY would convene the meetings; do related correspondences; write minutes of the meetings and circulate it amongst all the related members for endorsement; keep all the relevant record; present the annual business report of the COMMITTEE in the STATE GENERAL BODY MEETINGS; sign along with the PRESIDENT, on all instructions or guidelines released and certificates issued.

(ix) In the absence of the GENERAL SECRETARY, JOINT SECRETARIES (in their order), would perform his functions in any meeting. JOINT SECRETARIES would also perform such other jobs (as COORDINATORS of any sub-committees constituted) as delegated to them from time to time.

(x) The TREASURER would accept all the incomes of UPCHAR and issue a receipt for the same under his signature. He would keep a record of all the incomes and expenses of UPCHAR. He would remit (as cheque) the share of the LOCAL BRANCH COMMITTEE (if any) from the membership fees within 15 days of its credit to the bank account of the STATE EXECUTIVE COMMITTEE. The TREASURER would also get the financial accounts of the current financial year of the COMMITTEE audited by the Chartered Accountant decided in the STATE GENERAL BODY MEETING (which would be called before the beginning of the new financial year). In the same GENERAL BODY MEETING, the TREASURER would present the audited financial accounts of the immediately previous financial year (displayed on the

website of UPCHAR well in advance of the GENERAL BODY MEETING)and the COMMITTEE would seek its approval by the available members in that meeting.

(xi) All the withdrawals from the bank account of the COMMITTEE would be through cheques undersigned by the TREASURER and any one out of the PRESIDENT and the GENERAL SECRETARY.

(xii) The PRESIDENT and GENERAL SECRETARY of the STATE EXECUTIVE COMMITTEE would have the power to individually direct an expenditure of upto ₹15,000/- and ₹10,000/- respectively, from the bank account of UPCHAR, for any urgent or unforeseen purpose related to the aims and objectives of UPCHAR and deemed fit by them. Such expenditure would only be authorised if approved by the STATE EXECUTIVE COMMITTEE in its subsequent meeting.

(xiii)The EXECUTIVE MEMBERS of the COMMITTEE will perform such activities as delegated to them by the STATE EXECUTIVE COMMITTEE.

(xiii) The STATE EXECUTIVE shall form such other SUB-COMMITTEES, with such names, for such purposes and with such members and delegated powers as it deems necessary to perform its functions.

(b) The functions of the STATE EXECUTIVE COMMITTEE:-

(i) To devise strategies, programs & plans to implement the aims and objectives of UPCHAR taking into account the views of the STATE ADVISORY COMMITTEE, the CORE COMMITTEE and the sentiments of the members at large.

(ii) To establish rapport and smooth coordination with the LOCAL BRANCH COMMITTEES, through their respective ZONAL ORGANISATION SECRETARIES and also personally through its members from time to time.

(iii) To submit a State Private HealthCare Plan each year to the Health Minister, Principal Health Secretary and other concerned authorities, addressing the grievances and shortcomings of the private health sector of the state and providing suggestions for redressal and resolutions of the same. The Plan would also suggest recommended

measures for smooth utilisation of the private healthcare sector of the state in realising the public health policy goals of the state by the Government.

(iv) To collect (from the LOCAL BRANCH COMMITTEES) and maintain the data of all the members of UPCHAR as prescribed & decided from time to time or by government policies. To allot a unique membership code to each member as prescribed.

(v) To maintain a State Members' Register, enlisting all the members of UPCHAR with such details as prescribed; providing the members with temporary enrollment numbers and permanent membership codes as prescribed.

(vi) To issue a certificate of membership to every enrolled member of UPCHAR, with such details as may be decided by it.

(vii) To invest money lying in its bank account in excess of its near future use in relatively safe government schemes in nationalised banks.

(viii) To establish rapport with various authorities, ministries, and public representatives in order to establish goodwill and smooth functioning of UPCHAR.

(ix) To establish rapport and to coordinate with other similar organisations working for the welfare of private and government doctors/healthcare establishments.

(x) To submit all its important minutes of meetings (and amendments resolved by the STATE ADVISORY COMMITTEE), in the department of Deputy Registrar, Societies and get them endorsed.

(xi) To work continuously for the harmonious coexistence, benefit and welfare of the private clinical establishments and medical fraternity in general.

(xii) Extend support, as feasible, to associations of medical students, all the allied branches of medicine, and paramedics in their legally valid pursuit to achieve their genuine demands and rights.

(xiii) To work for the implementation of the aims and objectives of UPCHAR, in good spirit, without any aim of profit and as per procedures prescribed.

(xiv) The STATE EXECUTIVE COMMITTEE would in no manner go against the law of the land or any statute while pursuing its activities.

(xv) To decide on the matters of importance, the STATE EXECUTIVE COMMITTEE may convene a CORE COMMITTEE meeting in the manner as prescribed.

(c) STATE ADVISORY COMMITTEE :-

The founders/promoters of any association/organisation have a moral obligation to safeguard its proper and ethical functioning not only during inception, but also in the future. With this conception, it was decided to give presence of the STATE ADVISORY COMMITTEE in UPCHAR to ensure its consistent proper and ethical functioning. All the founder members of UPCHAR (as mentioned in the Preamble) would be the members in this STATE ADVISORY COMMITTEE. Once in the STATE ADVISORY COMMITTEE, its members would not be eligible for contesting any election for any post in any COMMITTEES described herein. They may be eligible for contesting in such elections only after resigning from the membership of this COMMITTEE. However, the members of the STATE ADVISORY COMMITTEE may provide their services on the different nominated posts mentioned herein.

(d) Functions of the STATE ADVISORY COMMITTEE :-

(i) This committee would be headed by the CONVENER, who would be elected by the remaining members of this committee for a term of 2 years.

(ii) This COMMITTEE would advise the STATE EXECUTIVE COMMITTEE on different matters of consideration for achieving the aims and objectives of UPCHAR.

(iii) For discharging its functions, the STATE ADVISORY COMMITTEE may meet when necessary, but at least twice in a year either physically or online, and take routine decisions by simple majority basis which would be acceptable to all the members.

(iv) It will appoint suitable members from within or other members for all the nominated posts in every term.

(v) It would design an online method for applying for membership of UPCHAR as well as would also format such physical membership forms.

(vi) It would assist the STATE EXECUTIVE COMMITTEE in maintaining a BRANCHWISE list of all members of UPCHAR in its State Members' Register, and also in tasks like providing the members with temporary enrollment numbers and permanent membership codes, as prescribed.

(vii) Any difficulty in interpretation of the clauses of this CONSTITUTION, would be explained by the STATE ADVISORY COMMITTEE.

(viii) The STATE ADVISORY COMMITTEE would have the power, either suo motu or on any recommendations, to amend, modify and add one or more provisions in this constitution. For this purpose it would be required to have the consent of 2/3rd of the members of this COMMITTEE.

(ix) In the event when it is felt that the STATE EXECUTIVE COMMITTEE or any member thereof is not discharging its duties/functions properly and this is submitted in writing and undersigned by 30% or more of all the contemporary CORE COMMITTEE members to the STATE ADVISORY COMMITTEE, a CORE COMMITTEE meeting would be convened by the STATE ADVISORY COMMITTEE within 15 days of such a receipt. If 2/3 rd of the available members of CORE COMMITTEE members pass a NO CONFIDENCE VOTE against the STATE EXECUTIVE COMMITTEE or any member thereof, the STATE ADVISORY COMMITTEE would declare it COMMITTEE dissolved or such member dismissed from his post, subsequently conducting fresh elections within 3 months; or handing over the charge of the dismissed COMMITTEE member to any other experienced member it deems suitable. In the meantime the STATE ADVISORY COMMITTEE would perform the function of the so dissolved STATE EXECUTIVE COMMITTEE, on interim basis.

(x) The STATE ADVISORY COMMITTEE would manage the website of UPCHAR and its e-bulletin UPCHAR SAMVAD, on such terms and conditions and by such members as may be decided by it.

(xi) If any member of the STATE ADVISORY COMMITTEE exits office at will or it falls permanently vacant due to any natural or legal consequences, the remaining members of the STATE ADVISORY COMMITTEE would fill the vacancy from amongst the members of UPCHAR, by 2/3rd majority voting, considering the proper representation of all the ZONES.

(xii) The STATE ADVISORY COMMITTEE may increase the number of its members, if required, by 2/3rd majority voting. Such members may be selected from any of the various members of UPCHAR who are active and experienced, paying due consideration to the uniformity of geographical representation in such selection.

(xiii) If any member of the STATE ADVISORY COMMITTEE is not able to devote sufficient time for its activities or is otherwise found involved in regular misbehaviour and incompatibility with other members of the COMMITTEE, he/she may be issued a warning in this regard, whereafter the consistency of such behaviour could lead to his/her expulsion from the COMMITTEE if 2/3rd of its members give consent for the same.

(xiv) The STATE ADVISORY COMMITTEE shall form such other SUB-COMMITTEES, with such names, for such purposes and with such members and delegated powers as it deems necessary to perform its functions.

3. CORE COMMITTEE :- All the Presidents, Vice-Presidents, Secretaries and Treasurers of all the LOCAL BRANCH COMMITTEES of UPCHAR would constitute its CORE COMMITTEE.

4 . STATE GENERAL BODY:-

(i)All members of UPCHAR would collectively constitute its STATE GENERAL BODY.

(ii)The meeting of the STATE GENERAL BODY would be conducted atleast once in a year.

5 . Without prejudice to the provisions contained herein, the procedures for other business transactions of all the COMMITTEES mentioned above, would be as laid down by the RAJASTHAN SOCIETIES REGISTRATION ACT,1958.

6 . The STATE EXECUTIVE COMMITTEE & the individual LOCAL BRANCH COMMITTEES would have their respective letterheads printed out of their respective funds, the format of which would be decided by the STATE ADVISORY COMMITTEE from time to time.

7 . IT WOULD BE PRESUMED THAT ALL THE MEMBERS ELECTED OR NOMINATED FOR ANY OF THE ABOVE OFFICES DECLARE ON OATH TO UPHOLD THE DIGNITY OF THIS ASSOCIATION AND TO WORK FOR THE BENEFIT AND WELFARE OF THE PRIVATE

CLINICAL ESTABLISHMENTS OF RAJASTHAN PRIMARILY, ALONG WITH THAT OF THE MEDICAL FRATERNITY & SOCIETY AT LARGE, AND NOT TO USE THIS PLATFORM FOR DIRECTLY OR INDIRECTLY ACHIEVING OR FULFILLING THEIR POLITICAL AMBITIONS AND PERSONAL INTERESTS.

Chapter 5

TENURE & ELECTIONS

1. The tenure of the STATE EXECUTIVE COMMITTEE and all LOCAL BRANCH COMMITTEES would be of 2 years from the date of being elected to office, the date being declared in the certificate of "being elected and assuming office" provided by the respective ELECTION OFFICER; unless they suffer an untimely dissolution due to any reason.

2. After completion of such respective tenures of 2 years, the STATE EXECUTIVE COMMITTEE or any LOCAL BRANCH COMMITTEE would stand automatically dissolved and non-functional, whereafter their charges would transfer to the STATE ADVISORY COMMITTEE and the related ZONAL ORGANISATION SECRETARY respectively, for the time being, till the respective elections for these offices are held.

3 . However, The STATE ADVISORY COMMITTEE and the related ZONAL ORGANISATION SECRETARY would under all probabilities try to make arrangements for conducting the elections for the respective offices of the STATE EXECUTIVE COMMITTEE and the LOCAL BRANCH COMMITTEE, 1-2 months before the termination of their tenures;

4. Elections for the different offices of the STATE EXECUTIVE COMMITTEE and the LOCAL BRANCH COMMITTEES would follow the following norms :-

(i) The STATE EXECUTIVE COMMITTEE and any LOCAL BRANCH COMMITTEE would appoint such a member as ELECTION OFFICER, who holds high social repute and dignity, 2 months before the completion of their respective tenures, whose task would be to conduct fair and impartial elections to the offices of the same.

(ii) Such ELECTION OFFICER would formulate such procedures, as are legally valid and conducive for conducting such elections in a smooth, fair, impartial and non-controversial manner.

(iii) All the legally valid members of the STATE EXECUTIVE COMMITTEE and any LOCAL BRANCH would be eligible for voting and contesting in such elections.

(iv) Any office of the STATE EXECUTIVE COMMITTEE and any LOCAL BRANCH COMMITTEE

cannot be held by the same elected member for MORE THAN TWO CONSECUTIVE TENURES.

(v) Each member desirous of contesting election for any post/office would be required to fill a form mentioning his name, membership number, signature and other credentials as decided by the concerning ELECTION OFFICER. Such form should also contain the names, membership number, signature of one Proposer and one Seconder in favour of the related contesting candidate.

(vi) The GENERAL SECRETARY/Secretary of the STATE EXECUTIVE COMMITTEE/ LOCAL BRANCH COMMITTEE would provide a self-attested copy of the latest IT returns of his LOCAL BRANCH to the ELECTION OFFICER.

(vii) In the LOCAL BRANCH ELECTIONS, the related ELECTION OFFICER would also display the list of all legally valid members capable of voting/contesting in such elections on the notice board of the related registered office and online atleast 4 weeks before such elections; he shall decide and declare the dates for submitting nominations of the candidates desirous of contesting such election for any office, the display of such nominations, the withdrawal of such nominations and finally the date of elections. The ELECTION OFFICER would maintain transparency in this procedure with the intent to allay the potential apprehensions of all related members.

(viii) The ELECTION OFFICER would abide by any suggestion or advice if rendered by the STATE ADVISORY COMMITTEE regarding the procedure of such elections.

(ix) The elections of the STATE EXECUTIVE COMMITTEE and the LOCAL BRANCH COMMITTEES could be conducted by secret ballot or online voting or by any other suitable mode or in the manner decided by the respective ELECTION OFFICER.

(x) The ELECTION OFFICER could form a committee of members for his assistance, in whatever manner deemed necessary, to conduct such elections smoothly.

(xi) The ELECTION OFFICER would also make such suitable arrangements as deem fit to him to conduct such elections smoothly and without disturbing public harmony.

(xii) No non-member would be present in the hall or the boundary of the premises where election is taking place.

(xiii) The ELECTION OFFICER would formulate a transparent procedure of counting of votes in the presence of one agent of each contesting member;

(xiv) The decision of the ELECTION OFFICER in case of any controversy or misconception regarding the process of conducting election, would be final.

(xv) The results of election would be declared on the same day, as far as possible.

(xvi) It would be the duty of such ELECTION OFFICER to conduct such elections as soon as possible after his appointment or in case of any unavoidable circumstances, as soon as circumstances legally permit.

(xvii) Such ELECTION OFFICER would provide a certificate of affirmation to all successfully elected officer bearers, allowing them to assume office.

5. The procedure of elections to the offices of the STATE EXECUTIVE COMMITTEE and the LOCAL BRANCH COMMITTEES would be as follows :-

A) STATE EXECUTIVE COMMITTEE elections :- These elections would be held by the following procedure :-

(a) All the members of the CORE COMMITTEE would be eligible for being both the voters (called the VOTERS) as well as the contestants (called the CONTESTORS) for the offices in this election .

(b) Any CORE COMMITTEE MEMBER who doesn't wish to be a CONTESTOR in this election can voluntarily opt out of the process, although he would retain his right to voluntary vote therein.

(c) Since there are 12 electable posts in the STATE EXECUTIVE COMMITTEE, each VOTER would be given the opportunity of casting a total of 12 votes, provided that he could not cast more than one vote to any of the CONTESTORS in this process.

(d) All the CONTESTORS would be enlisted from the first to the last according to the number of votes received by them.

(e) If any two or more CONTESTORS receive an equal number of such votes, their chronology in the list above mentioned, would be determined by drawing lots by the ELECTION OFFICER.

(f) Finally, according to the votes received (from highest to lowest) the CONTESTORS would be asked, sequentially, to accept the responsibility of any of the 12 different offices of the STATE EXECUTIVE COMMITTEE, namely, 1 PRESIDENT, 1 GENERAL SECRETARY, 1 TREASURER, 2 VICE PRESIDENTS, 2 JOINT SECRETARIES and 5 EXECUTIVE MEMBERS.

(g) All the CONTESTORS left behind after the charges of all of the above offices have been taken, would be assumed and declared unelected in that election process.

B) LOCAL BRANCH COMMITTEE elections :- These elections would be held by the following procedure :-

(a) All the members of the LOCAL BRANCH COMMITTEE would be eligible for voting in this election process and any member thereof could contest for any of the offices in this election, namely 1 President, 1 Vice-President, 1 Secretary, 1 Treasurer and all Executive members.

(b) No single member could contest for more than one office in any election.

(c) Each member would be able to cast one vote to the contestor of his choice, for every office so contested.

(d) The contestor who receives the maximum votes for any office would be declared elected.

(e) If any of the posts/offices in the COMMITTEE are left vacant (with no contestors contending for any reason whatsoever), they would be filled by the willing members chosen, in this regard, through the majority voting decision of all the elected members within 7 days after they have been declared elected.

Chapter 6

MEETINGS

1 . Meetings of the STATE EXECUTIVE COMMITTEE, CORE COMMITTEE or STATE GENERAL BODY :-

(i) The date, agenda and venue of such meetings would be circulated among related members atleast 2 weeks prior to the scheduled meeting by the GENERAL SECRETARY;

(ii) Urgent meetings could be called any time by the GENERAL SECRETARY of the STATE EXECUTIVE COMMITTEE with permission from his PRESIDENT and circulating the information among related members of the details of such meeting atleast 7 days in advance.

(iii) If 30% of the related members of the GENERAL BODY / CORE COMMITTEE/ STATE EXECUTIVE COMMITTEE so wish, they can request the GENERAL SECRETARY of the STATE EXECUTIVE COMMITTEE to convene a meeting. On his inability or denial for the same, the STATE ADVISORY COMMITTEE can be approached for the same.

2. The meetings of the LOCAL BRANCH COMMITTEES and the LOCAL BRANCH GENERAL BODIES will follow the same broad principles as mentioned in clause 1 of this chapter for STATE EXECUTIVE COMMITTEES and STATE GENERAL BODY, substituting the Secretary (of the LOCAL BRANCH) in place of the GENERAL SECRETARY and the ZONAL ORGANIZATION SECRETARY in place of the STATE ADVISORY COMMITTEE.

3 . QUORUM of meetings:-

(i) the quorum for any meeting of the LOCAL BRANCH COMMITTEES or LOCAL BRANCH GENERAL BODIES would be 30% or above of the strength of its respective members;

(ii) if the quorum is not achieved in any meeting, the meeting would be postponed and rescheduled on the next day at the same place and all members would be informed through phonecalls, emails or social media platform. Any strength of the respective members present on the next day would be acceptable, and the decision taken by any present strength by majority voting, on any respective matter, would be final.

(iii) there would be no requirement of quorum for the meetings of the STATE GENERAL BODY, STATE EXECUTIVE COMMITTEE, STATE ADVISORY COMMITTEE & CORE COMMITTEE owing to the realization of the practical fact that its members would be coming from different parts of Rajasthan, and cancellation of any meeting for want of quorum would be unjustified and unacceptable to the participating members. A reasonable gathering could be considered an appropriate quorum.

4. Any meeting of any of the COMMITTEES or GENERAL BODY mentioned above, could be conducted physically or virtually through designated apps.

5. No quorum would be required for a well publicised online meeting.

6 . All the decisions of the respective COMMITTEES, BODIES and SUBCOMMITTEES would be taken by majority voting, except where expressly mentioned otherwise, and the PRESIDENT/CONVENER/COORDINATOR/HEAD of which would cast an additional decisive vote, in case of a tie.

Chapter 7

FUNDS

1 . The FUNDS for carrying out the activities of UPCHAR could be generated from :-

(a) Contribution from founders of UPCHAR;

(b) Membership fees collected from the members of UPCHAR;

(c) Any donation or contribution received from any of the members on acceptable terms and conditions, if any;

(d) Any grant received from any other person, NGO or Govt authority/body.

2 . All such monies would be collected through cheque or cash and a receipt for the same would be provided to the related party by the TREASURER of the STATE EXECUTIVE COMMITTEE or the respective LOCAL BRANCH COMMITTEE as the case may be.

3. The funds so obtained, would be deposited by the respective TREASURER in the respective official bank account of the COMMITTEES.

4 . The STATE EXECUTIVE COMMITTEE and the LOCAL BRANCH COMMITTEES would get their respective financial accounts audited through a Chartered Accountant appointed as prescribed. The service charges of this Chartered Accountant would be paid by the respective COMMITTEES.

5 All expenditures undertaken by the STATE EXECUTIVE COMMITTEE or any of the LOCAL BRANCH COMMITTEES should be done in good spirit only for the fulfillment of the aims and objectives of UPCHAR.

6 . The LOCAL BRANCH COMMITTEES would be free to arrange sponsors for their individual activities related to the aims & objectives of UPCHAR, following all laws and local statutes.

Chapter 8

TERMINATION OF MEMBERSHIP

1 . If through any source or on complaint of the STATE EXECUTIVE COMMITTEE/LOCAL BRANCH COMMITTEE, it comes to the knowledge of the STATE ADVISORY COMMITTEE, that any of the members of UPCHAR is in any form involved in unethical professional practices; misuse of its platform for achieving his/her political ambitions/personal interests; is involved in gross contravention of the provisions of this CONSTITUTION; disobeys any instruction of the STATE EXECUTIVE COMMITTEE/LOCAL BRANCH COMMITTEE given in whatever regard; or in any manner has brought serious disrepute to this organisation or Medical profession in general, the above COMMITTEE after giving such a member an opportunity of being adequately heard, may decide on the basis of the substance of the available evidence or through its discretionary powers whether to terminate the membership of such a member.

2 . The membership of any member would stand terminated in the following conditions :-

(i) If he/she voluntarily resigns from the membership of this organisation;

(ii) If he/she has been declared as undischarged insolvent;

(iii) If he/she is unfit to continue as a member for reason of any infirmity of the mind or body, and this is so decided by 2/3rd majority voting at any GENERAL BODY meeting of the LOCAL BRANCH where he/she is a member;

(iv) If he/she is of unsound mind and is so declared by any competent court;

(v) If he/she is convicted and sentenced to imprisonment by a competent court for any criminal offence involving moral turpitude;

(vi) If he/she is deregistered due to his/her misconduct and his/her licence to practice modern medicine is cancelled by decision from the Medical Council of India (or any Supreme Regulatory Authority for Modern Medicine, which develops in future in its place).

3. The termination of membership of any member of UPCHAR, by whatever reasons, will

automatically stand as his/her termination from any COMMITTEE of which he/she is an office bearer, in either elected or nominated capacity;

4. No membership fee is refundable on termination of membership of any member due to reason whatsoever.

Chapter 9

DISPUTES

1 . All disputes or grievances of the members related to the organisation or its conduct of business, at any level in UPCHAR, would be put forward for consideration and redressal or resolution before the STATE ADVISORY COMMITTEE, who would give a chance of being heard to all the related and concerned parties, and decide on the matter in a manner it considers suitable.

2 . All disputes which may arise in relation to activities of and conduct of business by UPCHAR, shall be deemed to have arisen at Jaipur(Rajasthan) and no Court other than the Court at Jaipur (Rajasthan) shall have jurisdiction to entertain or try the same.

3. Any legal matter related to UPCHAR would be addressed to the contemporary PRESIDENT or the GENERAL SECRETARY on its behalf. In case of LOCAL BRANCH COMMITTEE, it would be addressed to the respective contemporary President/Secretary of the same.

Chapter 10

DISSOLUTION

1. If 3/4 th of all the legally valid members of UPCHAR, in a GENERAL BODY MEETING, called specifically for this purpose, pass a resolution to this effect, the association would stand dissolved.

2. In the case of such dissolution the funds and assets to the credit of UPCHAR at that time shall be transferred to such allied organisation as the GENERAL BODY may decide.

!! Jai Shri Vitthal !!

***The constitution is for us all
to live together, a common life,
we need each other.***

- Pope Theodoros PP

