

**KARNATAKA ACT NO. 43 OF 2003
THE KARNATAKA MEDICAL REGISTRATION
(AMENDMENT) ACT, 2003**

Arrangement of Sections

Sections:

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STATEMENT OF OBJECTS AND REASONS

It is considered necessary to amend the Karnataka Medical Registration Act, 1961,-

- (i) to define "teachers" and "teachers of University" and to provide for election of four members to the Medical Council jointly from both these categories;
- (ii) to provide that out of 4 persons to be nominated by the State Government one shall be from amongst

the Karnataka Dental Council, Pharmacy Council, Nursing Council and Ayurvedic and Homeopathy Council by rotation for a period of one year, who shall have no right to vote in the meeting of the Medical Council;

- (iii) to provide that no election shall be held to fill up a vacancy in the office of an elected member if the remainder of the period is less than six months;
- (iv) to provide for fixing of fees by rules;
- (v) to provide for removal of a medical practitioner on the ground of negligence, incompetence and violation of medical ethics also;
- (vi) to empower the medical council to inspect medical institutions;
- (vii) to require a medical practitioner to produce a certificate for having attended a Continuing Medical Education programme before seeking renewal of registration.

Certain other incidental and consequential changes are also made.

Hence the Bill.

[LA Bill No. 15 of 2003]

(Entry 26 of List-III of the Seventh Schedule to the Constitution of India)

KARNATAKA ACT NO. 43 OF 2003

*(First Published in the Karnataka Gazette Extra-ordinary on the
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**THE KARNATAKA MEDICAL REGISTRATION
(AMENDMENT) ACT, 2003**

*(Received the assent of the Governor on the 12th day of
September, 2003)*

An Act to amend the Karnataka Medical Registration Act, 1961.

Whereas, it is expedient further to amend the Karnataka Medical Registration Act, 1961 (Karnataka Act 34 of 1961) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the fifty-fourth year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Medical Registration (Amendment) Act, 2003.

(2) It shall come into force on such date as the State Government may by notification, appoint and different dates may be appointed for different provisions of the Act.

2. Amendment of section 3.- In section 3 of the Karnataka Medical Registration Act, 1961 (Karnataka Act 34 of 1961) (hereinafter referred to as the principal Act),-

(1) in sub-section (2), for clauses (b), (c) and (d) the following shall be substituted, namely:-

“(b) four members to be elected from amongst themselves by the “teachers” and “teachers of the University” as defined in clauses (m) and (n) respectively of section 2 of the Rajiv Gandhi University of Health Sciences Act, 1994 (Karnataka Act 44 of 1994) and who are registered under this Act.

(c) four members to be nominated by the State Government from among registered practitioners.

(d) one member to be nominated by the State Government from amongst the members of the Karnataka State Dental Council, the Karnataka Pharmacy Council, the Karnataka Nursing Council, the Karnataka Ayurvedic and Homoeopathy Council, by rotation for a period of one year.

(2) in sub-section (3),

(i) for the word, brackets and letter "clause (d)" the word, brackets and letter "clause (c)" shall be substituted;

(ii) for the words, brackets and letters "clauses (a), (b) and (c)" the words, brackets and letters "clauses (a) and (b)" shall be substituted;

(3) in sub-section (4), for the words "by the members from amongst themselves" the words, brackets and letter "by the members other than a member referred to in clause (d), from amongst themselves" shall be substituted.

3. Amendment of section 5.- In section 5 of the principal Act, after the words, "members of the Medical Council" the words, brackets, letter and figures "other than a member referred to in clause (d) of sub-section (2) of section 3" shall be inserted.

4. Amendment of section 6.- In section 6 of the principal Act, the following proviso shall be inserted at the end, namely:-

"Provided that where a vacancy has arisen in the office of the elected member of the Council and the remainder period of the term of office is less than six months no election shall be held to fill up such vacancy."

5. Amendment of section 8.- In section 8 of the principal Act,-

- (i) in clause (b), for the words “ceases to be a member of the faculty of medicine of the University concerned” the words “ceases to be a teacher or as the case may be, teacher of the University or ceases to be a registered practitioner” shall be substituted;
- (ii) in clause (c), for the words, brackets and letter “clause (a) or (c)” the word, bracket and letter “clause (a)” shall be substituted.

6. Amendment of section 9.- In section 9 of the principal Act, the following proviso shall be inserted at the end, namely:-

“Provided that the member nominated under clause (d) of sub-section (2) of section 3 shall participate in meeting of the Medical Council but shall not have a right to vote in such meeting.”

7. Amendment of section 13.- In section 13 of the principal Act,-

- (a) in sub-section (1),
 - (i) for the words “a fee of fifteen rupees” the words “prescribed fee” shall be substituted;
 - (ii) in the proviso, for the words “a fee of two rupees” the words “a prescribed fee” shall be substituted.

(b) in sub-section (2), for the words, figures and bracket the Code of Criminal Procedure 1898 (Central Act V of 1898)” the words, figures and brackets “the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)” shall be substituted.

8. Amendment of section 15.- In section 15 of the principal Act,-

(1) in the heading for the words “for misconduct” the words “for misconduct etc.,” shall be substituted.

- (2) in sub-section (1),
- (i) for the words, "guilty of any misconduct" the words "guilty of any misconduct, negligence, incompetence or violation of code of Medical ethics" shall be substituted;
 - (ii) in the explanation, for the words, figures and brackets "the Code of Criminal Procedure 1898 (Central Act V of 1898,)" the words, figures and brackets "the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)" shall be substituted.

9. Amendment of section 16.- In section 16 of the principal Act, after clause (c), the following clause shall be inserted, namely,-

"(d) inspection of Medical Institutions such as Hospital, Nursing Homes, consultation rooms, Diagnostic Centres, Polyclinics, Clinics, Health and Care Institutions by whatever name called including Government Hospitals, carrying Medical Practice:

Provided that no such inspection of a private or Government hospital or a teaching hospital of a medical college shall be made without a written compliant".

10. Amendment of section 18.- In section 18 of the principal Act, in sub-section (1), for the words, "there shall, in all such inquiries, be an assessor to the Medical Council" the words "the Medical Council may in such inquiries take the assistance of an assessor" shall be substituted.

11. Amendment of section 19.- In section 19 of the principal Act,-

(1) in sub-section (1), for the words "on or before the thirty first day of December of every year a renewal fee of two rupees" the words "a prescribed fee on or before such date as may be prescribed" shall be substituted.

(2) after sub-section (1), the following proviso shall be inserted, namely:-

“Provided that the renewal of registration shall not be done unless the registered Medical Practitioner produces a certificate for having attended a Continuing Medical Education programme for not less than one hundred hours conducted by an organisation or institution recognised by the Medical Council.

12. Amendment of section 23.- In section 23 of the principal Act, for the words, figures and brackets” the Code of Criminal Procedure 1898 (Central Act V of 1898).” the words, figures and bracket “the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) shall be substituted.

13. Amendment of section 26.- In section 26 of the principal Act, in sub-section (1), for the words “in the official Gazette” the words “on the notice board in the office of the Medical Council” shall be substituted.

T.N. Chaturvedi
Governor of Karnataka

By Order and in the name of the
Governor of Karnataka

M.R. Hegde
Secretary to Government,
Department of Parliamentary
Affairs and Legislation.