

**THE KARNATAKA MEDICAL
REGISTRATION ACTS AND
RULES 1961-2019**



KARNATAKA MEDICAL COUNCIL

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THE KARNATAKA MEDICAL REGISTRATION ACTS AND RULES
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FOREWORD

PREFACE

The State **Medical Council in the State of Mysore**, came into existence as Mysore Medical Council in the year 1931 on lines of General **Medical Council**, England. Kannada speaking area of old Madras State joined State in 1953, and in 1956 with union of Kannada speaking areas of erstwhile Bombay State, Hyderabad State and Coorg the State was expanded. There existed different enactments in these areas governing the registration of Practitioners of modern system of Medicine. Mysore Medical Registration Act, 1931 had to make adaptations of enactments made in different parts of the state. There was an urgent need to have one Medical Register for the entire state. There was need to have a uniform law pertaining to registration of practitioners practicing the modern system of Medicine throughout the State.

Medical Council has the objective to maintain the medical registers and renew them regularly; to maintain code and conduct of the registered medical practitioners; and to make effort to upgrade the knowledge about the advances in the field of Medicine and to award CME credit points.

The publication of Karnataka Medical Registration Act 1961 consolidates the laws for the registration of Medical Practitioners of Modern system of Medicine for their benefit. It was further updated with amendments to the rules in 1970, 1979, 2003, and 2019. There is also inclusion of the

notifications from the Health and Family Welfare Secretariat in 2012 and 2019.

Looking at the difficulty to get all information of the rules and its amendments at one place, it was thought to compile them together and bring out as a booklet. This will give all information of various acts and rules and its amendments. I express my grateful thanks to the President of the Council, Dr H Veerabhadrapa and the Registrar Sri. B P S Murthy.

P. S. Shankar

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**THE KARNATAKA MEDICAL
REGISTRATION ACT, 1961 (KARNATAKA
ACT No. 34 OF 1961)**

**STATEMENT OF OBJECTS AND REASONS KARNATAKA
ACT No. 34 OF 1961 Karnataka Gazette, dated 14-4-1960**

There are different enactments in force in the several areas of the State governing the registration of practitioners of modern system of medicine. As a result of the adaptations made in these enactments, the Mysore Medical Council - constituted under the Mysore Medical Registration Act, 1931, as adapted - is empowered to perform the functions of a Medical council throughout the State in respect of the several enactments, while the Medical Registers under each enactment are kept separate. Thus, there is a single Medical Council and several Medical Registers. Since under the Indian Medical council Act, 1956 (Central Act 102 of 1956) one member has to be elected to the Medical Council of India by the members included in the State Medical Register, it is necessary to have one Medical Register for the entire State. In the circumstances, it is proposed to have a uniform law relating to registration of practitioners practising the modern system of medicine throughout the State.

(First published in the Karnataka Gazette, on the Thirtieth day of December, 1961)

(Received the assent of President on the Twenty-fifth day of December, 1961)

An Act to consolidate the laws for the registration of Medical practitioners of modern scientific system of medicine in the State of Karnataka.

Whereas, it is expedient to consolidate the laws for the registration of medical practitioners of modern scientific system of medicine, surgery and obstetrics, other than veterinary medicine and surgery, in the State of Karnataka.

Be it enacted by the Karnataka State Legislature in the Twelfth Year of the Republic of India as follows: - 1. Short title, extent and commencement –

- (1) This Act may be called the Karnataka Medical Registration Act, 1961.
- (2) It extends to the whole of the State of Karnataka.
- (3) It shall come into force on such date as the State Government may, by notification, appoint.

NOTIFICATION

No. PLM 251 MDA 61, dated 19-8-1963

Karnataka Gazette, dated 5-9-1963

In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Medical Registration Act, 1961 (Karnataka Act 34 of 1961), the Government of Karnataka hereby appoints the 22nd August, 1963 as the date on which the provisions of the said Act shall come into force.

2. Definitions-

In this Act, unless the context otherwise requires.

- a) "Council" or "Medical Council" means the Karnataka Medical Council established under this Act.
- b) "Notification" means a notification published in the Official Gazette.
- c) "Registered practitioner" means any person registered under the provisions of this Act;
- d) "Regulations" means regulations made under Section 32;
- e) " Rules" means rules made under Section 31.

3. Establishment, incorporation and constitution of Council. –

(1) The State Government shall by notification establish a Council to be called "the Karnataka Medical Council" for the purposes of carrying out the provisions of this Act. Such Council shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract and may by the same name sue and be sued.

2) The Council shall consist of the following fifteen members, namely.

- (a) Six Members to be elected from amongst themselves by the medical practitioners who are registered under this Act;
- (b) two members to be elected from amongst themselves by the members of Faculties of Medicine of the Universities established by any law for the time being in force in the State of Karnataka.
- (c) two members to be elected from amongst themselves by such members of the staff of the medical colleges in the State of Karnataka as are medical practitioners who are registered under this Act; and
- (d) five members to be nominated by the State Government, out of whom not more than one shall be from amongst those not registered under this Act.

3) In making nomination under clause (d) of sub-section (2), the State Government shall have due regard to the claims of women and of other groups of practitioners, representatives of whom have not been elected under clauses (a), (b) and (c).

4) The President and Vice-President of the Medical Council shall be elected by the members from amongst themselves.

(5) The election of the President and Vice-President and other members shall, subject to the provisions of this Act, be held at such time and place and in such manner as may be prescribed by rules.

4. Nomination of members in default of election. -

If any of the electors referred to in Section 3 does not, by such date as may be prescribed by rules, elect a person to be a member of the Council, the State Government shall,

by notification, nominate to the vacancy a person qualified for election thereto; and the person so nominated shall be deemed to be a member at the Council as if he had been duly elected by the said electorate.

5. Term of Office :

The President, Vice -President and other members of the Medical Council shall subject to the provisions of this Act, hold office for a term of five years from the date of their nomination or election or until their successors have been duly nominated, or elected, whichever is longer., and shall be eligible for re-nomination, or re-election, as the case may be.

6. Vacancies:-

Upon the death, resignation or vacation of office of any member of the Medical Council, another person shall be appointed a member of the Medical Council in his place by nomination or election, as the case may be, in accordance with the provisions of sub-section (2) of Section (3) and such person shall hold office for the remainder of the period for which the member in whose place he is appointed was nominated or elected.

7. Disqualification:

A person shall be disqualified for being chosen as and for being a member of the Medical Council.

- a) If he has been sentenced by a Criminal Court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months, such sentence not having been subsequently reversed, quashed or remitted, unless he has by order, which the State Government is hereby empowered to make in this behalf, been relieved from the disqualification arising on account of such sentence;
- b) if he is an undischarged insolvent

- c) if he is of unsound mind and stands so declared by a Competent Court,
- d) if he is a whole-time officer or servant of the Council.

8. Disabilities for continuing as member: -

If any member, during the period for which he has been nominated or elected: -

- a) absents himself, without excuse, sufficient, in the opinion of the Medical Council, from three consecutive ordinary meetings of the Council; or
- b) in the case of a member elected under clause (b) of sub-section (2) of Section 3, ceases to be a member of the Faculty of Medicine of the University concerned; or
- c) in the case of a member elected under clause (a) or (c) of sub section (2) of Section 3, ceases to be a registered practitioner; or
- d) becomes subject to any of the disqualifications mentioned in Section 7. the State Government shall declare his office to be vacant.

9. Time and Place of meeting and procedure at meetings of Council.

The Medical Council shall make such regulations as may, be necessary with respect to the time and place of the meeting of the Medical Council and the mode of summoning the same. In the absence of any regulation as to the summoning of meeting of the Medical Council, it shall be lawful for the President to summon a meeting at such time and place as to him shall seem expedient by letter addressed to each member and at every meeting in the absence of the President, the Vice-president and in the absence of both, some other member to be chosen from the members present, shall act as President; and all acts of the Medical Council shall be decided by the votes of the majority of the members present

at any meeting the total number present being not less than eight, and at all such meetings the President for the time being shall, in addition to his vote as a member of the Medical Council, have a casting vote in case of any equality of votes.

10. Validity of proceedings: -

(1) No disqualification, or defect in the election or nomination of any person acting as a member of the Medical Council or as the President or Vice-President or presiding authority of a meeting shall be deemed to vitiate any act or proceeding of the Medical Council in which such person has taken part.

2) No act done by the Council shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Council.

11. Registrar and officers:

(1) The Medical Council shall appoint a Registrar, and may from time to time grant leave to the Registrar and appoint a person to act in his place. Any order of the Medical Council appointing or dismissing a Registrar or appointing to act as Registrar for a period which exceeds or is likely to exceed the period which the State Government may, from time to time direct, shall be subject to the previous approval of the State Government. The Registrar and any person appointed to act as Registrar shall be paid by the Medical Council such salary and allowances as it may from time to time determine, Any person duly appointed to act as Registrar shall be deemed to be Registrar for all the purposes of this Act, The Medical Council may also appoint such other officers and servants as may be necessary for the purposes of this Act.

2) The Registrar or any other officer or servant appointed under this section shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

12. Register: -

The Registrar shall keep a register of medical practitioners in such form as may be prescribed by rules, in accordance with the provisions of this Act. It shall be the duty of the Registrar under the orders of the Medical Council to keep the register correct and from time to time to enter any necessary alterations in the addresses of persons registered and to enter any additional qualifications which any registered person may have obtained subsequent to his registration, and to strike off the names of all registered persons who have died.

13. Registration of Medical Practitioners: -

(1) Every person who holds any of the medical qualifications included in the Schedules to the Indian Medical Council Act, 1956 (Central Act 102 of 1956), may apply to the Registrar giving a correct description of his qualifications, with the dates on which they were granted, and present his degree, diploma or licence along with a fee of fifteen rupees for being registered under this Act. The Registrar shall if satisfied that the applicant is entitled to be registered, enter his name in the register: Provided that the Registrar shall on application and on payment of a fee of two rupees enter the names of medical practitioners registered under any of the enactments repealed by Section 34 and included in the registers maintained in accordance with the provisions of the said repealed enactments as adapted by the Karnataka Adaptation of Laws Order, 1956.

2) The Medical Council may refuse to permit the registration of any person who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898 (Central Act V of 1898), or any other law for the time being in force, or who after due inquiry has been held guilty by the Karnataka Medical Council or by the Medical Council of any other State in India of infamous conduct in any professional respect.

14. Appeals against decision of Registrar:

(1) An appeal against the decision of the Registrar respecting a first registration or any subsequent alteration shall be heard and determined by the Medical Council in accordance with rules made by the State Government.

(2) Any entry in the register which shall be proved to the satisfaction of the Medical Council to have been fraudulently or incorrectly made may be deleted from the register under the orders of the Medical Council.

15. Removal of Medical Practitioner's name from register for misconduct:

(1) If a medical practitioner has been, after due inquiry by the Medical Council, found guilty of any misconduct, the Medical Council may: -

- a) issue a letter of warning addressed to such medical practitioner; or
- b) direct the name of such medical practitioner; -
 - (i) to be removed from the register for such period as may be specified in the direction; or
 - (ii) to be removed from the register without specifying the period or such removal.

Explanation: For the purposes of this section "misconduct" shall mean

- a) the conviction of the medical practitioner by a Criminal Court for an offence which involves moral turpitude and which is cognizable as defined in the Code of Criminal Procedure, 1898 (Central Act V of 1898), or any other law for the time being in force: -
- b) any conduct which, in the opinion of the Medical Council is infamous in relation to the medical profession.

2) The Medical Council may, at any subsequent date, if it thinks fit, and shall on a decision to the effect of the Central

Government under sub-section (2) of Section 24 or the Indian Medical Council Act, 1956, direct that any name so removed shall re-entered.

16. Medical Council to have powers of Civil Courts:

In holding inquiries under this Act, the Medical Council shall have the same powers as are vested in Civil Courts under the Code of Civil Procedure, 1908 (Central Act V of 1908), when trying a suit, in respect of the following matters, namely: -

- a) enforcing the attendance of any person and examining him on oath;
- b) compelling the production of documents;
- c) issuing of commissions for the examination of witnesses.

17. Inquiries to be deemed to be judicial proceedings:

All inquiries under this Act shall be deemed to be judicial proceedings within the meaning of Sections 193 and 228 of the Indian Penal Code.

18. Assessor to Medical Council:

(1) For the purpose of advising the Medical Council on questions of law arising in inquires before it, there shall, in all such inquires, be an assessor to the Medical Council who has been for not less than ten years an Advocate of a High Court.

2) Where an assessor advises the Medical Council on any question of law, he shall do so in the presence of every party, or person representing a party to the inquiry who appears thereat, or if the advice is tendered after the Medical Council has begun to deliberate as to their findings, every such party or person as aforesaid shall be informed what advice the assessor has tendered. Such party or person as shall also be informed, if in any case the Medical Council does

not accept the advice of the assessor on any such question as aforesaid.

3) Any assessor under this section may be appointed either generally or for any particular inquiry or class of inquiries and shall be paid such remuneration as the Medical Council with the approval of the State Government may determine.

19. Renewal of registration:

(1) Notwithstanding anything contained in Section 13, each medical practitioner shall pay to the Medical Council on or before the thirty-first day of December of every year, a renewal fee of two rupees for the continuance of his name in the register.

2) If the renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the register.

Provided that the name so removed may be re-entered in the register on payment of the renewal fee in such manner and subject to such conditions, as may be prescribed by rules.

20. Qualified Practitioners Certificate:

(1) The expression “legally qualified medical practitioner”, or “duly qualified medical practitioner”, or any words importing a person recognized by law as a medical practitioner or member of the medical profession, shall mean a medical practitioner registered under this Act or a medical practitioner whose name is for the time being borne on the Indian Medical Register maintained under the Indian Medical Council Act, 1956 (Central Act 102 of 1956).

(2) A certificate required by any Act from any medical practitioner or medical officer shall be valid, if the person signing the same shall have been registered under this Act or his name shall have been borne on the Indian Medical Register referred to in sub-section (1)

21. Persons entitled to hold certain appointments:

A person whose name is for the time being borne on the Indian Medical Register maintained under the Indian Medical Council Act, 1956 (Central Act 102 of 1956), Shall be eligible to hold any appointment as a physician, surgeon or other medical officer in any dispensary, hospital, infirmary or lying-in-hospital, or in any public establishment, body or institution, where the modern scientific system of medicine is practised.

22. Notice of death

Every Registrar of Deaths on receiving notice of the death of a medical practitioner registered under this Act shall forthwith transmit by post to the Registered appointed under this Act a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificate and transmission as an expense of his office.

23. Exemption from serving on inquests, etc

Notwithstanding any-thing in any other law for the time being in force, every person who shall be registered under this Act shall be exempt, if he so desires, from serving on any inquest or as a juror under the Code of Criminal Procedure, 1898 (Central Act Vol 1898)

24. Fees payable to members

There shall be paid to the members of the Medical Council such fees for attendance and such reasonable travelling expenses as shall from time to time be allowed by the Medical Council and approved by the State Government.

25. Disposal of fees

All moneys received by the Medical Council as fees under this Act shall be applied for the purposes of this Act in accordance with such rules as may be made in this behalf by the State Government.

26. Publication of list of practitioners

(1) The Registrar shall every year on or before the Thirtieth day of June, publish in the Official Gazette a correct list of the names and qualifications of all practitioners entered in the register on the first day of January of that year.

(2) A copy of the list published under sub-section (1) shall be evidence in all courts and in judicial or quasi-judicial proceedings that the persons therein specified are registered according to the provisions of this Act, and the absence of the name of any person from such copy shall be evidence, until the contrary is proved that such person is not registered according to the provisions of this Act.

Provided that in the case of any person whose name does not appear in such copy, a certified copy under the hand of the Registrar of the entry of the name of such person on the register shall be evidence that such person is registered under the provisions of this Act.

27. Elections to be held by distributive Vote

All elections under this Act shall be held according to the distributive system of voting.

Explanation— Distributive system of voting means a system of voting in which every voter shall be entitled to give as many votes as there are seats to be filled:

Provided that no voter shall give more than one vote to any candidate:

Provided further that no voting paper shall be deemed to be valid unless the voter has recorded all the votes which he is entitled to give.

28. Penalties

Whoever falsely pretends to be registered under this Act or not being registered under this Act uses in connection with his name or title any words or letters representing that

he is so registered shall, whether any person is actually deceived by such pretence or representation or not, be punished in the case of a first conviction with fine which extend to three hundred rupees and in the case of subsequent conviction with fine which may extend to one thousand rupees.

29. Protection of action taken in good faith

No suit or other legal proceeding shall lie against the State Government or the Medical Council or any officer or servant of the State Government or Medical Council for anything which is in good faith done or intended to be done under this Act.

30. Jurisdiction of Civil Courts

No act done in the exercise of any power conferred by or under this Act on the State Government or the Council or the Registrar shall be questioned in any Civil Court.

31. Power to make rules

(1) The State Government, after previous publication, may by notification make rules to carry out the purposes of this Act. (2) Every rule made under this section shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule 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 rule.

32. Regulations

(1) subject to the provisions of this Act and of the rules made under section 31, the Medical Council may, with the

previous approval of the State Governments, make regulations generally to carry out the provisions of this Act.

(2) All regulations made by the Medical Council under this Act shall be published in the Official Gazette.

(3) it shall be lawful for the State Government by notification to cancel or alter any regulation made under this Act.

33. Control:

If at any time it shall appear to the State Government that the Council has failed to exercise, or has exceeded or abused any of the powers conferred upon it by or under this Act, or has failed to perform any of the duties imposed upon it by or under this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Council, and if the Council fails to remedy such default, excess or abuse, within such time as the State Government may fix in this behalf, the State Government may dissolve the Council and cause all or any of the powers and duties of the Council to be exercised and performed by such person and for such period as it may think fit and thereupon the funds and property of the Council shall vest in the State Government for the purpose of this Act until a new Council shall have been constituted under Section 3.

(2) When the State Government has dissolved the Council under sub-section (1), it shall take steps as soon as may be convenient to constitute a new Council under section 3 and thereupon the property and funds referred to in sub-section (1) shall revert in the Council so constituted.

(3) Notwithstanding anything contained in this Act, rules or regulations, if at any time, it shall appear to the State Governments that the Council or any other authority empowered to exercise any of the powers or to perform any of the functions under this Act, has not been validly constituted or appointed, the state Government may cause any of such

powers or functions to be exercised or performed by such person in such manner and for such period not exceeding six months and subject to such conditions as the State Government thinks fit.

34. Repeal and saving

The Bombay Medical Act, 1912 (Bombay Act VI of 1912), as in force in the Bombay Area, the Medical Registration Act, 1348-F (Hyderabad Act 1 of 1348 Fasli), as in force in the Hyderabad Area, the Madras Medical Registration Act, 1914 (Madras Act 1V of 1914), as in force in the Madras Area and the Karnataka Medical Registration Act, 1931 (Karnataka Act V of 1931), as in force in the Karnataka Area, are hereby repealed:

Provided that until the constitution of the Medical Council in accordance with the provision of this Act, the body functioning as the Karnataka Medical Council immediately before the commencement of this Act shall exercise the powers and perform the duties conferred by the provisions of this Act on the Medical Council and casual vacancies in the seats of the members of the Medical Council so functioning shall be filled and all matters in connection with the filling up of such vacancies shall be regulated in accordance with the provisions governing the filling of such vacancies and regulating such matters in force immediately before the commencement of this Act subject to such modifications of the said provisions as the State Government may by notification make in the said provisions:

Provided that section 6 of the Karnataka General Clauses Act, 1899 (Karnataka Act 111 of 1899), shall be applicable in respect of such repeal and sections 8 and 24 of the said Act shall be applicable as if the said enactments had been repealed and re-enacted by this Act.

35. Power to remove difficulties

(1) If any difficulty arises in giving effect to the provisions of this Act in consequence of the transition to the said provisions from the provisions of the Acts in force immediately before the commencement of this Act, the State Government, may by notification make such provisions as appear to it to be necessary or expedient for removing the difficulty. (2) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be laid before both Houses of the State Legislature.

KARNATAKA MEDICAL REGISTRATION RULES, 1963

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KARNATAKA MEDICAL REGISTRATION RULES, 1963

**(As amended by GSR 316, dated 31-8-1970 and GSR
173, dated 21-6-1979)**

In exercise of the powers conferred by Section 31 of the Karnataka Medical Registration Act, 1961 (Karnataka Act No. 34 of. 1961), the Government of Karnataka hereby makes the following rules, the draft of the same having been previously published in Notification No. PLM 251 MDA 61, dated 22nd May, 1963, in Part 1V, section 2-C(i) of the Karnataka gazette, dated 1st June, 1963as required by sub- section (1) of section 31 of the said Act, namely :

PART - I General

1. Titles—These rules may be called the Karnataka Medical Registration Rules, 1963

2 . Definitions—In these rules, unless the context otherwise requires-

- (a) "ACT" means the Karnataka Medical Registration Act, 1961
- (b) "Form" means form appended to these rules;
- (c) "Government" means the Government of Karnataka;
- [(cc) "Member" means a member of the Karnataka Medical Council;
- (d) "President" means the president of the Karnataka Medical Council;
- (e) "Register" or "State Medical Register" means the register kept under section 12;

- (f) "Registrar" means the Registrar appointed as such under Section 11;
- (g) "Section" means a section of the Act.

PART 11

Appointment to Council

3. Election of the President and Vice-President of the Council—The Election of the President and Vice-President shall be held at the office of the Medical Council by the Registrar who shall be the Returning Officer.

1. Published in the Karnataka Gazette, dated 22-8-1963. vide notification No. PLM 25 MDA 61. dated 19-8-1963

2. Clause (cc) inserted by GSR 316. dated 31-8-1970, w.e.f. 10-9-1970.

3. Rules 3, 3-A to 3-P to 3-P substituted for Rule 3 by GSR 316, dated 31-8-1970, w.e.f. 10-9-1970

3-A. Appointment of dates for nominations, etc— (1) The Registrar shall, by notice in form 'A' published by affixture on the notice board of the office of the Medical Council appoint for every election of the President or Vice-president, as the case may be—

- (a) the last date for making nomination which shall be a date not later than the eighth day after the date of the publication of the notice;
- (b) a date for the scrutiny nominations which shall be date not later than the third day after the last date for making nominations;
- (c) the date on which votes of the member shall if necessary, be taken which shall be a date not earlier than the seventh day after the last date for making nominations.

(2) In the case of election to fill a vacancy caused by the expiration of the term of office of the President or Vice-President, a notice under sub-rule (1) shall be issued on or as soon as conveniently may be, after the sixtieth day before the expiration of the term of office of the outgoing President or Vice-President, as the case may be, and , the dates shall be so appointed under the said sub-rule that the election will be completed within such time as will enable the President or the Vice-President thereby elected to enter upon his office on the date following the expiration of the terms of office of the outgoing President or Vice-President, as the case may be

(3) In the case of an election to fill a vacancy in the office of the President or the Vice-President occurring by reason of his death, resignation, removal or otherwise, a notice under sub-rule (1) shall be issued as soon as may be after the occurrence of such vacancy.

(4) A copy of the notice published under sub-rule (1) shall be sent to every member by registered post.

(5) In the case of elections held under sub-rule (3) the election shall ordinarily be held before the expiry of four weeks from the date of occurrence of a vacancy referred to in sub-rule (3)

3-B. Nomination of Candidate— (1) Each candidate shall be nominated by a nomination paper completed in Form B and subscribed by the candidate himself as assenting to the nomination and by two members as proposer and seconder.

(2) On or before the date appointed under clause (a) of sub-rule (1) of Rule 3 each candidate shall, either in person or by his proposed or seconder, between the hours of 11 O'clock in the forenoon and 3 O'clock in the afternoon, deliver to the Returning Officer at the place specified in this behalf in the notice, the nomination paper.

(3) Any nomination paper which is not received before 3 O' clock in the afternoon on the last date appointed under clause (a) of sub-rule (1) of rule 3 shall be rejected.

(4) No member shall subscribe whether as proposer or seconder more than one nomination paper at any election.

(5) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper for the election.

3-C Procedure on receipt of nomination paper—

On presentation of a nomination paper, the Returning Officer shall.

- (a) sign thereon a certificate stating the date and time of the presentation of the nomination paper and enter thereon its serial number; and
- (b) inform the person or persons presenting the nomination paper of the date, time and place fixed for the scrutiny of the nominations.

3-D Scrutiny of nomination—

(1) The Candidates and one proposer and one seconder of each candidate shall be entitled to be present at the time of scrutiny of nominations, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in Rules 3-B and 3-C

(2) The Returning Officer shall then examine the nomination papers and decide all objections which may be made to any of them.

(3) The returning Officer may, either on such objection or on his own motion and after such summary enquiry, if any, as he thinks necessary, reject the nomination paper on any of the following grounds, namely—

- (a) that the proposer or seconder is not qualified to subscribe a nomination paper under sub-rule (1) of Rule 3-B; or
- (b) that the signature of the candidate, proposer or seconder is not genuine or has been obtained by fraud; or
- (c) that the nomination paper has not been duly completed and the defect or irregularity is of a substantial character; or
- (d) that the proposer or seconder has subscribed, whether as proposer or seconder any other, nomination paper received earlier by the Returning Officer at the same election.

(4) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of sub-rule (1) of Rule 3-A and shall not allow any adjournment to the proceedings except when such proceedings are interrupted or obstructed by causes beyond his control.

(5) The Returning Officer shall endorse on each nomination paper his decision either accepting or rejecting it and if the nomination paper is rejected, he shall record in writing a brief statement of his reasons for rejecting it.

3-E. Withdrawal of candidature—(1) Any candidate may withdraw his candidature by a notice in writing in Form “C” subscribed by him and delivered before 3 O’clock in the afternoon on the date immediately preceding the date fixed under clause (c) of sub-rule (1) of Rule 3-A at the Returning Officer either by such candidate in person or by his proposer or seconder who has been authorised in his behalf in writing by such candidate.

(2) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be entitled to cancel the notice.

(3) On receipt of a notice of withdrawal under sub-rule (1), the returning officer shall note thereon the date and the hour at which it was delivered.

3-F. Procedure in contested and uncontested elections—If after the expiry of the period within which candidatures may be withdrawn under sub-rules (1) of Rules 3-E—

- (a) there is only one candidate who has been validly nominated and has not withdrawn his candidature in the manner and within the time specified in that sub-rule, the Returning Officer shall forthwith declare such candidate to be duly elected to the office of the President or the Vice-President, as the case may be;
- (b) the number of candidates who have been duly nominated but have not so withdrawn, their candidatures exceeds one, the Returning Officer shall prepare in Form D, a list of valid nominations containing the names in alphabetical order of the validly nominated candidates which are given in the nomination papers and cause a copy of the list to be affixed to the notice board of the office of the Medical Council.

3-G Votes to be taken at the Office of the Medical Council—Where votes of the Members are to be taken for the purpose of the election; a notice specifying the date and hour at which the poll will be held at the Office of the Medical Council shall be sent to every members of the Medical Council by registered post not less than five days before the date of the meeting and a copy of the notice shall also be published by the Returning Officer on the notice board of the Office of the Medical Council.

3-H. Procedure for the conduct of elections— The following procedure shall be adopted in conducting the elections, namely—

(1) the Returning Officer shall read out the names of all the candidates who have been duly nominated as entered in Form D

(2) at the place set apart for voting, the Returning Officer shall provide a ballot box which shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being opened;

(3) the returning Officer shall immediately before the votes are taken, show the ballot box empty to such members as may be present, so that they may see that it is empty and then shall lock it up, and place his seal upon it in such a manner as to prevent its being opened without breaking such seal;

(4) every member wishing to vote shall be supplied with a ballot paper in Form E bearing the seal of the Medical Council and the signature of the Returning Officer and on which the names of all the contesting candidates are printed, typed or written in English or Kannada. At the time of issuing a ballot paper to a member, the Returning Officer shall record the serial number thereof against the entry relating to the member in the copy of the list of members kept for the purpose.

(5) the member to whom a ballot paper is issued under sub-rule (4) shall on receipt of the ballot proceed to the place set apart for the purpose and there place a mark (X) against the name of the candidate for whom he wishes to vote; and he shall then fold up the ballot paper so as to conceal his vote and insert it in the ballot box;

(6) the returning Officer shall cause such arrangements to be made as to prevent the members who have already voted from having access to the members who are yet to vote;

(7) a member who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may on returning it to the Returning Officer and

on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned shall be marked "spoilt cancelled" by the Returning Officer. If a member after obtaining a ballot paper decides not to use it, he shall return it to the Returning Officer and the ballot paper so returned shall be marked as "Returned cancelled" by the Returning Officer. All ballot papers cancelled under this clause shall be kept in a separate packet.

3-I Counting of votes—(1) After voting by all the members present and wishing to vote, the Returning Officer shall open, in the presence of the members present, the ballot box count the number of ballot papers taken out there from and scrutinise the ballot papers and separate those which in his opinion are valid from those which in his opinion are invalid, endorsing on the latter the word "rejected" and the ground of rejection and arrange all the valid ballot papers in a bundle.

(2) The Returning Officer shall reject a ballot paper: -

- (a) if it bears any mark or writing by which the elector can be identified; or
- (b) if no vote is recorded thereon; or
- (c) if votes are given on it in favour of more than one candidate; or
- (d) if the mark indicating the vote thereon is placed in such a manner as to make it doubtful to which candidate the vote has been given; or
- (e) if it is a surplus ballot paper: Provided that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more paper once if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) Before rejecting any ballot under this rule the Returning Officer shall allow each candidate a reasonable

opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) Every ballot paper which is not rejected shall be counted as one valid vote. After the completion of the counting the Returning Officer shall record in a statement the total number of votes polled by each candidate and announce the same.

(5) After such announcement has been made the Returning Officer may either on his own initiative or at the instance of any candidates recount the vote.

Provided that nothing herein contained shall make it obligatory on the Returning Officer to recount the same votes more than once.

When a recount of votes is made under this sub-rule the Returning Officer shall amend the statement referred to in sub-rule (4) to the extent necessary after such recount and announce the amendment so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (4) or sub-rule (5), the Returning Officer shall declare the candidate to whom the largest number of valid votes has been given to have been duly elected.

(7) If after the counting of the votes is completed, an equality of votes is found to exist between any candidate, and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot and proceed as if the candidates on whom the lot falls had received an additional vote. He shall thereafter declare the candidate on whom the lot falls to have been duly elected.

(8) The Returning Officer shall prepare and certify a return of the election in Form F

3-J Record of proceedings—Immediately after the election the Returning Officer shall—

- (a) prepare a record of the proceeding of the election and sign it, attesting with his initials every correction made therein; and also permit any member present at the election to affix his signature to such record, if he expresses his desire to do so;
- (b) forward the name of the person elected as president or Vice-president to the Government for publication in the Official Gazette

3-K. Sealing and custody of election paper— (1) The Returning Officer shall then make up into separate packets the marked copy of the list of members, the ballot papers relating to each candidate whether counted or rejected, seal up each packet and note thereon the description of its contents, the election to which it relates and the date thereof.

(2) These packets shall not be opened and their contents shall not be inspected or produced before any person or authority except under the orders of the State Government or of a Competent Court.

(3) The packets shall be retained in safe custody by the Returning Officer in his office for a period of one year from the date of declaration of result of election, and shall thereafter be destroyed unless a direction to the contrary is given by the State Government or a Competent Court.

3-L. President and Vice-president to enter upon his duties—The President or Vice-president elected under these rules shall enter upon his duties forthwith, in case there is no elected President or Vice-President as the case may be and after the expiry of the term of elected President or Vice-president in his offices or other cases.

3-M Dispute regarding election— (1) The validity of the election of a member may be called in question by a petition

presented to the state Government by any candidates at such election within fifteen days from the date of publication of the declaration of the results by the State Government in the Official Gazette.

(2) Every petition under sub-rule (1) shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

(3) The petitioner shall join as respondents to his petition where the petitioner in addition to claiming a declaration that the election of the returned candidate is void claims a further declaration that he himself or any other candidates has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, the returned candidate.

(4) A petition under sub-rule (1)—

- (a) Shall contain a concise statement of material facts on which the petitioner relies;
- (b) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil procedure, 1908 (Central Act V of 1908), for the verification of pleadings;
- (c) any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

(5) The petitioner may claim any of the following declarations. —

- (a) that the election of the returned candidate is void;
- (b) that the election of the returned candidate is void and he himself or any other candidate has been duly elected.

3-N. Procedure on receipt of the election petition—

On the receipt of the election petition, the State Government may after calling for the records and after such enquiry as deems fit and after giving an opportunity to the parties to the proceeding of being heard, make an order—

- (a) dismissing the petition: or
- (b) declaring the election of the returned candidate to be void: or
- (c) declaring the election of returned candidate to be void and the petitioner or any other candidate to have been duly elected.

3-O. Grounds for declaring the election returning candidate to be void— If the State Government is of opinion—

- (a) that the result of the election has been materially affected—
 - (i) by the improper reception of refusal of a vote; or
 - (ii) by any non-compliance with the provisions of the Act or of any of these rules; or
- (b) that the nomination of any candidate has been wrongly rejected or that the nomination of the successful candidate or of any other candidate who has not withdrawn his candidature has been wrongly accepted; the State Government shall declare the election of the returned candidate to be void.

3-P. Grounds for which the candidate other than the returned candidate may be declared to have been elected—If any person who has presented an election petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the State Government is of opinion that in fact the petitioner or such other candidate

received a majority of the valid votes, the State Government shall, after declaring the election of the returned candidate to be void declare the petitioner or such other candidate, as the case may be, to have been duly elected;

Provided that the petitioner or such other candidate shall not be declared to be duly elected if it is proved that the election of each candidate would have been void if he had been the returned candidate and a petition had been presented calling and question his election.]

4. Electoral roll for election of members by the registered practitioners— (1) In the case of election of members by the Medical Practitioners registered under the Act referred to in clause (a) of sub-section of Section 3, the Registrar shall be Returning Officer. The list of Medical practitioners published under sub- section (1) of section 26 in the year in which elections are to be held shall, constitute the preliminary electoral roll for the purpose of election of members under clause (a) of sub-section (2) of section 3}.

2) The returning Officer shall² {xxx} publish a notice in the Official Gazette Specifying the mode in which and the time within which claims and objections

1. Sub-rule (1) substituted by GSR 173, dated 7-6-1979. w.e.f. 21-6-1979. 2. The word simultaneously” omitted by GSR 173. dated 7-6-1979, w.e.f. 21-6-1979

relating to the entries or omissions in the preliminary electoral roll shall be preferred.

(3) On or after the date fixed for the receipt of the claims and objections, the Returning officer shall pass orders in writing on each claim or objections and revise the preliminary electoral rolls in accordance with such Orders and the rolls, as so revised, shall be 1{xxx} the final electoral roll. {The additions or deletions made while revising the rolls shall be published in the Official Gazette}

5. Electoral Roll for election of members by the Faculties of Medicine of the Universities.— (1) In the case of election of members by the Members of the Faculties of Medicine of the Universities, referred to in clause (b) of sub-section (2) of section 3, the Registrar who shall be the Returning Office, shall address the Registrars of the Universities established by law in force in the State Karnataka to furnish a list of members of the Faculties of Medicine of the University as at date to be specified and other receipt of such list arrange the names of the members in alphabetical order. Such a list shall constitute the preliminary electoral roll for the purpose of election of members under clause (b) of sub-section (2) of section 3 and it shall be published in the Official Gazette 3 {xxx}.

(2) The procedure indicated in sub-rules (2) and (3) of Rules 4 shall *muta mutandis* apply in respect of the preliminary electoral roll published under sub-rule (1).

6. Electoral Roll for election of members by the members of the staff of the Medical Colleges :- (1) In the case of election of members by the members of the staff of the medical colleges in the State referred to in clause of sub-section (2) of Section 3, the Registrar who shall by the Returning Officer, shall address the Principals of the colleges of all the medical colleges in the State of Karnataka to furnish to him a list of members of the staff of such colleges who are medical practitioners and whose names are registered under the Act as on a date to be specified and after receipt of such list, arrange the names of such members in alphabetical order. Such a list shall constitute the preliminary electoral roll for the purpose of election of members under clause (c) of sub-section (2) of Section 3 and it shall be published in the Official Gazette 4 (xxx).

1. The words “published in the Official Gazette as ‘omitted by GSR 173, dated 7-6-1979. w.e.f 21-6-1979 2. Inserted by GSR 173, dated 7-6-1979 w.e.f 21-6-1979 3. The

words, brackets and figures 'in form I on the fixed by Government for purpose of sub-rule (1) of rule 4 'omitted by GSR 173, dated 7-6-1979. w.e.f 31-6-1979 4. The words brackets and figures 'in form 1 on the date fixed by Government for the purpose of sub-rule (1) of Rules 4'Omitted by GSR 173, dated 7-6-1979, w.e.f 21-6-1979

(2) The procedure indicated in sub-rules (2) and (3) of Rules 4 shall mutatis mutandis apply in respect of the preliminary electoral roll published under sub-rule (1).

7. Programme of elections: - The Returning Officer shall notify in the Official Gazette and on the notice board at the office of the Council in respect of each of the constituencies referred to in clause (a), (b) and (c) respectively of subsection (2) of section 3, the dates for each of the following stages of election, namely:

- (a) the last date for making nominations, which shall be a date not later than sixty days before the date fixed for the counting of votes;
- (b) the date for the scrutiny of nomination which shall be the date falling on the third or fourth day from the date of making nominations counting the last date for making the nominations as the first day for the purpose;
- (c) the last date for the withdrawal of the candidature, which shall be the third or fourth day after for the scrutiny of nominations;
- (d) the last date for the receipt of the voting papers;
- (e) the date for the counting of votes;

8. Qualification for election as members—Every person whose name is entered in the {final electoral rolls} published under Rules 4,5 and 6 respectively shall, unless disqualified under Section 7 be qualified to be elected as a

member from the constituency to which the electoral roll relates.

9. Nomination of candidates— (1) Every candidate for election shall be nominated by means of a nomination paper in Form II which shall be supplied free of cost by the Returning Officer to any elector applying for the same.

(2) Every candidate for election shall be proposed and seconded by the persons whose names are entered in the electoral roll of the constituency concerned.

(3) No elector shall propose or second the nomination of more candidates that are required to fill up the vacancy or vacancies. If more nominations than are required to fill up the seat or seats be subscribed for the same elector, all nominations subscribe by him shall be invalid.

(4) The candidates shall sign by the nomination paper declaring that he is willing to serve on the Council if elected, In the absence of such declaration the nomination shall be treated as invalid.

(5) The candidate shall deliver to the Returning Officer in person or send by registered post, the nomination paper duly signed and completed so as to reach the Returning Officer, before or on the last date fixed for nomination up to 12 O' clock in the noon.

(6) On receipt of the nomination paper, the Returning Officer shall forth with endorse thereon the date and hour of its receipt. Any nomination paper which is not received by the Returning Officer on or before the aforesaid date and time shall be rejected.

10. Amount of deposit to be made— (1) Every candidate shall, along with the proposal for nomination, deposit with the Returning Officer a sum of rupees fifty in cash. A nomination paper not accompanied by such deposit shall not be accepted by the Returning Officer. The deposit shall if it is

not forfeited under sub-rule (2) be returned to the candidate, as soon as may be after the declaration of the result of the election if—

- (a) the candidate is declared or is deemed to be duly elected; or
- (b) the nomination of the candidate is declared invalid; or
- (c) the candidate dies after the scrutiny of nomination papers and before the election is completed; or
- (d) the candidate fails to be elected but secures valid votes as specified in sub-rule (2)

(2) If a candidate is not elected and the number of valid votes recorded in his favour is less than $\frac{1}{8}$ th of the total number of votes recorded, or where the total number of members to be elected is two or more, the number of valid votes recorded in his favour is less than $\frac{1}{8}$ th of the total number of votes recorded divided by the total number of members to be elected, the deposit shall be forfeited to the Council.

11. Scrutiny of nomination papers —On the date fixed for the scrutiny of nomination papers, the Returning Officers shall scrutinise at 12 NOON the nomination papers received by him, at a place appointed by him in this half if. Any candidate may be present either in person or by an accredited representative at the time of such scrutiny. The Returning Officer shall create all question regarding the validity of a nomination and his decision person shall be final. On completion of the scrutiny of nominations and after the expiry of the period within which the candidate may withdraw his candidature under Rules 12, the

1. Substituted for the words “electoral rolls as finally” by GSR 173, dated 7-6-1979, w.e.f. 21-6-1979

Returning Officer shall forthwith declare the names of the candidates whose nomination papers are held valid by him.

12. Withdrawal of Candidature—Any candidates may withdraw his candidature by sending a notice in writing signed by him to the Returning Officer not later than 12 NOON on the date fixed for the withdrawal. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal.

13. Publication of valid nominations— (1) On completion of the scrutiny of the nomination papers received and after the expiry of the time for withdrawal of candidature, if the Returning Officer finds that the number of valid nominations is equal to the number of members to be elected, he shall forthwith declare all such candidates to be elected to fill those seats.

(2) If the number of valid nominations is less than the number of members to be elected, the Returning Officer shall, after the expiry of the time for withdrawal declare the candidate or candidates to be duly elected and the President shall take steps to fill up the remaining vacancies.

(3) If the number of valid nominations is more than the number of the members to be elected, the Returning Officer shall, after the expiry of the time for withdrawal of candidature, publish their names and addresses in the Official Gazette and shall further cause their names to be entered in alphabetical order in the voting papers in form 111

14. Dispatch of voting papers to the voters—If a poll is found necessary, the Returning Officer shall, two weeks before the date appointed therefore, send by post to each elector a letter of intimation in Form 1V together with—

- (i) a numbered declaration paper;
- (ii) a voting paper in Form III containing the names of the candidates entered in alphabetical order and bearing the Returning Officer's initials or facsimile signature;

- (iii) a small blank cover with the words " Voting Papers" printed thereon and addressed to the Returning Officer; and
- (iv) a bigger outer cover on which are printed, on the left top corner, the serial alphabetical numbers, and on the left lower corner, the name and signature column and, in the centre, the address of the Returning Officer printed as under—

To

The Returning Officer, C/o Karnataka Medical Council, Bengaluru"

A certificate of posting shall be obtained in respect of each such letter of intimation sent to an elector.

(2) An elector, who has been received his voting paper and other connected papers as provided in sub-rule (1) or whose papers, before they are returned back to the Returning Officer have been inadvertently spoilt in such a manner that they cannot be conveniently used, or who has lost his papers, may on his transmitting to the Returning Officer a declaration to that effect signed by himself require the Returning Officer to send him duplicate papers in place of those not received spoilt or lost and if the papers have been spoilt, the same shall be returned to the Returning Officer who shall cancel them. In every case, when duplicate papers are issued, a record thereof shall be kept by the Returning Officer and a mark "Duplicate" shall be placed on the bigger cover which shall bear the same serial alphabetical number as was originally given on the bigger outer cover sent to the elector. The voting papers issued in such cases shall also be marked "Duplicate".

15. Dispatch of voting papers to the Returning Officer—(1) Every elector desirous of recording his vote shall, after filling up the declaration paper and the voting paper according to the direction given in the letter of intimation,

enclose a voting paper in the voting paper cover, stick the cover, enclose the cover and the declaration paper in the bigger outer cover addressed to the Returning Officer and send it to the Returning Officer, either by post or deliver it in person so as to reach the Returning Officer not later than the hour specified on the day fixed for the poll.

(2) On receipt of the envelopes by post or in person containing the declaration paper and the closed cover containing the voting paper, the Returning Officer shall endorse on the outer envelope the date and hour of the receipt.

16. Counting of votes— (1) The Returning Officer shall attend for the purpose of scrutiny and counting of votes on the date and at the time and place appointed by him in this behalf of purpose of counting.

(2) Any candidate may be present either in person or by his accredited representative at the counting of the votes.

(3) The Returning Officer shall nominate as Scrutinisers such number of members of the staff of the Office of the Council as he thinks fit to assist him in the counting of votes

(4) The Returning Officer shall open the outer envelopes immediately after the hour fixed for the counting on the day fixed for the poll in the presence of any candidate or any other person representing the candidate and the voting papers may be shown to the candidate or their representatives present at the time of scrutiny if a request is made on their behalf.

(5) A voting paper cover shall be rejected by the Returning Officer if—

- (a) the outer envelope contains no declaration paper outside the voting paper cover; or
- (b) the declaration paper is not the one sent by the Returning Officer; or
- (c) a declaration is not signed by the elector; or

- (d) more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope; or
- (e) number of outer envelopes containing the declaration paper and the voting paper cover are enclosed in a big cover.

(6) In case of rejection, the word “rejected” shall be endorsed on the voting paper cover and the declaration paper and initialled by the Returning Officer.

(7) All the voting paper covers other than those rejected under sub-rule (5) shall be opened and the voting papers shall then be scrutinised and valid ones counted.

A voting paper shall be invalid if—

- (a) it does not bear the Returning Officer’s initials or facsimile signature; or
- (b) a voter signs his names, or writes a word or makes any mark on it by which it is recognizable as his voting papers; or
- (c) no voting is recorded thereon; or
- (d) the number of votes recorded thereon is not equal to the number of votes which the voter is entitled to give; or
- (e) the voter has given more than one vote to any one candidate; or
- (f) it is void for uncertainty an account of one or more votes being exercised:

Provided that where more than one vote can be given on the same voting paper, if one of the marks is so placed as to render it doubtful to which candidate it is intended to apply, the vote concerned but not the whole voting paper shall be invalid on that account.

(8) If any objection is made to any voting paper on the ground that it does not comply with the specified requirements, or to any objection by the Returning Officer of a voting paper, it shall be decided at once by the Returning Officer whose decision shall be final.

17. Declaration of the result of election—(1) When the counting of votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given, to have been elected and shall forthwith inform the successful candidate by letter of his having been elected to the Council.

(2) When an equality of votes is found to exist between any two or more candidates and the addition of a vote will entitle any one or more of the candidates to be declared elected, the determination of the candidate or candidate to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn by the Returning Officer in such manner as he shall determine.

(3) After the result of the election has been declared by him, the Returning Officer shall seal the voting papers and all other documents relating to the election and shall retain them in safe custody for a period of six months, and thereafter shall cause them to be destroyed.

18. Publication of the result of election—The Returning Officer shall publish the declaration of the result of the election in the Official Gazette and simultaneously forward such declaration of the results to the state Government.

19. Disputes regarding election— (1) An election petition challenging the validity of any election shall be presented to the Returning Officer by any candidate at such election within fifteen days from the date of publication of the results under Rule 18 in the Official Gazette. An election petition—

- (a) shall be accompanied by as many copies as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition;
- (b) shall contain concise statement of material facts on which the petitioner relies;
- (c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) for the verification of pleadings.

(2) Any Schedule or Annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

(3) The petitioner shall join as respondent to his petition where the petitioner in addition to claiming a declaration that the election of the returned candidate is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where any such further declaration is claimed, the returned candidate.

(4) The petitioner may claim any of the following declaration— (a) that the election of the returned candidate is void;

- (b) that the election of the returned candidate is void and that he himself or any other candidate has been duly elected;

(5) An election petition shall be presented to the Returning Officer in person by the person making the petition or by a person authorised by him in writing in his behalf or sent by Registered post with acknowledgement due. The Returning Officer shall give a written acknowledgement for every petition presented in person.

(6) The Returning Officer shall forward the election petition to the Government together with his remarks thereon within a week of its receipt by him.

20. Orders of Government on the election petition— On receipt of election petition from the Returning Officer, the Government may after such enquiry as it need fit and after giving an opportunity to the parties to the proceedings of being heard, make an order—

- (a) dismissing the petition; or
- (b) declaring the election of the returned candidate to be void; or
- (c) declaring the election of the returned candidate to be void and petitioner or any other candidate is duly elected.

21. Casual vacancies— (1) When any vacancy occurs in the office of a member of the Council from any of the constituencies referred to in sub-section (2) of section 3 it shall be filled up as soon as conveniently may be by the election or nomination of a member, as the case may be.

(2) The provisions of Rules 7 to 20 shall apply to a by-election from any constituency subject to the modification that the electoral roll current at the date of the notification calling upon the constituency to elect a member at such by election shall be deemed to be of the electoral roll for purposes of by-election from such constituency.

PART III

(As amended by GSR 316, dated 31-8-1970 and GSR 173, dated 21-6-1979)

Registrar

22. Registrar to be the registered practitioner—The Registrar to be appointed under sub-section (1) of section 11 shall be a person who is a registered practitioner under the Act.

23. Maintenance of the State Medical Register and other registers— The Registrar shall keep the State Medical Register and such other registers required to be kept under the Act, rules and the regulations in accordance with the relevant provisions of the Act, rules and regulations as the case may be.

24. Registrar to be present at the meetings of the Council—The Registrar shall be present at every meeting of the council and shall keep minutes of the proceeding of such meetings.

25. Registrar to carry on the correspondence of the Council—The Registrar as secretary of the Council shall carry on the correspondence of the Council and shall issue all notices prescribed in the rules and regulations.

26. Registrar to carry out duties under the Act— The Registrar shall carry out such duties as are required of him by the provisions of the Act and the rules and the regulations.

27. Custody of documents— The Registrar shall be responsible for safe custody of all documents.

28. Maintenance of registrar containing the names of members of the Council and occurrence of the vacancies—A register shall be kept containing the names of each member of the Council, the date of notification of his appointment or election, the terms for which he was appointed and the date on which he ceased to be member. The register which shall be maintained regularly shall also show the date within which the authority having power to appoint or cause an election to be held shall make a new appointment or cause the election of a new member.

29. Opening of account on behalf of the Council—An account shall be opened for and on behalf of the Council in the State Bank of Mysore, Head Office, Bangalore and all the funds of the Council shall be deposited in the State Bank.

30. Deposit of Moneys—The Registrar shall receive all moneys payable to the Council and issue receipts for the same. He shall deposit such moneys in the Bank to the credit of the Council and he shall at no time keep with him a sum exceeding Rs.100

31. Statement of Income and Expenditure—The Registrar shall in the month of July each year prepare a statement of Income and Expenditure of the preceding financial year and draw the attention of the council to such matters as deserve notice.

32. Preparation of annual accounts—The annual accounts shall prepare by the Registrar.

33. Budget—The Budget estimates of the Council for every year commencing from the first day of April shall be laid before the Council at its meeting sufficiently in advance of the commencement of the year or circulated to the members of the Council in advance for being considered and approved at a meeting of the Council. Such estimate shall provide for

meeting the liabilities of the Council for effectually carrying out its objects. It shall include on its revenue side, besides all revenue ordinarily anticipated, such grants as the Government may be pleased to allot and all fees received from registration or other sources.

34. **Consideration of Budget**—The Council shall consider the estimates submitted and shall sanction the same either without alteration or subject to such alteration as it deems fit.

35. **Payment of bills**—A bill or other voucher presented as a claim for money shall be received and examined by the Registrar. If the claim be for a sum not exceeding Rs.20 and the bill or voucher is in order, he shall pay it. If the claim be for a sum exceeding Rs. 20 but not exceeding Rs.500, payment shall be made by the Registrar after obtaining previous sanction of the President. If the claim is above Rs.500, payment shall not be made until it has been examined and passed by the Council.

36. **Cash Book**—The Registrar shall immediately enter in the general cash book all moneys received or spent by the Council.

37. **Signing cheques**—All cheques shall be signed both by the Registrar and the President.

38. **Audit**—The accounts of the Council shall be audited by such officers as the State Government may direct.

PART IV

Registration of Medical Practitioners

39. Registration of Medical Practitioners under sub-section (1) of Section 13.— (1) Every person whose name is not included in the registers maintained in accordance with the provisions of the enactments as adapted by the Karnataka Adaptation of Laws Order, 1956 and repealed by Section 34, and who claims to hold any of the medical qualifications included in the Schedule to the Indian Medical Council Act, 1956 shall apply to the Registrar for his name being entered in the State medical Register. Along with his application, he shall furnish such particulars as are referred to in sub-section (1) of section 13 and also pay a fee of rupees fifteen.

(2) Persons whose names are found in any of the registers maintained in accordance with the provisions of the repealed enactments as adapted by the Mysore Adaptation of Laws Orders, 1956, referred to in Section 34 and who claim to be registered under this Act shall apply to the Registrar enclosing a copy of the certificate indicating that the name of such person had been entered in the Register of Names of Medical Practitioners maintained under the repealed enactments and also pay a fee of rupees two. Such persons should produce the original certificates when required to do so by the Registrar.

(3) An applicant referred to in sub-rule (1) and sub-rule (2) shall also furnish information along with his application as to whether he has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898 (Central Act 5 of 1898) or any other law for the time being in force, or whether he has been found guilty by the Indian Medical Council or the Karnataka Medical Council or by the Medical Council of

any other State in India, of infamous conduct in any professional respect.

40. Maintenance of list of provisionally registered medical practitioner— The Registrar shall maintain a list of provisionally registered medical practitioner and shall issue to such practitioners a certificate in the form prescribed and approved by the State Medical Council.

41. Qualifications for registration under Section 13—Any person applying for registration under Section 13 shall state in his application that he possesses any of the recognised medical qualifications included in the Schedule to the Indian Medical Council Act, 1956, as one of the qualifications entitling him for registration. He shall also furnish a certificate from the Medical Officer in charge of an institution where he underwent a period of training which is included in the course of study for obtaining the recognized medical qualification.

42. Certificate of Registration— Every person whose name is registered under the Act shall be granted a certificate in the form prescribed by the Medical Council.

43. Renewal of Registration— Each Medical Practitioner registered under the Act shall apply to the Medical Council well in time with a renewal fee of rupees two paid on or before the 31st day of December of every year for the continuance of his name in the register.

44. Change of Address—Every registered practitioner shall immediately give notice to the Registrar of any change of name or change of permanent address for being entered in the Register. Whenever there is a request for entering a change of name, documentary evidence in support of the change of name being recorded shall also be furnished to the Registrar.

45. Entries to be made in the Karnataka Medical Register relating to the number of persons registered—

At the end of the State Medical Register there shall be entered—

- (1) the total number of persons whose names have been published;
- (2) the number of persons whose names were added to the register by registration during the year;
- (3) the number of persons whose names have been renewed during the year;
- (4) the number of persons whose names were removed from the register during the year stating the particular section in pursuance of which the names were removed;
- (5) the number of persons whose names were removed on account of death;
- (6) the number of persons who are accorded provisional registration for clinical practice.

46. Appeal to the Karnataka Medical Council against the decision of the Registrar— (1)

- (a) Any person aggrieved by the decision of the Registrar respecting a first registration or any subsequent alteration may within thirty days from the date of communication of the decision of the Registrar to him, file an appeal to the Medical Council.
- (b) The appeal shall be addressed to the President and it shall briefly indicate the facts of the case and the points for arguments which the applicant wishes to urge in support of his claim. A copy of the application made to the Registrar in respect of which a decision has been given by the Registrar and a copy of the communication of the Registrar, containing his decision, shall also be enclosed to the appeal petition.

- (c) On receipt of the appeal as aforesaid, the President shall call for the concerned records from the Registrar and also obtain the views of the Registrar in the matter.
- (d) The President shall then direct the Registrar to include the appeal as an item for consideration at a meeting of the council.
- (e) The President shall prepare a summary of the case and the arguments advanced and submit the same to the Council.

(2) The Medical Council, after such enquiry as it deems fit in the circumstances of the case, shall give an opportunity to the person concerned of being heard on such date and time after giving him due notice. The Council may call upon such person to produce such documents as are necessary for consideration of the case before coming to a decision. After consideration of all the factors, the Council may decide the question at a meeting and decision of Council in respect of the appeal shall be communicated to the person concerned in writing.

47. Fees—The following fees shall be levied by the Council, namely—

(1) For first registration {section 13 (1) } Rupees fifteen.

(2) For first registration of persons already Registered under repealed enactments [proviso to sub-section (1) of section 13] Rupees two.

(3) For annual renewal {Section 19 (1)] Rupees two

(4) Certified copy of entries in the register Rupees three

4. Insertion of new forms—In the Appendix to the principal rules, the following forms shall be inserted before Form I.

APPENDIX

FORM A

[see Rule 3-A]

**Election to the Office of the President/Vice-president
of the Karnataka Medical Council.**

Notice is hereby given that—

(1) An election is to held to the office of the President/
Vice-President of the Karnataka Medical Council.

(2) Nomination papers may be delivered between the
hours of 11'O clock in the forenoon and 3'O clock in the
afternoon by a candidate or his proposed or seconded at the
Office of the Returning Officer on any date not later that the
.....(date).....

(3) Nomination papers will be taken up for scrutiny
at.....(hours) on.....(date) at(place).

(4) Notice of withdrawal of candidature may be delivered
by a candidate, or by his proposed or seconded who has been
authorized in his behalf in writing by such candidate at the
office of the Returning Officer before O' clock in the afternoon
on.....

(5) Nomination papers and notice of withdrawal may be
delivered to the Returning Officer at his office;

(6) In the event of election being contested, the voting
will take place on.....of the office of the Karnataka Medical
Council of which notice will be sent separately.

Place.....

Date.....

Returning Officer

1. Forms A to F inserted by GSR 316, dated 31-8-1970, w.e.f. 10-9-1970

FORM B

[see Rule 3B(1)]

**Nomination paper Election to the Office of the
President/ Vice-President of the Karnataka Medical
Council.**

We here by nominate.....(name and particulars of
the candidate) as a candidate for the election to the office of
the President/Vice-president.

We declare that both of us are members of the
Karnataka Medical Council

.....

Signature of the Proposer

Date.....

Signature of the Seconder

Date.....

I assent to this nomination.

FORM C
{see Rule 3-E(1)}
Notice of withdrawal

Election to the Office of the president/vice-president of the
Karnataka Medical Council.

To

The Returning Officer,

I.....a candidate nominated at the above
election, do hereby give notice that I withdraw my candidature.

Place.....

Signature of the Candidate

Date.....

This notice was delivered to me at my office
at.....(hour) on.....(date) by the.....

Date.....

Returning Officer

Here insert one of the following alternatives that may be
appropriate –

1. Candidate/s.....
2. Candidates proposed who has been authorized in
writing by the candidate who delivered it;
3. candidate seconder who has been authorized in
writing by the candidate who delivered it.

FORM D
[see Rule 3-F(b)]
List of valid Nominations

Election to the Office of the President/Vice-President
of the Karnataka Medical Council.

| Sl No. | Name of the candidate | Name of Father/Husband | Address of candidate |
|-----------|--------------------------|---------------------------|-------------------------|
| (1) | (2) | (3) | (4) |
| | | | |

Date.....

Place.....

Returning Officer

FORM E
[see Rule 3-H(4)]
Ballot Paper

Karnataka Medical Council
Election to the Office of the President/Vice-President

| Counterfoil Serial Number of the Ballot Paper | Roll | | |
|--|---------------------------|--------------------------|-----------------|
| | SI No of the Candidate | Name of the Candidate | Voter's mark |

- 1.....
- 2.....
- 3.....
- 4.....

Instructions to Electors

1. You have only one vote.
2. place a cross mark (x) clearly opposite the name of the candidate to whom you wish to give vote.
3. You must not vote for more than one candidate. If you do, your ballot paper will be rejected.
4. The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given the vote that vote will be invalid.
5. Mobile phones not allowed inside the voting room
6. Use our penitto mark in the voting paper

FORM F
[see Rule 3-(8)]
Return of Election

Election to the Office of the President / Vice President of
the Karnataka Medical Council

Sl.No. Name of Candidate Number of Valid votes polled

Total number of valid votes polled

Total number of rejected votes

I declare that.....(name)
of.....(address) has
been duly elected as the President/Vice-President.

Place.....

Date.....

Returning Officer

FORM II

{See Rule 9(1)}

Nomination paper Election under clause (a) of sub-section (2) of section 3 of the Karnataka Medical Registration Act, 1961

1. Name of the Candidate.
2. Father's Name.
3. Age
4. Qualification
5. Registration certificate number
6. Address
7. Signature of Proposed
8. Signature of Seconder

DECLARATION BY THE CANDIDATE

I hereby declare that I agree to this nomination.

Signature of the candidates

(For Returning Officer's use only)

This Nomination paper was received by me at
.....{Hour on date}

Returning Officer

INSTRUCTIONS

1. Nomination papers which are not received by the Returning Office before.....(time) of.....(date) will be invalid.

2. The names of the proposed and seconder as they appear in the election rolls, their registered qualifications and registration certificate numbers should also be clearly written below their respective signatures. If not, the nomination papers will be rejected.

3. Nomination papers which are not accompanied with the fee prescribed thereof shall be rejected.

FORM III

[See Rule 13(3)]

Election to the Karnataka Medical Council under clause (a) of sub-section (2) of section 3 of the Karnataka Medical Registration Act 1961.

| Sl.No | Reg. No | Names of the candidate duly nominated | Vote |
|-------|---------|--|------|
|-------|---------|--|------|

1. The number of vacancies to be filled is.....
2. Place a cross mark (thus X) against the name of the candidate (or each of the candidate) for whom you wish to vote.
3. A voting paper will be invalid if;
 - (a) it does not bear the Returning Officer's initials or facsimile signature;
 - (b) a voter signs his names or writes a word or makes any mark on it by which it becomes recognisable as his voting paper; or
 - (c) no vote is recorded thereon; or
 - d) the number of votes recorded thereon exceeds the number of vacancies to be filled; or
 - (e) it is void for uncertainty of one or more votes exercised.

FORM IV

[See Rule 14(1)]

Election to the Karnataka medical Council under clause (a) of sub-section (2) of section 3 of the Karnataka Medical Registration Act, 1961

Serial Number;

Elector's Name;

Name of the electoral roll, if any

ELECTOR'S DECLARATION

I.....(name in full and designation if any), declare that I am an elector for the election of a member to the Karnataka Medical Council by the Electorate specified under clause (a) of sub-section (2) of section 3 of the Karnataka Medical Registration Act, 1961, and that I have signed no other voting paper at this election

Station :

Signature

Date :

Address

KARNATAKA MEDICAL REGISTRATION (AMENDMENT) RULES ,1970

GRS 316—In exercise of the powers conferred by sub-section (1) of section 31 of the Karnataka Medical Registration Act, 1961 (Karnataka Act 34 of 1961), the Government of Karnataka hereby makes the following rules further to amend the Karnataka Medical Registration Rules, 1963, the draft of the same having been published as required by sub-section (1) of section 31 of the said Act as No. GSR 192 in part 1V, section 2-C (i) of the Karnataka Gazette, dated the 28th May, 1970, namely—

1. Title and commencement—(1) These rules may be called the Karnataka Medical Registration (Amendment) Rules, 1970.

(2) They shall come into force at once.

2. Amendment of Rule 2—In Rule 2 of the Karnataka medical Registration Rules, 1963 (hereinafter referred to as the principal rules), after clause (c) the following clause shall be inserted, namely—

(cc) “Member” means a member of the Karnataka medical Council’

3. Substitution of new rules for Rule 3—For Rule 3 of the principal, the following rules shall be substituted, namely—

3. Election of the President and Vice-President of the Council—The Election of the President and Vice-President shall be held at the office of the Medical Council by the Registrar who shall be the returning Officer.

3-A. Appointment of dates for nominations, etc—(1) The Registrar shall, by notice in Form 'A' published by affixture on the notice board of the office of the Medical Council appoint for every election of the President or Vice-President, as the case may be—

- (a) the last date for making nominations which shall be date not later than the eighth day after the date of the publication of the notice;
- (b) a date for the scrutiny of nominations which shall be a date not later than the third day after the last date for making nominations;
- (c) the date on which votes of the members shall if necessary, be taken which shall be date not earlier than the seventh day after the last date for making nominations.

(2) In the case of election to fill a vacancy caused by the expiration of the term of office of the President or Vice-president, a notice under sub-rule (1) shall be issued on or as soon as conveniently may be, after the sixtieth day before the expiration of the term of office of the outgoing President or Vice-President, as the case may be, and the dates shall be so appointed under the said sub-rule that the election will be completed within such time as will enable the President or the Vice-President thereby elected to enter upon his office on the date following the expiration of the terms of office of the outgoing President or Vice-President, as the case may be.

(3) In the case of an election to fill a vacancy in the office of the President or the Vice-President occurring by reason of his death, registration, removal or otherwise, a notice sub-rule (1) shall be issued as soon as may be after the occurrence of such vacancy.

(4) A copy of the notice published under sub-rule (1) shall be sent to every member by registered post.

(5) In the case of elections held under sub-rule (3) the election shall ordinarily be held before the expiry of four weeks from the date of occurrence of a vacancy referred to in sub-rule (3)

3-B. Nomination of Candidate: Each candidate shall be nominated by a nomination paper completed in Form B and subscribed by the candidate himself as assenting to the nomination and by two members as proposer and seconder.

(2) On or before the date appointed under clause (a) of sub-rule (1) of Rule 3 each candidate shall, either in person or by his proposer or seconder, between the hours of 11 'O' clock in the forenoon and 3 'O' clock in the afternoon, deliver to the Returning Officer at the place specified in this behalf in the notice, the nomination paper.

(3) Any nomination paper which is not received before 3 'O' clock in the afternoon on the last date appointed under clause (a) of sub-rule (1) of Rule 3 shall be rejected.

(4) No member shall subscribe whether as proposer or seconder more than one nomination paper at any election.

(5) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper for the election.

3-C. Procedure on receipt of nomination paper—
On presentation of a nomination paper, the Returning Officer shall—

- (a) sign thereon a certificate stating the date and time of the presentation of the nomination paper and enter thereon its serial number; and
- (b) inform the person or persons presenting the nomination paper of the date, time and place fixed for the scrutiny of the nominations.

3-D. Scrutiny of nominations—(1) The candidates and one proposer and one seconder of each candidate shall be entitled to be present at the time of scrutiny of nominations, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in Rules 3-B and 3-C

(2) The Returning Officer shall then examine the nomination papers and decide all objections which may be made to any of them.

(3) The Returning Officer may, either on such objection or on his own motion and after such summary enquiry, if any as he thinks necessary, reject the nomination paper on any of the following grounds, namely—

- (a) that the proposer or seconder is not qualified to subscribe a nomination paper under sub-rule (1) of Rule 3-B or
- (b) that the signature of the candidate, proposer or seconder is not genuine or has been obtained by fraud:
or
- (c) that the nomination paper has not been duly completed and the defect or irregularity is of a substantial character; or
- (d) that the proposed or seconded has subscribed, whether as proposer or seconder any other nomination paper received earlier by the Returning Officer at the same election.

(4) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of sub-rule (1) of Rule 3-A and shall not allow any adjournment to the proceedings except when such proceedings are interrupted or obstructed by causes beyond his control.

(5) The Returning Officer shall endorse on each nomination paper his decision either accepting or rejecting it and if the nomination paper is rejected, he shall record in writing a brief statement of his reasons for rejecting it.

3-E Withdrawal of candidature—(1) Any candidate may withdraw his candidature by a notice in writing in Form 'C' subscribed by him and delivered before 3 O'clock in the afternoon on the date immediately preceding the date fixed under clause (c) of sub-rule (1) of Rule 3-A to the Returning Officer either by such candidate in person or by his proposer or seconder who has been authorised in this behalf in writing by such candidate.

(2) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be entitled to cancel the notice.

(3) On receipt of a notice of withdrawal under sub-rule (1), the returning officer shall note thereon the date and the hour at which it was delivered

3-F. Procedure in contested and uncontested elections—If after the expiry of the period within which candidatures may be withdrawn under sub-rule (1) of Rule 3-E—

- (a) there is only one candidate who has been validly nominated and has not withdrawn his candidature in the manner and within the time specified in that sub-rule, the Returning Officer shall forthwith declare such candidate to be duly elected to the office of the President or the Vice-president, as the case may be;
- (b) the number of candidates who have been duly nominated but have not so withdrawn, their candidatures exceeds one, the Returning Officer shall prepare in Form 'D' a list of valid nominations containing the names in alphabetical order of the validly nominated candidates which are given in the

nomination papers and cause a copy of the list to be affixed to the notice board of the office of the Medical Council.

3-G Votes to be taken at the Office of the Medical Council.- Where votes of the Members are to be taken for the purpose of the election; a notice specifying the date and hour at which the poll will be held at the Office of the Medical Council shall be sent to every member of the Medical Council of Registered post not less than five days before the date of the meeting and a copy of the notice shall also be published by the Returning Officer on the notice board of the Office of the Medical Council.

3-H. Procedure for the conduct of elections— The following procedure shall be adopted in conducting the elections, namely—

(1) the Returning Officer shall read out the names of all the candidates who have been duly nominated as entered in Form D;

(2) at the place set apart for voting, the Returning Officer shall provide a ballot box which shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn there - from without the box being opened;

(3) the Returning Officer shall immediately before the votes are taken, show the ballot box empty to such members as may be present, so that they may see that it is empty, and then shall lock it up, and place his seal upon it in such manners as to prevent its being opened without breaking such seal;

(4) every member wishing to vote shall be supplied with a ballot paper in Form E bearing the seal of the Medical Council and the signature of the Returning Officer and on which the names of all the contesting candidates are printed, typed or written in English or Kannada. At the time of issuing a ballot paper to a member, the Returning Officer shall record the

serial number thereof against the entry relating to the member in the copy of the list of members kept for the purpose.

(5) the member to whom a ballot paper is issued under sub-rule (4) shall on receipt of the ballot paper proceed to the place set apart for the purpose and there place a mark (x) against the name of the candidate for who he wishes to vote; and he shall then fold up the ballot paper so as to conceal his vote and insert it into the ballot box;

(6) the Returning Officer shall cause such arrangements to be made as to prevent the members who have already voted from having access to the members who are yet to vote;

(7) a member who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may on returning it to the Returning Officer and on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned shall be marked "spoilt cancelled" by the Returning officer. If a member after obtaining a ballot paper decides not to use it, he shall return it to the Returning Officer and the ballot paper so returned shall be marked as 'Returned Cancelled" by the Returning Officer. All ballot papers cancelled under this clause shall be kept in a separate packet.

3-I. Counting of votes— (1) After voting by all the members present and wishing to vote, the Returning Officer shall open, in the presence of the members present, the ballot box count the number of ballot papers taken out there - from and scrutinise the ballot papers and separate those which in his opinion are valid from those which in his opinion are invalid, endorsing on the latter the word "rejected" and the ground of rejection and arrange all the valid ballot papers in a bundle.

(2) The Returning Officer shall reject a ballot paper—

- (a) if it bears any marks or writing by which the elector can be
- (b) if no vote is recorded thereon;
- (c) if votes are given on it in favour of more than one candidate; or
- (d) if the mark indicating the vote thereon is placed in such a manner as to make it doubtful to which candidate the vote has been given; or
- (e) if it a surplus ballot paper: Provided that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) Before rejecting any ballot paper under this rule the Returning Officer shall allow each candidate a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) Every ballot paper which is not rejected shall be counted as one valid vote. After the completion of the counting the Returning Officer shall recorded in a statement the total number of votes polled by each candidate and announce the same.

(5) After such announcement has been made the Returning Officer may either on his own initiative or at the instance of any candidates recount the vote:

Providing that nothing herein contained shall make it obligatory on the Returning Officer at recount the same votes more than once.

When a recount of votes is made under this sub-rule the Returning Officer shall amend the statement referred to

in sub-rule (4) to the extent necessary after such recount and announce the amendment so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (4) or sub-rule (5) , the Returning Officer shall declare the candidate to whom the largest number of valid votes has been given to have been duly elected.

(7) If after the counting of the votes is completed, an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide those candidates by lot and proceed as if the candidates on whom the lot falls had received an additional vote. He shall there after declare the candidate on whom the lot falls to have been duly elected.

(8) The Returning Officer shall then prepare and certify a return of the election in Form F.

3-J Recording of Proceedings Immediately after the elections the Returning Officer shall—

- (a) prepare a record of the proceeding of the election and sign it, attesting with initials every correction made therein; and also permit any member present at the election to affix his signature to such record, if he expresses his desire to do so;
- (b) forward the name of the person elected as President or Vice-President to the Government for publication in the Official Gazette.

3-K. Sealing and custody of election paper— (1) The Returning Officer shall then make up into separate packets the marked copy of the list of members, the ballot papers relating to each candidate whether counted or rejected, seal up each packet and note thereon the description of its contents, the election to which it relates and the date thereof.

(2) These packets shall not be opened and their contents shall not be inspected or produced before any person or authority expect under the orders of the State Government or a competent Court.

(3) The packets shall be retained in safe custody by the Returning Officer in his office for a period of one year from the date of declaration of result of election, and shall thereafter be destroyed unless a direction to the contrary is given by the State Governments or a Competent Court.

3-L. President and Vice-President to enter upon his duties—The President or Vice-president elected under these rules shall enter upon his duties forthwith, in case there is no elected President or Vice-President as the case may be and after the expiry of the term of elected President or Vice-President in his offices or other cases.

3-M. Disputes regarding election—(1) The validity of the election of a member may be called in question by a petition presented to the State Government by any candidate at such election within fifteen days from the date of publication of the declaration of the results by the State Governments in the Official Gazette.

(2) Every petition under sub-rule (1) shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

(3) The petitioner shall join as respondents to his petition where the petitioner in addition to claiming a declaration that the election of the returned candidate is void claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, the returned candidate.

(4) A petition under sub-rule (1) —

- (a) shall contain a concise statement of material facts on which the petitioner relies;
- (b) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act V of 1908), for the verification of pleadings;
- (c) any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

(5) The petitioner may claim any of the following declarations—

- (a) that the election of the returned candidate is void;
- (b) that the election of the returned candidate is void and he himself or any other candidate has been duly elected.

3-N. Procedure on receipt of the election petition—

On receipt of the election petition, the state Government may after calling for the records and after such enquiry as deems fit after giving an opportunity to the parties to the proceedings of being heard, make an order—

- (a) dismissing the petition; or
- (b) declaring the election of the returned candidate to be void; or
- (c) declaring the election of returned candidate to be void and the petitioner or any other candidate to have been duly elected.

3-O. Ground for declaring the election of returning candidate to be Void—If the State Government is of opinion—

- (a) that the result of the election has been materially affected—

- (i) by the improper reception or refusal of a vote; or
 - (ii) by any non-compliance with the provisions of the Act or of any of these rules; or
- (b) that the nomination of any candidate has been wrongly rejected or that the nomination of the successful candidate or of any other candidate who has not withdrawn his candidature has been wrongly accepted; the State Government shall declare the election of the returned candidate to be void.

3-P. Grounds for which the candidate other than the returned candidate may be declared to have been elected—If any person who has presented an election petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the State Government is of opinion that in fact the petitioner or such other candidate received a majority of the valid votes the State Government shall, after declaring the election of the returned candidate to be void declare the petitioner or such other candidate, as the case may be, to have been duly elected;

Provided that the petitioner or such other candidate shall not be declared to be duly elected if it is proved that the election of each candidate would have been void if he had been the returned candidate and a petition had been presented calling and questioning his election'

4. Insertion of new forms—In the Appendix to the principal rules, the following forms shall be inserted before Form I.

FORM A

[see Rule 3-A]

**Election to the Office of the President/Vice-president
of the Karnataka Medical Council.**

Notice is hereby given that—

(1) An election is to held to the office of the President/Vice-President of the Karnataka Medical Council.

(2) Nomination papers may be delivered between the hours of 11'O clock in the forenoon and 3'O clock in the afternoon by a candidate or his proposed or seconded at the Office of the Returning Officer on any date not later that the(date).....

(3) Nomination papers will be taken up for scrutiny at.....(hours) on.....(date) at(place).

(4) Notice of withdrawal of candidature may be delivered by a candidate, or by his proposed or seconded who has been authorized in his behalf in writing by such candidate at the office of the Returning Officer before O' clock in the afternoon on.....

(5) Nomination papers and notice of withdrawal may be delivered to the Returning Officer at his office;

(6) In the event of election being contested, the voting will take place on.....of the office of the Karnataka Medical Council of which notice will be sent separately.

Place.....

Date

Returning Officer

1. Forms A to F inserted by GSR 316, dated 31-8-1970, w.e.f. 10-9-1970

FORM B

[see Rule 3B(1)]

**Nomination paper Election to the Office of the
President/ Vice-President of the Karnataka Medical
Council.**

We here by nominate.....
(name and particulars of the candidate) as a candidate for
the election to the office of the President/Vice-president.

We declare that both of us are members of the
Karnataka Medical Council

.....
Signature of the Proposer

Date.....

Signature of the Seconder

Date.....

. I assent to this nomination.

FORM C
{see Rule 3-E(1)}
Notice of withdrawal

Election to the Office of the president/vice-president of
the Karnataka Medical Council.

To
The Returning Officer,

I.....a candidate nominated at the above
election, do hereby give notice that I withdraw my candidature.

Place

Date.....

Signature of the Candidate

This notice was delivered to me at my office at.....
(hour)on.....(date) by the.....

Date.....

.....

Returning Officer

Here insert one of the following alternatives that may be
appropriate –

1. Candidate/s.....

2. Candidates proposed who has been authorized in writing
by the candidate who delivered it;

3. candidate seconder who has been authorized in writing by
the candidate who delivered it.

FORM D
[see Rule 3-F(b)]
List of valid Nominations

Election to the Office of the President/Vice-President
of the Karnataka Medical Council.

| Sl no. | Name of the candidate | Name of Father/ Husband | Address of candidate |
|--------|-----------------------|----------------------------|----------------------|
| (1) | (2) | (3) | (4) |

Date.....
Place.....

.....
Returning Officer

FORM E

[see Rule 3-H(4)]

Ballot Paper

Karnataka Medical Council

Election to the Office of the President/Vice-President

| Counterfoil SerialNumber of the Ballot Paper | Roll | | |
|---|---------------------------|--------------------------|-----------------|
| | SI No of the Candidate | Name of the Candidate | Voter's mark |
| | | | |

- 1.....
- 2.....
- 3.....
- 4.....

Instructions to Electors

1. You have only one vote.
2. place a cross mark (x) clearly opposite the name of the candidate to whom you wish to give vote.
3. You must not vote for more than one candidate. If you do, your ballot paper will be rejected.
4. The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given the vote that vote will be invalid.
5. Mobile phones not allowed inside the voting room
6. Use our penitto mark in the voting paper

FORM F
[see Rule 3-(8)]
Return of Election

Election to the Office of the President / Vice President
of the Karnataka Medical Council

| | | |
|--------|-------------------|------------------------------|
| Sl.No. | Name of Candidate | Number of Valid votes polled |
|--------|-------------------|------------------------------|

Total number of valid votes polled

Total number of rejected votes

I declare that.....(name)
of.....(address) has
been duly elected as the President/Vice-President.

Place.....

Date..... Returning Officer

**THE KARNATAKA MEDICAL
REGISTRATION (AMENDMENT)
RULES, 1979**

GSR 173—Whereas, the draft of the following rules to amend the Karnataka Medical Registration Rules, 1963 was published as required by sub-section (1) of section 31 of the Karnataka Medical Registration Act, 1961 (Karnataka Act 34 of 1961) in Notification no .HFW 9 MSH 77, dated 2nd January, 1979 (5-GSR 16), in Part IV, section 2-C(i) of the Karnataka Gazette, Dated 11th January, 1979, inviting objections or suggestions on or before 31st January, 1979 from all person likely to affected thereby.

And whereas, the said Gazette was made available to the public on the 11th January, 1979. And whereas, no Objection and suggestions have been received.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 31 of the Karnataka Medical Registration Act, 1961 (Karnataka Act 34 of 1961), the Government of Karnataka hereby makes the following rules, namely—

1. Title and commencement—(1) These rules may be called the Karnataka Medical Registration (Amendment)Rules, 1979.

2. They shall come into force at once.

2.Amendment of Rule 4—In Rule 4 of the Karnataka Medical Registration Rules, (hereinafter referred to as the said rules—

(1) for sub-rule (1), the following sub-rule shall be substituted, namely—

“(1) In the case of election of members by the Medical Practitioners registered under the Act referred to in clause (a) of sub-section (2) of Section 3, the Registrar shall be Returning Officer. The list of Medical practitioners published under sub-section (1) of section 26 in the year in which elections are to be held shall, constitute the preliminary electoral roll for the purpose of election of members under clause (a) of sub-section (2) of Section 3” (

(2) in sub-rule (2), the word ‘simultaneously’ shall be omitted.

(3) in sub-rule (3) the words ‘Published in the Official Gazette as’ shall be omitted and at the end, the following shall be inserted, namely—

“The additions or deletions made while revising the rolls shall be published in the Official Gazette’.

3. Amendment of Rule 5—In sub-rule (1) of Rule 5 of the said rules, the words, brackets, and figures ‘in form on the date fixed by Government for purpose of sub-rule (1) of Rule 4’ shall be omitted.

4. Amendment of Rule 6— In sub-rule (1) of Rule 6 of the said rules, the words, brackets, and figures ‘in Form 1 on the date fixed by Government for purposes of sub-rule (1) of Rule 4’ shall be omitted.

5. Amendment of Rule 8— In Rule 8 of the said rules, for the words ‘Electoral rolls as finally’ the words ‘final electoral rolls’ shall be substituted.

6. Omission of Form 1—Form 1 appended to the said rules shall be omitted.

KARNATAKA MEDICAL REGISTRATION (Amendment) Rules 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 Karnataka Medical Registration (Amendment) Rules
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 the sub-section (2) for the clauses (b), © 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 the clauses (m) and (n) respectively, of
section 2 of the Rajiv Gandhi University Health
Sciences Act, 1994 (Karnataka Act 44 of 1994) and
who are registered under the Act.

© four members to be nominated by the State Government from among Registered Practitioners,

(a) One member to be nominated by the State Government from amongst the members of the Karnataka 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 subsection (3),

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

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

(3) In subsection (4), for the words "by the members from amongst themselves" the words, brackets and letters, "by the member 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, letters and figures, "other than a member referred to in clause (d) of subsection (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 the 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 as” a registered medical practitioner” shall be substituted;
- (ii) In clause (d) for the words, brackets and letter, “clause (a) or (c)” the word, brackets 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 namely, -

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

7. Amendment of Section 13: In section 12 of the Principal Act, -

- (a) In the 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 “prescribed fee” shall be substituted.
- (b) In subsection (3) for the words, figures and bracket” 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 “misconduct, etc.,” shall be substituted

(2) In subsection (1)

- (i) For 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 “Code of Criminal Procedure 1898 (Central Act V of 1898) the word, figures and brackets “the Code of Criminal Procedure 1973 (Central Act of 1974)” shall be substituted.

9. Amendment of Section 16: In section 16 of the Principal Act after clause © the following clause shall be inserted namely.

“(d) Inspection of Medical Institutions-such as Hospitals, 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 teaching hospital of a medical college shall be made without a written complaint”

10. Amendment of Section 18: In section 18 of the Principal Act, sub section (1) for the words “there shall, in all such inquiries be an assessor to Medical Council” the words “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 the 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 organization or institution recognized 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 of the office of the Medical Council” shall be substituted.

Health and Family Welfare Secretariat

NOTIFICATION

**(Published in Karnataka Gazette Part IVA No 110
dated 13th February 2012)**

In exercise of the powers conferred by sub section (2) of section 1 of Karnataka Medical Registration Amendment Act of 2003 (Karnataka Act 43 of 2003) the Government of Karnataka hereby appoints the 1st day of March 2012 as the date on which all the provisions of the said Act shall come into force.

Health and Family Welfare Secretariat

NOTIFICATION

No. HFW 07 RGU 2017, Bengaluru dated 31.08.2019

(Published in Karnataka Gazette Part IVA No 735 dated
31.08.2019)

In exercise of the powers conferred by Section 31 of the Karnataka Medical Registration Act 1961 (Karnataka Act 34 of 1961) the Government of Karnataka hereby makes the following rules namely:

RULES

1. Title and commencement: -(1) These rules may be called the Karnataka Medical Registration (Amendment Rules.2018).

(2) They shall come into force from the date of their final publication in the officer Gazette.

2. Amendment of rule 4.- In rule 4 of the Karnataka Medical Registration Rules, 1963 herein after referred to as the said rules).-

(i) for sub-rule (1), the following shall be substituted, namely:

‘(1) The list of Medical practitioners registered under the Act referred to in clause (a) and clause (b) of sub-section (2) of section 3 of the Act. An Officer of the Department of Co-operative Societies not below the rank of Additional Registrar or Joint Registrar of Co-operative Societies or KAS Officer (Senior Scale) shall be the returning Officer.

(1A) The list of Medical practitioners published under sub-section (1) of section 26 of the Act in the year in which elections are to be held shall, constitute the preliminary electoral roll for the purpose of election of members under clause (a) of sub-section (2) of section 3 of the Act:

Provided that, a separate Electoral Roll shall be maintained Revenue Division wise as per their address mentioned in the Medical Council Ledger.”

In the clause © after the words, ‘four members’ the words ‘one from each Revenue Division’ shall be inserted.

3. Substitution of Section 19: For section 19 of Principal Act, the following shall be substituted, namely;

Renewal of Registration: (1) Every medical practitioner shall once in five years renew his registration by paying prescribed fees to the Medical Council. For renewal of registration such applicant shall submit his application in such manner along with the evidence to the effect that he has participated or attended to a minimum of thirty credit hours of Continuing Medical Education Programme (one credit hour = four hours of continuing Medical Education Programme) nor less than six credit hours per year over a period preceding five years in any recognised Medical Conference or Seminar or Workshop or Continuing Medical Education approved in this behalf by the Karnataka Medical Council.

(3) The Medical Practitioner who fails to renew his registration under sub section (1) cease to be a medical practitioner under sub section (1) of section 13. The Registrar shall remove the name of such practitioner from the register maintained under section 12.

Provided that participation in such continued Medical Education Programme shall not be necessary in respect of such class of Medical Practitioners as may be prescribed.

Provided further that the name so removed may be re-entered in the register on payment of renewal fee in such manner and subject to undergoing continued Medical Education Programme specified in sub section (1).

Explanation: For the purpose of the section “CME” means a continued Medical Education Programme or recognised medical conference or seminar or workshop as may be approved or conducted by Medical Council in the State headquarters or regional headquarters or district headquarters or teaching hospitals of medical colleges or any institution run by the Karnataka Medical Council.”

KARNATAKA MEDICAL REGISTRATION (Amendment) Rules 2018

In exercise of the powers conferred by Section 31 of the Karnataka Medical Registration Act 1961 (Karnataka Act 34 of 1961) the Government of Karnataka has made the following rules. (Gazetted in Part IVA , No.735 dated 31st August 2019.)

It pertains to

1. Amendment of rules: Nos 4,5,6,7,9,10,11,12,13,18 and 47
2. Substitution of rules: Nos. 8,14,15,16.43
3. Insertion of new rule: Nos. 43A and 43B

RULES

1. **Title and commencement:**=(1) These rules may be called the Karnataka Medical Registration (Amendment Rules,2018).

(2) They shall come into force from the date of their final publication in the clinical Gazette.

2. **Amendment of rule 4.-** In rule 4 of the Karnataka Medical Registration Rules, 1963 herein after referred to as the said rules).-

- (i) for sub-rule (1), the following shall be substituted, namely:

‘(1) The list of Medical practitioners registered under the Act referred to in clause (a) and clause (b) of sub-section (2) of section 3 of the Act. An Officer of the Department of Co-operative Societies not below the rank of Additional Registrar

or Joint Registrar of Co-operative Societies or KAS Officer (Senior Scale) shall be the returning Officer.

(1A) The list of Medical practitioners published under sub-section (1) of section 26 of the Act in the year in which elections are to be held shall, constitute the preliminary electoral roll for the purpose of election of members under clause (a) of sub-section (2) of section 3 of the Act:

Provided that, a separate Electoral Roll shall be maintained Revenue Division wise as per their address mentioned in the Medical Council Ledger.”

(ii) in sub-rule (2), after the words “shall be preferred”. The words “and shall be published on the notice board and on the official website of the Medical Council pertaining to each revenue division prior to the process of Election” shall be inserted, and

(iii) in sub-rule (3) for the words “Official Gazette”, the words “Official Gazette or on the notice board and on the Official website of the Medical Council” shall be substituted.

3. Amendment of rule 5.- In rule 5 of the said rules, for sub-rule (1), the following shall be substituted, namely:

“(1) In the case of election of members by the Members of the Medical Faculties and Medical teachers who are registered under the Medical Council or Teachers of the Universities, referred to in clause (b) of sub-section (2) of section 3 of the Act, the Registrar shall address to the Registrar of the Universities established by law including the Universities declared as deemed to be a university under the University Grants Commission Act 1956 in the State of Karnataka to furnish a list of members of the faculties of medicine of the University pertaining to respective revenue division as on date to be specified and after receipt of such list arrange the names of the members in alphabetical order. Such a list shall constitute the preliminary electoral roll revenue

division wise for the purpose of election of members under clause (b) of sub-section (2) of section 3 of the Act and it shall be published in the Official Gazette or on the notice board and on the Official website of the Medical Council.”

4. Amendment of rule 6.- In the rule 6 of the said rules, in sub-rule (1), for the words “Official Gazette”, the words “Official Gazette or on the notice board and in the Official website of the Medical Council” shall be substituted.

5. Amendment of rule 7.- In rule 7 of the said rules, for clause (d), the following shall be substituted, namely:

“(d) date and time of election and the palaces of voting”

6. Substitution of rule 8.- For rule 8 of the said rules, the following shall be substituted, namely: -

“8. Qualification of election as members. - Every person whose name is entered in the final electoral rolls-maintained revenue division wise, published under rules 4, 5 and 6 respectively shall, unless disqualified under Section 7 of the Act be qualified to be elected as a member from the respective revenue division constituency to which the electoral roll relates.”

7. Amendment of rule 9.- In rule 9 of the said rules, -

(i) in sub-rule (2), after the words “constituency concerned”, the words “and in the respective revenue divisions” shall be inserted;

(ii) after sub-rule (2), the following proviso shall be inserted, namely; -

(iii) “Provided that, elector from one revenue division shall not propose or second the nomination of any candidate, in any of the other revenue division except the revenue division in which he has been enrolled as a voter”

(iv) in sub-rule (4), for the words “Council if elected” the words “Council if elected and that he has been enrolled in

the electoral roll of the revenue division from which he/she is willing to file his/her nomination “shall be substituted;

(v) in sub-rule (5), for the words, figures and letter “up to 12 O’ clock in the noon’, the words, figures and letters “up to 5.00 p.m.” shall be substituted and

(vi) after subrule (6), the following shall be inserted, namely: =

“(7) Total number and names of candidates who have submitted nominations, constituency wise and revenue division wise within stipulated time and date shall be hosted on the Official website of the Medical Council and shall be notified on the notice board of the Medical Council.”

8. Amendment of rule 10, - In rule 10 of the said rules, in sub-rule (1), for the words “a sum of rupees fifty in cash”, the words “a sum of rupees five hundred in the form of Demand Draft drawn in favour of the Registrar of the Medical Council” shall be substituted.

9. Amendment of rule 11.- The rule 11 of the said rules, the word, figures and letters “at 12 NOON” shall be omitted.

10. Amendment of rule 12.- In rule 12 of the said rules, for the words, figures and letters “not later than 12 NOON on the date” the words “before the date and time” shall be substituted.

11. Amendment of rule 13: - In rule 13. In said rules, in sub-rule (3), after the words “Official Gazette”, the words: or in the Official website and on the notice board of the Medical Council indicating the revenue division for which they are contesting” shall be inserted.

12. Substitution of rule 14.” For rule 14 of the said rules, the following shall be substituted namely: -

14. Preparation of the ballot paper: - (1) The Ballot paper for Election in each revenue division shall contain the

names of all the candidates, whose nomination papers have been accepted, the names being arranged in the alphabetical order revenue division wise. If two or more candidates bear the same name, they shall be distinguished by the addition of their specialty or residence or some other manner.

(2) The ballot paper shall bear the authorized stamp of the Medical Council and shall not bear any serial number. The counterfoils of the ballot papers shall be serially numbered.”

12. **Substitution of rule 15:** - For rule 15 of the said rules, the following shall be substituted, namely: -

15. **Election Procedure.** - Unless the subject or the contest otherwise indicates, the following procedure shall be applicable to elections to elect the members to the Medical Council, namely: -

- (i) Polling Centres shall be provided at suitable places within the jurisdiction of the revenue division, and voters be assigned to each of such Centres by the Returning Officer;
- (ii) A notice shall be put up at each polling centre, indicating-
 - (a) the name of the election;
 - (b) the names of the contesting candidates;
 - (c) the hours of voting and
 - (d) the Division to which it pertains to
- (iii) An election officer, shall be appointed by the Returning Officer for each polling centre. The election officer who shall be in charge of the centre shall maintain order at the centre. No person other than a voter shall be permitted to enter the polling centre by verification of the authorised identity with photo.

- (iv) No voter shall be allowed to enter the polling centre for recording his vote, before the commencement or after the expiry of the time fixed for polling;
- (v) Every polling centre shall have such number of compartments as the election officer considers necessary to enable the voters to record their votes within prescribed time limits'
- (vi) Immediately before the commencement of the polling the election officer shall show to the candidate or his authorized agent present at the centre, that the ballot box is empty and then lock and seal it for use, in front of them;
- (vii) As each voter enters the polling centre, the election officer, shall check up the voter's name and other particulars and take all the reasonable care to ensure the identity of the voter before the issue of the ballot paper;
- (viii) If a person, representing himself to be a particular voter applies for a ballot paper after another person has already voted as such voter he shall, on a satisfactorily answering such questions relating to his identity as the election officer may put, be issued a ballot paper. The ballot paper to be issued in such cases shall be serially the last in the bundle of ballot papers issued for use at the polling centre;
- (ix) The words, "Tendered Ballot paper" shall be endorsed on the back of ballot paper by the election officer. The voter after marking the tendered ballot paper in the voting compartment shall not put in the ballot box but deliver it to the election officer who shall place it in a separate cover suitably marked;
- (x) Before the ballot paper is issued to a voter the number of the voter as in the electoral roll shall be entered on the counterfoil and the counterfoil shall be signed by

the Voter. A mark shall be placed by the issuing officer on the fore finger of the voter and in his copy of the electoral roll against the number of voters to whom the ballot paper is issued-

- a. the Voter on receiving the ballot paper, shall forthwith proceed to one of the compartments where he shall mark his vote. He shall then put the ballot into the ballot box kept in front of the election officer'
- b. every voter shall vote without any delay and shall leave the polling centre as he has put the ballot paper into the ballot box;
- c. If the voter spoils his ballot paper inadvertently, he shall be given another paper and the spoiled paper and its counterfoil shall be cancelled by the election officer; and
- d. each contesting candidate may appoint an agent at a polling centre who shall be duly authorised by him in writing, such agent shall present the instrument of authorization to the election officer to enable the latter to permit him to be present at the polling centre.

14. **Substitution of rule 16.**- For rule 15 of the said rules, the following shall be substituted, namely,

“16. **Scrutiny and counting of votes.** - (1) After rejecting the ballot papers which are invalid the Returning Officer shall, -

- (i) arrange the remaining ballot papers in a bundle of twenty five or fifty and count number of votes obtained by each candidate separately;
- (ii) count and record the number of votes in each bundle; and
- (iii) the number of voters secured by each candidate shall be added together and the candidate securing highest

votes shall be declared elected depending on the number of candidates to be elected.

(2) The Returning Officer shall attend for the purpose of scrutiny and counting of votes on the date and at the time and place appointed by him on his behalf for the purpose of counting of the votes.

(3) Any candidate may be present either in person or by his authorised representative at the counting of the votes.

(4) The Returning Officer shall nominate as scrutiners such number of members of the staff of the Office of the Medical Council as he thinks fit to assist him in the counting of votes.

(5) A voting paper cover shall be invalid and shall be rejected by the Returning Officer if,-

- (a) it does not bear the Returning Officer's initial or facsimile signature or
- (b) a voter signs his names, or writes a word or make any mark on it by which it is recognizable as his voting papers; or
- © no voting is recorded thereon; or
- (e) the number of votes recorded thereon is not equal to the number of votes which the voter is entitled to give; or
- (f) it is void for uncertainty on account of one or more votes being exercised;

Provided that where more than one vote can be given on the same voting paper, if one of the marks is so placed as render it doubtful to which candidate it is intended to apply, the vote concerned but not the whole voting paper shall be invalid on that account.

(6) If any objection is made to any voting paper on the ground that it does not comply with the specified requirements, or to any objection by the Returning Officer of a voting paper,

it shall be decided at once by the Returning Officer whose decision shall be final.”

16. Amendment of rule 18- In rule 18 of the said rules, after the words “Official Gazette” the words “or in the notice board and in the Official website of the Medical Council” shall be inserted.

16. Substitutional rule 43: - For rule 43 of the said rules, the following shall be substituted namely: -

“**43. Renewal of Registration:** Each medical practitioner registered under the Act shall apply to the Medical Council with a renewal fee of rupees one thousand and on or before the 31st day of December of every five years for continuation of his name in the register.

17. Insertion of new rules 43-A and 44-B.- After rule 43 of the said rules, as so substituted, the following shall be inserted, namely: -

“43-A. Accreditation of CME

(1) Accreditation and approval of CMEs and awarding of the credit points shall be the sole discretion of the Medical Council and shall depend on the composition of the faculty, participation, status of the speaker, quality and the contents of the subject matter of the papers resented in the CME or Conference.

(2) Any Professional organization or body or institution may hold CMEs, which shall apply for approval and accreditation to the Medical Council. The Council on verifying the credentials of the organisation shall give certificate of accreditations to those bodies to hold CMEs.

(3) The office bearers of the Association or Organization shall apply to the Medical Council in Form-G. The application shall be accompanied by the complete program of the CME or Conference including the name, designation and country of the speakers and the subject of speech.

(4) In the application sent to the Medical Council, duration given to each speaker shall be mentioned along with the topic of the lecture while applying for the credit hours.

(5) Accredited bodies which hold regular CMEs shall get approval of the Medical Council, the date and time of the CME, at least fifteen days in advance, so as to facilitate the Medical Council to send observers for the CME.

(6) Associations or organizations shall issue the certificate to the delegate who has attended the CME only after the completion of the CME or Conference or Workshop but not at the time of registration for the CME or Conference or Workshop.

(7) Associations or Organizations shall maintain the feedback of the delegates and the list of the delegates who have attended the CME or Conference up to five years.

(8) In case, it is found by the Medical Council, the certificate issued is false then the accreditation certificate of issuing Association or Organization shall be cancelled.

(9) If required the Medical Council may seek additional information or inspect the applying organization before granting the accreditation.

(10) In case of collaborative CME's held with non-accredited organizations, the application shall be made in the name of the accredited association only, and also registration fees shall be collected in the name of accredited organization.

43-B. Awarding of credit points

(1) Online-Continuing Medical Education (CME):
For the doctors residing in Karnataka State, up to 20% online CMEs which are approved by the Medical Council in complete five years (maximum 6 in five years) shall be considered. For the doctors who are residing out of state or out of country shall be allowed 100% online credit points or given equivalence for the CMEs they have attended. Till the time the Medical

Council starts its own Online-CME programme, organisations shall be approved to conduct online CMEs on case-to-case basis by the Medical Council.

(2) The following Equivalence formula shall be applied for Out of State or Country Conferences and publications of Research paper and Books, namely

- (i) Maximum of 4 points for National Conferences held by recognized specialty association viz Association of Physicians of India, Association of Surgeons of India, Federation of Obstetrics & Gynaecological Societies of India, etc;
- (ii) Maximum of 2 points for any other conference or workshop;
- (iii) Maximum of 4 points for publishing textbook and maximum of 3 points for other book on his subject specialty;
- (iv) Maximum of 2 points for the original research paper in the indexed journals of state or national conferences; and
- (v) Abroad conferences and online credit points are very varied-maximum of 3 points shall be awarded looking into content and credibility of conference or CME.

(3) All the Medical Teachers and Post Graduate students in Medical Council of India or recognized institutes shall get 2 credit points per six months term. They shall produce certificate to that effect obtained from the Institutional head.

(4) All the official training programs for the medical officers conducted by University or Government or Director of Health Services shall be granted credit points as per specified norms. University or Government or Director of Health Services shall inform the details of training programs well in advance to the Medical Council, to avail credit points.

(5) It shall be the responsibility of the Organization arranging the CME to deposit the requisite dues as specified, to the Medical Council. Clearance of dues shall only permit the organisation to arrange the next CME.

(6) Online application shall be made one month in advance. Minimum fifteen days in advance application shall be required/ The CME Committee members with delegated powers shall have power to waive the time limit in some specific circumstances.

Provided that the doctors after completing Sixty five years of age and all the below mentioned categories are exempted from earning the credit points for renewal of registration namely;

- (i) Ministers or Member of Legislative Assembly or Member of Legislative Council of Member of Parliament;
- (ii) Indian Administrative Services;
- (iii) Vice Chancellor of the Health Sciences Universities, Directors, Registrars, Deputy Registrars and Assistant Registrars working under Health Sciences Universities;
- (iv) Dean or Director, Medical Superintendent and the Principal of Medical Colleges;
- (v) Director of Medical Education, Joint Director or Deputy Director of Medical Education;
- (vi) Director, Joint Director or Deputy Director or District Health Officer and District Surgeons of Health Services;
- (vii) Doctors working with Armed Forces;
- (viii) Doctors on deputation from Government of Karnataka to other States or Countries; and

- (ix) In special cases, President of the Medical Board, on recommendation of the Medical Council shall give exemption from earning the credit points.

18. Amendment of rule 47. In rule 47 of the said rules, -

- (i) in clause (1), for the words. 'Rupees fifteen; the words. Rupees two thousand' shall be substituted;
- (ii) in clause (2), for the words 'Rupees two', the words ' Rupees two thousand' shall be substituted;
- (iii) for clause (3).
- a) The word 'annual' shall be omitted; and
- b) For the words 'Rupees two', the words, 'Rupees one thousand' shall be substituted, and
- c) (iv) in clause (4). For the words 'Rupees three', the words 'Rupees five hundred' shall be substituted.

19. Insertion new Form G- After Form F of the said rules, the following shall be inserted, namely

Form – G

Application for Accreditation of CME, etc
(See sub-rule (3) of rule 43-A)

To
President/Chairman
CME Accreditation Committee,
Karnataka Medical Council,
Bengaluru 560 052

Sir,

Sub : Issue of Certificate of accreditation

Subject of CME/Seminar.....Date.....

Our organization proposes to conduct CME Programmes/
Workshops/Seminars for updating knowledge of doctors and we have
demonstrated ability to plan and implement above programmes to
cover the targeted doctors, Brief details of our organization are as
follow.

1. Name of Organization/ Institutions.....
2. Recognition Number of MCI (Applicable for Medical Colleges)
.....
3. Name of Associations.....
4. Registration Number of Association.....

I request to issue Certificate of accreditation to our Institute/
association

Thanking you,

With warm regards,

Yours truly,

Signature

Name.....

Official stamp

Note: 1 Application should be made on official letter head of
organization/association