

**THE  
KARNATAKA  
MEDICAL REGISTRATION ACT, 1961**  
{KARNATAKA ACT No.34 OF 1961}

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**THE  
KARNATAKA  
MEDICAL REGISTRATION ACT, 1961  
{KARNATAKA ACT NO. 34 OF 1961}**

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**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 he 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 circumstance, it is proposed to have a uniform law relating to registration of practitioners practicing the modern system of medicine throughout the state.

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(First published in the Karnataka Gazette, on the Thirtieth day of December, 1961)  
(Received the assent of the President on the Twenty-fifth day of December, 1961)

**An Act to consolidate the laws for the registration of medical practitioner 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 that 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.

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(3) It shall come into force on such as the state Government may, by notification, appoint.

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**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 22<sup>nd</sup> August, 1963 as the date on which the provision of the said Act shall come into force.

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**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 provision 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 purpose 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 used.

**(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, representative of whom have not been elected under clause (a), (b) and (c).

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**(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 provision 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 electorates 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 member of 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 provision 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. Disqualifications**—A person shall be disqualified for being chosen as and for being a member of the Medical Council—

(a) if 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 his 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 meeting 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 member of the Faculty of Medicine of the University concerned; or

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(C) in the case of a member elected under clause (a) or (c) of subsection (2) of section 3, ceases to be 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 meeting 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 or any regulation as to the summoning of a 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 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 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 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. Registrar**—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 registrar correct and from time to time to

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enter any necessary alterations in the addresses of person registered and to enter any additional qualification 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 provision 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 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 fro 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

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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.

**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 proceeding**—All inquires under this Act shall be deemed to be judicial proceeding within the meaning of section 193 and 228 of the Indian Penal Code.

**18. Assessor to Medical Council**—(1) For the purpose of advising the Medical Council on question of law arising in inquiries before it, there shall, in all such inquires , be an assessor to the Medical Council who has been for not less that 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 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) Not withstanding 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:

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#### **KARNATAKA MEDICAL REGISTRATION ACT, 1961**

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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 any appointments 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 he modern scientific system of medical is practiced.

**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 on expense of his office.

**23. Exemption from serving on inquests, etc**— Notwithstanding any-things in any other law for the time being in force, every person who shall be registered under 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 V of 1898)

**24. Fees payable to member**—There shall be paid to the members of the Medical Council such fees for attendance and such reasonable traveling 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 practitioner**— (1) The Registrar shall every year on or before the Thirtieth day of June, publish in he Official Gazette' 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,

Provided that in the case of any person whose names 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 provision 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 that 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 any things 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 purpose 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 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.

KARNATAKA MEDICAL REGISTRATION ACT, 1961

**32. Regulations**---(1) subject to the provision 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 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 validity 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 IV 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 provision as the State Government may by notification make in the said provision:

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.

36. **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 provision from the provisions of the Acts in force immediately before the commencement of this Act, the State Government, may by notification make such provision 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.

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**THE  
KARNATAKA  
MEDICAL REGISTRATION RULES, 1963**

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#### THE

#### 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 22<sup>nd</sup> May, 1963, in Part IV, section 2-C(i) of the Karnataka gazette, dated 1<sup>st</sup> June, 1963 as required by sub-section (1) of section 31 of the said Act, namely----

#### PART

#### 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;}
- (c) :President” means the president of the Karnataka Medical Council;
- (d) “Register” or “ State Medical Register” means the register kept under section 12 ;
- (e) “ Register” means the Registrar appointed as such under Section 11;
- (f) “Section” means a section of the Act.

#### PART 11

#### Appointment to Council

4. **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

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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

3. Rules 3, 3-A to 3-P substituted for rules 3 by GSR 316, dated 31-8-1970, w.e.f. 10-9-1970 the office of the Medical Council appoint for every 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 a 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**—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 seconded, 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 his 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 proposed or seconded 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 proposed and one seconded 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 proposed or seconded is not qualified to subscribe a nomination paper under sub-rule (1) of Rule 3-B; or

(b) That the signature of the candidate, proposed or seconded 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 proposed or seconded 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 his 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 cause 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 proposed or seconded who has been authorized 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 procedures 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 manner as to prevent 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 Kannda. 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.

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(6) **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;

(7) 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;

(8) 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 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 therefrom and scrutinize 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 the elector which 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 than once if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

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- (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 votes.

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 candidate 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 vote thereon the description of its contents, the election to which it relates and the date thereof.

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(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 rule 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 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 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 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..}

5. **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 (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}.

92) The returning Officer shall {xxx} publish a notice in the Official Gazette Specifying the mode in which and the time within which claims and objections relating to the entries or omissions in the preliminary electoral roll shall be preferred.

(3) On or the 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

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1. sub-rule (1) substituted by GSR 173, dated 7-6-1979, w.e.f 21-6-1979

The word 'simultaneously' omitted by GSR 173, dated 7-6-1979. w.e.f 21-6-1979

Orders and the rolls, as so revised,, shall be { xxx} the final electoral roll. {The additions or deletions made while revising the rolls shall be published in the Official Gazette }

**6. 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 sun-section (2) of section 3, the Registrar who shall be the Returning Office, shall address the Registrar 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 a date to be specified and other receipt of such list arrange the names of the member 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 {xxx}.

(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 sun-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 sub-section (2) of section 3, the dates for each of the following stages of election, namely—

(a) the last date making nominations, which shall be a date not later than sixty days before the date fixed for the counting of votes;

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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

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(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 that are required to fill up the seat be subscribed for the same elector, all nominations subscribed 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 the last date fixed for nomination paper duly signed and completed so as to reach the Returning Officer, before or the last date fixed for nomination upto 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—

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

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(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  $1/8^{\text{th}}$  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  $1/8^{\text{th}}$  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 scrutinize at 12 NOON the nomination papers received by him, at a place appointed by him in this 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 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 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 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—

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- (i) a numbered declaration papers;
- (ii) a voting paper in Form 111 containing the names of the candidates entered in alphabetical order and bearing the Returning Officer's initial or facsimile signature;
- (iii) a small blank cover with the words" Voting Papers" printed thereon and address 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, Bangalore”

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 (10) 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 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 Office, 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 his behalf of purpose of counting.

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(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 member 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 representing the candidate and the voting papers may be shown to the candidate or their representative 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

(e) more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope; or

(f) 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 initialed 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 scrutinized and valid ones counted.

A voting paper shall be invalid 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

- (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 forthwith declare the candidate or candidates, as the case may be, on whom the largest number of votes has been given, to have been elected and shall forthwith inform the successful candidates 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 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 authorized 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 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 electoral roll for purposes of by-election from such constituency.

## **PART 111**

### **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 is 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 prepared 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 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.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 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 requires 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 recognized 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 31<sup>st</sup> 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

## 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 second 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 his proposed or seconded who has been authorized in this 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.

Returning Office,

.....

Date.....

Place.....

---

## FORM

{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 members of the Karnataka Medical Council.

.....  
Signature of the Proposed  
Date.....  
Signature of the Seconded  
Date.....

I assent to his nomination.

Signature of the candidate.  
Date.....

---

**KARNATAKA MEDICAL REGISTRATION RULES, 1963**

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**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 seconded 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 the father/husband	Address Of candidate
1	2	3	4

Place.....

Date.....

.....  
Returning Officer.....

---

Strike off inappropriate alternative.

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**FORM E**

{see Rule 3-H(4)}

**Ballot paper**

**Karnataka Medical Council**

**Election to the office of the president/vice-president.**

Counterfoil serial number

The ballot paper

Sl.no of the candidate name of the Voters mark  
Candidate

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

**Instructions of 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 that 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.

**FORM F**

{see Rule 3-I (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.....

FORM 11 KARNATAKA MEDICAL REGISTRATION RULES 1963

Date.....

Returning Office'

**FORM I**

{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 Seconded

**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 Officer before....(time) of.....(date) will be invalid.
2. The names of the proposed and seconded 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.

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FORM 111

{SEE Rule 13(3)}

Declaration paper

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 initial or facsimile signature;
    - (b) a voter signs his names or writes a word or makes any mark on it by which it becomes recognizable 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 1V

{see Rule 14 (1) }

Declaration paper

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 3of the Karnataka Medical Registration Act,1961, and that I have signed no other voting paper at this election.

Station:  
Date:

Signature  
Address

---

**KARNATAKA MEDICAL REGISTRATION 9(AMDT) RULES, 1970**

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**THE  
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 IV, section 2-c (i) of the Karnataka Gazette, dated the 28<sup>th</sup> May, 1970, namely—

- 1. Title and commencement**—(1) These rules may be called the **Karnataka Medical Registration (Amendment) Rules, 1970.**
- 2. Amendment of Rule 2**—In Rule 2 of the Karnataka medical Registration Rules, 1963 (hereinafter referred to as the principal rules), after clause © the following clause shall be inserted, namely—

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

**6 Substitution o 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 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 that 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 either 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 date 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 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-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 proposed and one seconded 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 proposed or seconded is not qualified to subscribe a nomination paper under sub-rule (1) of Rule 3-B or

(b) that the signature of the candidate, proposed or seconded is not genuine or has been obtained by fraud: or

(c) that the signature paper has been duly completed and the defect or irregularity is of a substantial character; or

(c) that the proposed or seconded has subscribed, whether as proposed or seconded 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 his 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 proposed or seconded who has been authorized 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 validity 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-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 candidates 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 member 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 scrutinize 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 work "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 identified; or

(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. 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 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 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 there after 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 rule shall enter upon his duties forthwith, in case there is no elected President or Vice-President as the case may be 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;
- © 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
- © 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 withdraw 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, 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. 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.

**KARNATAKA MEDICAL REGISTRATION (AMDT) RULES. 1970**

**Returning Officer,**

.....

Date.....

Place.....

**FORM B**

{SEE Rule 3-B(1)}

**Nomination Paper**

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

We hereby 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 Proposed

Date.....

Signature of the Seconded

Date.....

I assent to this nomination.

.....  
Signature of the candidate

Date.....

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**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 any 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. Candidate's proposed who has been authorized in writing by the candidate who delivered it;
  3. Candidate's seconded who has been authorized in writing by the candidate who delivered it.
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**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.

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Sl.No	Name of the Candidate	Name of the Father/husband	Address of Candidate
(1)	(2)	(3)	(4)

---

Place.....

Date.....

.....  
Returning Officer.....

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**FORM E**

{See Rule 3-H(4)}

**Ballot Paper**

**Karnataka Medical Council**

**Election to the Office of the President/Vice-President.**

Counter foil serial number of Ballot paper	Roll	
<b>Sl.No of the Candidate</b>	<b>Name of the candidate</b>	<b>Voter's mark</b>
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 doubtful as to make it doubtful to which candidate you have given the vote that vote will be invalid.

**FORM F**  
{see Rule 3-I(8)}  
**Return of Election**

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

Sl.No	Name of the Candidate	Name of valid votes polled
	Total number of valid votes polled	.....
	Total number of rejected votes	.....
	I declare that.....(name) 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 2<sup>nd</sup> January, 1979 (5-GSR 16), in Part IV, section 2-C(i) of the Karnataka Gazette, Dated 11<sup>th</sup> January, 1979, inviting objections or suggestions on or before 31<sup>st</sup> January, 1979 from all person from all persons likely to affected thereby.

1. Published in the Karnataka Gazette, dated 21-6-1979, vide Notification No. HFW 9 MSH 77, dated 7-6-1979

in the heading for the words “for misconduct “ the words “for misconduct etc. “shall be substituted.

(2) in sub-section (1).

- (i) for the words, “guilty of any misconduct “ the words “guilty of any misconduct, negligence, incompetence or violation of code of Medical ethics shall be substituted:
- (ii) in the explanation, for the words, figures, and brackets “the code of criminal procedure 1898 ( central Act V of 1898)’ the words, figures and brackets “the code of criminal Procedure, 1973 ( central Act 2 of 1974)” shall be substituted.

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

“(d) **inspection** of Medical Institutions such as Hospital, Nursing Homes, constitution rooms, Diagnostic Centre, Polyclinics, Clinics, Health and Care Institutions by what ever name called, carrying Medical Practice.

10. **Amendment of section 18**—in section 19 of the principal Act’

- (1) in sub-section (1), for the words “ on or before the thirty first day of December of every year a renewal fee of two rupees” the words “ a prescribed fee on or before such date as may be prescribed “ shall be substituted.
- (2) After sub-section (1), the following proviso shall be inserted, namely:-  
“provided that the renewal of registration shall not be done unless the registered Medical Practitioner produces a certificates for having attended a continuing Medical Education program for not less that 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 in the office of the Medical Council” shall be substituted.

### STATEMENT OF OBJECTS AND REASONS

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

- (1) to define “teachers” and “teachers of University” and to provide for election of four members to the Medical Council jointly from both these categories:
- (2) to provide that out of 4 persons to be nominated by the State Governments one shall be from amongst the Karnataka Dental Council by rotation for a period of one Council and Ayurvedic and Homeopathy Council by rotation for a period of one year, who shall have no right to vote in the meeting of the Medical Council:
  - (iii) to provide that no election shall be held to fill up a vacancy in the office of an elected member if the remainder of the period is less that six months:
  - (iv) to provide for fixing of fees by rules:



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

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5. **Term of Office**—The President, vice-president and other members of the Medical Council shall subject to the provision of this Act, hold office for a term of five years from the date of their 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.
6. **Vacancies**—Upon the death, registration 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.

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7. **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 Medical of the University concerned ; or
  - (c) in the case of a member elected under clause (a) or (c) sub-section (2) of section 3, ceases to be 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 meeting of Council**—XX XX XX

**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 license along with a fee of fifteen rupees for being registered under this Act. The Registrar shall if satisfied that the applicant 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 rupee enter the names of Medical practitioner 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 Mysore 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 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.

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**15. Removal of Medical Practitioner's name from registrar 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 of 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 Producer, 1898 ( central Act of 1898 ), or any other law for the time being in force;

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**18. Assessor to Medical Council**—(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.

**23. Exemption from serving on inquests ets**—Notwithstanding anything 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 juror under the Code of Criminal Produce, 1898 (central Act V of 1898).

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**26. Publication of list of practitioner**—(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.

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## MEDICAL COUNCIL OF INDIA NOTIFICATION

New Delhi the 10<sup>th</sup> December 2009

**No.MCI-211(1)/2009(Ethics)/55667**---In exercise of the powers conferred by section 33 of the Indian Medical Council Act, 1956 (102 of 1956), the Medical Council of India with the previous sanction of the Central Government, hereby makes the following Regulations to amend the “Indian Medical Council (Professional Conduct, Etiquette and Ethics)Regulations,2002—

- (I) These Regulations** may be called the “Indian Medical Council (Professional Conduct, Etiquette and Ethics) (Amendment) Regulations,2009 Part 1”
  - They shall come into force from the date of their publication in the Official Gazette.
- In the “Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002”, the following additions/modifications/deletions/substitutions, shall be, as indicated therein:--



3. The following clause shall be added after clause 6.7:--

**“6.8 Code of conduct for doctors and professional association of doctors in their relations with pharmaceutical and allied health sector industry.**

6.8.1 In dealing with pharmaceutical and allied health sector industry, a medical practitioner shall follow and adhere to the stipulations given below:--

- (a) **Gifts:** A medical practitioner shall not Receive any gifts from any pharmaceutical or allied health care industry and their sales people or representatives.
- (b) **Travel facilities:** A medical practitioner shall not accept any travel facility inside the country or outside, including rail, air, ship, cruise tickets, paid vacations, etc, from any pharmaceutical or allied healthcare industry or their representatives for self and family members for vacation or for attending conferences, seminars workshops, CME program etc .as a delegate.
- (c) **Hospitality:** A medical practitioner shall not accept individually any hospitality like hotel accommodation for self and family members under any pretext.
- (d) **Cash or monetary grants:** A medical practitioner shall be receive any cash or monetary grants from any pharmaceutical and allied healthcare industry for individual purpose in individual capacity under any pretext. Funding for medical research, study etc. can only be received through approved institutions by modalities laid down by law/rules/guidelines adopted by such approved institutions, in a transparent manner. It shall always be fully disclosed.
- (e) **Medical Research:** A medical may carry out, participate in, work in research projects funded by pharmaceutical and allied healthcare industries. A medical practitioner is obliged to know that the fulfillment of the following items (i) to (vii) will be an imperative for undertaking any research assignment/project and ethical. Thus, in accepting such a position a medical practitioner shall :-
  - (i) **Ensure that** the practitioner research proposal (s) has the due permission from the competent concerned authorities:
  - (ii) Ensure that such a research project (s) has the clearance of national/state/institutional ethics committee/bodies:
  - (iii) Ensure that it fulfils all the legal requirements prescribed for medical research
  - (iv) Ensure that the source and amount of funding is publicity disclosed at the beginning itself.
  - (v) Ensure that proper care and facilities are provided to human volunteers, if they are necessary for the research projects(s)
  - (vi) Ensure that undue animal experimentations are not done and when these are necessary they are done in a scientific and a humane way:
  - (vii) Ensure that while accepting such an assignment a medical practitioner shall have the freedom to publish the results of the research in the greater interest of the society by inserting such a clause in the MoU or any other documents/agreements for any such assignments.
- (f) **Maintaining Professional Autonomy :**In dealing with pharmaceutical and allied healthcare industry a medical practitioner shall always ensure that there shall never be any compromise either with his /her own professional autonomy and /or with the autonomy and freedom of the medical institution.
- (g) **Affiliation:** A medical practitioner may work for pharmaceutical and allied healthcare industries in advisory capacities, as consultants, as researches, as treating doctors or in any other professional capacity. In doing so, a medical practitioner shall always.

- (h) Ensure that his professional integrity and freedom are maintained:
- (ii) Ensure that patients interest are not compromised in any way:
  - (iv) Ensure that such affiliations are within the laws:
  - (v) Ensure that such affiliations/employments are fully transparent and disclosed.
- (i) **Endorsement:** A medical practitioner shall not endorse any drug or product of the Industry publically. Any study conducted on the efficacy or otherwise of such products shall be presented to and/ or through appropriate scientific bodies or published in appropriate scientific journals in a proper way”
- (j) **Lt. Col. (Retd.) Dr.A.R.N SETALVAD, Secy.**  
[ADVT111/4/100/09-Exty]

**Food Note:** The Principal Regulations namely “Indian Medical Council.(Professional Conduct, Etiquette and ethics) Regulations,2002” were published in Part 111, Section (4) of the Gazette of India on the 6<sup>th</sup> April, 2002, and amended vide MCI notification dated 22-2-2003 and 26-5-2004

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**(Published in Part 111, Section 4 of the Gazette of India, dated 22<sup>nd</sup> February,2003)**

## MEDICAL COUNCIL OF INDIA

### NOTIFICATION

**New Delhi, dated 2003**

**No.MCI-211(2) 2002-Regn00 In Exercise of the powers conferred under section 20A read with section 33(m) of the Indian Medical Council Act, 1956 (102 of 1956), the Medical Council of India, with the previous approval of the Central Government, hereby makes the following amendments to the Indian Medical Council(Professional Conduct, Etiquette and Ethics) Regulations , 2002, namely:-**  
**Short Title and Commencement:** (i) These Regulations may be called the Indian Medical Council (Professional conduct, Etiquette and Ethics) (Amendments) Regulations,2003.

(ii) They shall into force on the date of their publication in the Official Gazette.

- (3) In the Indian Medical Council (Professional conduct, Etiquette and Ethics? Regulations, 2002, the regulations,7.23 and 7.24 appearing under Chapter 7, shall be omitted.

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**Published in Part111, Section 4 of the Gazette of India, Extraordinary dated 27<sup>th</sup> May, 2004**

## MEDICAL COUNCIL OF INDIA

### NOTIFICATION

**New Delhi, dated 26<sup>th</sup> May,2004**

**No.MCI-211(2)/2004- (Ethical). In Exercise of the powers conferred under section 20A read with section 33(m) of the Indian Medical Council Act, 1956 (102 of 1956), the Medical Council of India, with the previous approval of the Central Government, hereby makes the following amendments to the Indian Medical Council(Professional Conduct, Etiquette and Ethics) Regulations , 2002, namely**

- (1) Short Title and Commencements; These Regulations may be called the Indian Medical Council (Professional conduct, Etiquette and Ethics) (Amendments) Regulations,2004.

(2) In the Indian Medical Council (Professional conduct, Etiquette and Ethics) Regulations, 2002, after the regulation 8.6 appearing under Chapter 8, the following regulations, shall be added:

“8.7 Where either on a request or otherwise the Medical Council of India is informed that any complaint against a delinquent physician has not been decided by a State Medical Council within a period of six months from the date of receipt of complaint by it and further the MCI has reason to believe that there is no justified reason for not deciding the complaint within the said prescribed period, the Medical Council of India may—

- (i) Impress upon the concerned State Medical Council to conclude and decide the complaint within a time bound schedule:
- (ii) May decide to withdraw the said complaint pending with the concerned State Medical Council straightaway or after the expiry of the period which had been stipulated by the MCI in accordance with para (i) above, to itself and refer the same to the Ethical committee of the Council for its expeditious disposal in a period of not more than six months from the receipt of the complaint in the office of the Medical Council of India.”

8.8 Any person aggrieved by the decision of the State Medical Council on any complaint against a delinquent physician, shall have the right to file an appeal to the MCI within a period of 60 days from the date of receipt of the order passed by the said Medical Council:

Provided that the MCI may, if it is satisfied that the appellant was prevented by sufficient cause from presenting the appeal within the aforesaid period of 60 days, allow it to be presented within a further period of 60 days.

(v)

(g)

