

**THE KARNATAKA HABITUAL OFFENDERS ACT, 1961.  
ARRANGEMENT OF SECTIONS**

**CHAPTER I  
PRELIMINARY**

Statement of Object and Reasons

Sections:

1. Short title, extent and commencement.
2. Definitions.

**CHAPTER II  
REGISTRATION OF HABITUAL OFFENDERS AND RESTRICTIONS  
ON THEIR MOVEMENT**

3. Power of State Government to direct registration of habitual offenders.
4. Issue of notice to habitual offenders and enquiry regarding entries to be made in the Register.
5. Charge of register and alterations therein.
6. Power to take finger impressions, etc., at any time.
7. Registered offenders to notify every change of residence and to report themselves.
8. Action to be taken when a registered offender changes his ordinary residence.
9. Duration of registration, cancellation thereof and re-registration of habitual offenders.
10. Right to make representations against registration and re-registration, etc.
11. Power to restrict movement of a registered offender.
12. Power to cancel or alter restrictions on movement.

**CHAPTER III  
CORRECTIVE TRAINING OF HABITUAL OFFENDERS**

13. Establishment of corrective settlements.
14. Power to direct habitual offender to receive corrective training.
15. Power to transfer from corrective settlement.

**CHAPTER IV  
PENALTIES AND PROCEDURE**

16. Penalty for failure to comply with certain provisions of the Act.
17. Arrest of persons found outside restriction area or corrective settlement.

**CHAPTER V  
MISCELLANEOUS**

18. Bar of jurisdiction.
19. Bar of legal proceedings.
20. Power to delegate.
21. Power to make rules.
22. Repeal and savings.

SCHEDULE A.

SCHEDULE B.

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**STATEMENT OF OBJECTS AND REASONS**

**Act 24 of 1961.-** The laws pertaining to the treatment and training of habitual offenders now in force in the different areas of the State are—

1. The Mysore Restriction of Habitual Offenders Act, 1952 (Mysore Act XXIII of 1952);
2. The Madras Restriction of Habitual Offenders Act, 1948 (Madras Act VI of 1948);
3. The Bombay Habitual Offenders Restriction Act, 1947 (Bombay Act LI of 1947);
4. The Hyderabad Habitual Offenders (Restriction and Settlement) Act, 1954 (Hyderabad Act XXII of 1954).

It is necessary to have a uniform law relating to habitual offenders applicable to the entire State. Hence this Act.

The main provisions of the Act relate to the registration of habitual offenders and restriction of their movements, establishment of corrective settlements and other ancillary matters.

(Obtained from file LAW 16 LGN 59.)

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**'[KARNATAKA ACT]' No. 24 OF 1961**

*(First published in the 1[Karnataka Gazette]1 on the thirtieth day of November, 1961.)*

**THE '[KARNATAKA]' HABITUAL OFFENDERS ACT, 1961**

*(Received the assent of the President on the twenty-first day of November, 1961.)*

**An Act to provide for the treatment and training of habitual offenders.**

WHEREAS it is expedient to provide for the treatment and training of habitual offenders in the 1[State of Karnataka]1;

BE it enacted by the '[Karnataka State]' Legislature in the Twelfth Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

**CHAPTER I  
PRELIMINARY**

**1. Short title, extent and commencement.**—(1) This Act may be called the '[Karnataka]' Habitual Offenders Act, 1961.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) It extends to the whole of the 1[State of Karnataka]1.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(3) It shall come into force on such 1[date]1 as the Government may by notification in the Official Gazette appoint.

1. Act came into force on 17.7.1969 by notification. Text of the notification is at the end of the Act

**2. Definitions.**—In this Act, unless the context otherwise requires,—

(a) "Code" means the Code of Criminal Procedure, 1898;

(b) "corrective settlement" means any place established, approved or certified as a corrective settlement under section 13;

(c) "District" means the territorial division constituting a district for the purpose of the Code and includes the City of Bangalore;

(d) "District Magistrate" means the Deputy Commissioner of the District;

(e) "habitual offender" means a person who, during any continuous period of five years, whether before or after the commencement of this Act, or partly before and partly after such commencement, has been sentenced on conviction on not less than three occasions, since he attained the age of eighteen years, to a substantive term of imprisonment, for any one or more of the scheduled offences, committed on different

occasions and not so connected together as to form part of the same transaction, such sentence not having been reversed in appeal or on revision:

Provided that in computing the continuous period of five years referred to above, any period spent in jail either under sentence of imprisonment or under detention shall not be taken into account;

(f) "notification" means a notification published in the Official Gazette;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "registered offender" means a habitual offender whose name and other particulars are entered in a Register made under a direction issued under section 3 or who is re-registered under section 9;

(i) "scheduled offence" means an offence specified in Schedule A or an offence analogous thereto;

(j) "Superintendent of Police" means the Superintendent of Police having jurisdiction over the area.

## CHAPTER II

### REGISTRATION OF HABITUAL OFFENDERS AND RESTRICTIONS ON THEIR MOVEMENTS.

**3. Power of State Government to direct registration of habitual offenders.**—The State Government may, by notification, direct the District Magistrate, to make or cause to be made, a Register of habitual offenders within the district, by entering therein, names, previous convictions and other prescribed particulars of such offenders.

**4. Issue of notice to habitual offenders and enquiry regarding entries to be made in the Register.**—After the publication of a notification under section 3, the District Magistrate or any officer appointed by him in this behalf, shall by notice in the prescribed form, to be served in the prescribed manner, call upon every habitual offender in the district,—

(a) to appear before him at a time and place therein specified;

(b) to furnish such information as may be necessary to enable him to enter the name and other prescribed particulars of the habitual offender in the register;

(c) to allow his finger and palm impressions, foot-prints and photographs to be taken:

Provided that the name, previous convictions and other prescribed particulars of a habitual offender shall not be entered in the Register unless after affording him a reasonable opportunity of showing cause why such entry should not be made:

Provided further, that no entry relating to previous conviction of a habitual offender shall be made, unless the District Magistrate or the officer appointed by him in this behalf, has satisfied himself about the truth or otherwise of such previous conviction in the manner provided by section 511 of the Code.

**5. Charge of register and alterations therein.**—(1) After the names, previous convictions and other prescribed particulars of habitual offenders in the district are entered in the Register, such Register shall be kept in the custody of the Superintendent of Police who shall, from time to time, report to the District Magistrate any alterations which ought, in his opinion, to be made therein.

(2) When the Register is in the custody of the Superintendent of Police, no fresh entries shall be made in the Register, nor shall any entry be cancelled, except by or under an order in writing of the District Magistrate.

**6. Power to take finger impressions, etc., at any time.**—The District Magistrate or any officer appointed by him in this behalf, may, at any time, order the finger and palm impressions, foot-prints and photographs of any registered offender to be taken.

**7. Registered offenders to notify every change of residence and to report themselves.**—(1) Every registered offender shall notify to such authority and in such manner as may be prescribed, any change or intended change of his ordinary residence:

Provided that where such offender changes or intends to change his ordinary residence to another district, whether within the 1[State of Karnataka]1 or outside, he shall notify the change or intended change to the District Magistrate of the district in which he is registered.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) The District Magistrate may, by order in writing, direct that any registered offender shall,-

(a) report himself once in each month or where the District Magistrate for reasons specified in the order, so directs more frequently, to such authority and in such manner as may be specified in the order; and

(b) notify any absence, or intended absence from his ordinary residence to the aforesaid authority:

Provided that the District Magistrate may exempt any such offender from notifying any absence or intended absence from his ordinary residence for such period and on such conditions as may appear reasonable to him.

**8. Action to be taken when a registered offender changes his ordinary residence.**—(1) Where any registered offender changes his ordinary residence to another district within the 1[State of Karnataka]1, the District Magistrate of the District in which the offender is registered, shall inform the District Magistrate of the other

district about such change, and at the same time, furnish him with the name and other particulars of the registered offender.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) On the receipt of such information, the District Magistrate of the other district, shall enter in his register the name and other particulars of the registered offender and inform the District Magistrate of the first district about such registration and thereupon such District Magistrate shall cancel from his Register the entry relating to that offender.

(3) Where a registered offender changes his ordinary residence to another district, outside the 1[State of Karnataka]1, the District Magistrate of the first district shall, while furnishing the District Magistrate of the other district, with the name and the other particulars of the registered offender, make a request to that District Magistrate that he may be informed of the steps, if any, which may have been taken in relation to the offender under any law for the time being in force in that other district; and upon receipt of such information, the District Magistrate of the first district shall cancel from his Register the entry relating to that offender.

(4) Upon the entry of the name and other particulars of the registered offender in the Register under sub-section (2), the provisions of this Act and the rules made thereunder, shall apply to him as if he has been registered, in pursuance of a direction given under section 3, in the Register of the district to which he has changed his ordinary residence.

**9. Duration of registration, cancellation thereof and re-registration of habitual offenders.**—(1) The Registration of a habitual offender under this Act shall cease to be in force on the expiry of five years from the date of such registration, unless earlier cancelled by the District Magistrate for reasons to be recorded in writing. On such expiry or cancellation, the habitual offender shall cease to be a registered offender.

(2) Notwithstanding the cancellation or the expiry of duration of registration, a habitual offender may be re-registered in accordance with the provisions of this Act relating to registration as often as he is convicted of one or more of the scheduled offences at any time after such cancellation or expiry and the re-registration shall unless earlier cancelled by the District Magistrate for reasons to be recorded in writing, cease to be in force on the expiry of five years from the date of such re-registration.

(3) Notwithstanding anything contained in sub-sections (1) and (2), where a registered offender is, during the period of registration or re-registration, convicted of one or more of the scheduled offences and sentenced to a substantive term of imprisonment, the duration of registration or re-registration shall be extended for a period of five years from the date of his release from such imprisonment.

**10. Right to make representations against registration and re-registration, etc.**—(1) Any person deeming himself aggrieved by the registration or re-registration of his name under section 4 or, as the case may be, under section 9, or by an order under sub-section (2) of section 7, may, within the prescribed period make a representation to the State Government against such registration, re-registration or order.

(2) The State Government shall, after considering the representation and giving the aggrieved person an opportunity of being heard in the prescribed manner, if necessary either confirm or cancel the registration, re-registration or order, as the case may be, and shall in the case of confirmation, record a brief statement of the reasons therefor.

**11. Power to restrict movement of a registered offender.**—(1) If, in the opinion of the State Government, it is necessary or expedient in the interests of the general public so to do, the State Government may, by order, direct that any registered offender shall be restricted in his movement to such area (hereinafter called the "restriction area"), and for such period not exceeding three years as may be specified in the order.

(2) Before making any such order, the State Government shall take into consideration the following matters, namely:—

(a) the nature of the offences of which the registered offender has been convicted and the circumstances in which the offences were committed;

(b) whether the registered offender follows any lawful occupation and whether such occupation is conducive to honest and settled way of life and is not merely a pretence for the purpose of facilitating commission of offences;

(c) the suitability of the area to which his movements are to be restricted; and

(d) the manner in which the registered offender may earn his living within the restriction area and the adequacy of arrangements which are, or are likely to be, available therefor.

(3) A copy of the order shall be served on the registered offender in the prescribed manner.

**12. Power to cancel or alter restrictions on movement.**—The State Government may, by order, cancel any order made under section 11 or alter any area specified in an order under that section:

Provided that before making such order, the State Government shall consider the matters referred to in sub-section (2) of section 11, in so far as they may be applicable.

**CHAPTER III**  
**CORRECTIVE TRAINING OF HABITUAL OFFENDERS**

**13. Establishment of corrective settlements.**—(1) The State Government may, by notification, establish and maintain in the State as many corrective settlements as it thinks fit, for the purpose of placing therein such habitual offenders as are directed to receive corrective training under this Act.

(2) The State Government may also, subject to the conditions prescribed, approve or certify any institution (whether known as a settlement or otherwise) established or maintained by persons other than the State Government as corrective settlement for the purpose of this Act.

**14. Power to direct habitual offender to receive corrective training.**—(1) Where the State Government is satisfied from a report of the District Magistrate or otherwise, that it is expedient for the reformation of a registered offender and the prevention of crime, that the registered offender should receive training of a corrective character for a substantial time, the State Government may, by an order in writing, direct that the registered offender shall receive training of a corrective character for such period not exceeding the duration of his registration or re-registration as may be specified in the order.

(2) When a habitual offender who is not more than forty years of age,—

(a) is convicted of any offence punishable with imprisonment, or

(b) is required in pursuance of section 110 of the Code to execute a bond for his good behaviour, and

—the Court or the District Magistrate is satisfied from the evidence in the case and other matters on record that it is expedient for his reformation and prevention of crime that he should receive training of a corrective character for a substantial time, the Court or the District Magistrate may, in lieu of sentencing, him for such offence, or as the case may be, requiring him to execute such bond, direct that he shall receive corrective training for such term of not less than two nor more than five years, as the Court or Magistrate may determine.

(3) Before giving any direction under sub-section (1) or sub-section (2), the State Government or the Court or the Magistrate, as the case may be, shall,—

(a) take into consideration the physical and mental condition of the offender and his suitability for receiving corrective training in a corrective settlement; and

(b) give a reasonable opportunity to the offender to show cause as to why such directions should not be given.

(4) A habitual offender in respect of whom a direction to receive corrective training has been made, shall be placed in a corrective settlement for the term of his training and while in such settlement, shall be treated in such manner as may be prescribed.



**15. Power to transfer from corrective settlement.**—The State Government or any other officer authorised by it in this behalf, may, at any time, by order in writing direct any habitual offender, who may be in a corrective settlement, to be transferred to another corrective settlement.

#### CHAPTER IV PENALTIES AND PROCEDURE

**16. Penalty for failure to comply with certain provisions of the Act.**—A habitual offender, who, without lawful excuse, the burden of proving which shall lie upon him, -

- (a) fails to appear in compliance with a notice issued under section 4; or
- (b) intentionally omits to furnish any information required under that section, or furnishes as truth any information which he knows or has reason to believe to be false, or does not believe to be true; or
- (c) refuses to allow his finger and palm impressions, footprints and photographs to be taken by any person acting under an order passed under section 4 or section 6; or
- (d) fails to comply with the provisions of sub-section (1) of section 7 or with an order of the District Magistrate under sub-section (2) of section 7, or with an order of the State Government under section 11,

-may be arrested without warrant and shall be punishable, -

(i) on first conviction, with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, or with both; and

(ii) on a second or subsequent conviction, with imprisonment for a term which may extend to one year or with a fine which may extend to five hundred rupees or with both:

Provided that if the Court after taking into consideration the offender's age and physical and mental condition as to the suitability for receiving training of a corrective character in a corrective settlement, is satisfied that it is expedient for his reformation and the prevention of crime, that he should receive training of a corrective character for a substantial time, the Court may, in lieu of sentencing the offender to any punishment under this section, direct, after giving him an opportunity of showing cause, that he shall receive corrective training in a corrective settlement for such term not being less than two years nor more than three years, as it may determine.

**17. Arrest of persons found outside restriction area or corrective settlement.**—If any habitual offender, -

(a) is found outside the area to which his movements have been restricted, in contravention of the conditions under which he is permitted to leave such area; or

(b) escapes from any corrective settlement in which he is placed,  
-he may be arrested without warrant by a police officer, police patel, or a member of the village police and taken before a magistrate who, on proof of the facts, may order him to be removed to such area or to such corrective settlement, there to be dealt with in accordance with this Act and the rules made thereunder.

## CHAPTER V MISCELLANEOUS

**18. Bar of jurisdiction.**—No Court shall question the validity of any direction or order issued under this Act.

**19. Bar of legal proceedings.**—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

**20. Power to delegate.**—The State Government may, by notification in the official Gazette, direct that any power exercisable by it under this Act, except the power under section 21, may also be exercised subject to such conditions and restrictions as may be specified in the notification, by such Officer not below the rank of a Deputy Commissioner as may be specified therein.

**21. Power to make rules.**—(1) The State Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form of notice under section 4 and the manner in which such notice may be served;

(b) the form of the Register of Habitual offenders and the particulars to be entered therein;

(c) the authority to whom and the manner in which any change or intended change of ordinary residence shall be notified under sub-section (1) of section 7;

(d) the nature of restrictions to be observed by registered offenders whose movements have been restricted;

(e) the grant of certificate of identity to registered offenders and inspection of such certificates;

(f) the conditions under which the offenders may be permitted to leave the area to which their movements have been restricted or the corrective settlements in which they have been placed;

(g) the terms upon which offenders may be discharged from corrective settlements;

(h) the working, management, control and supervision of corrective settlements including the discipline and conduct of persons placed therein;

(i) the conditions for, and the manner of, approving or certifying institutions established or maintained by persons other than the State Government as corrective settlements;

(j) the appointment of non-official visitors for corrective settlements;

(k) the conditions and circumstances under which members of the family of a habitual offender may be permitted to stay with him in a corrective settlement;

(l) the periodical review of the cases of all persons, whose movements have been restricted or who are placed in corrective settlements under this Act;

(m) any other matter, which is to be or may be prescribed under this Act.

(3) In making rules under this Act, the State Government may provide that contravention of any of the rules shall be punishable with imprisonment which may extend to six months or with fine which may extend to one hundred rupees or with both.

(4) 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 or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**22. Repeal and savings.**—The enactments mentioned in Schedule B are hereby repealed:

Provided that section 6 of the '[Karnataka]' General Clauses Act, 1899 (1[Karnataka]1 Act III 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:

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

Provided further that if immediately before the commencement of this Act,-

(i) any person is a notified offender,

or

(ii) an order of restriction or an order of settlement has been made against any person,

-under any of the repealed enactments and such person is a habitual offender within the meaning of clause (e) of section 2 of this Act, such person shall continue to be subject to the provisions of the relevant repealed enactment, as if such enactment had not been repealed for a period of four months from the date of commencement of this Act or until his name and other particulars are entered in the Register made under any direction issued under section 3 of this Act whichever is earlier.

### **SCHEDULE A**

[See section 2 (i)].

I

**Offences under the Indian Penal Code.**

#### **CHAPTER XII.**

Section.

- 231 Counterfeiting coin.  
 232 Counterfeiting Indian Coin.  
 233 Making or selling instrument for counterfeiting coin.  
 234 Making or selling instrument for counterfeiting Indian coin.  
 235 Possession of instrument or material for the purpose of using the same for counterfeiting coin.  
 239 Delivery of coin possessed with knowledge that it is counterfeit.  
 240 Delivery of Indian coin, possessed with knowledge that it is counterfeit.  
 242 Possession of counterfeit coin by person who knew it to be counterfeit when he became possessed thereof.  
 243 Possession of Indian coin by person who knew it to be counterfeit when he became possessed thereof.

#### **CHAPTER XVI.**

Section.

- 304 Culpable homicide not amounting to murder.  
 307 Attempt to murder.  
 308 Attempt to commit culpable homicide.  
 311 Being a thug.  
 324 Voluntarily causing hurt by dangerous weapons or means.

- 325 Voluntarily causing grievous hurt.
- 326 Voluntarily causing grievous hurt by dangerous weapons or means.
- 327 Voluntarily causing hurt to extort property or to constrain of an illegal act.
- 328 Causing hurt by means of poison, etc., with intent to commit an offence.
- 329 Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.
- 332 Voluntarily causing hurt to deter public servant from his duty.
- 333 Voluntarily causing grievous hurt to deter public servant from his duty.
- 347 Wrongful confinement to extort property, or constrain to illegal act.
- 365 Kidnapping or abducting with intent secretly and wrongfully to confine person.
- 366A Procuration of minor girl.
- 366B Importation of girl from foreign country.
- 368 Wrongfully concealing or keeping in confinement, kidnapped or abducted person.
- 369 Kidnapping or abducting child under ten years with intent to steal from its person.

## CHAPTER XVII.

### Section.

- 379 Theft.
- 380 Theft in dwelling house, etc.
- 382 Theft after preparation made for causing death, hurt or restraint in order to the committing of theft.
- 384 Extortion.
- 385 Putting person in fear of injury in order to commit extortion.
- 386 Extortion by putting a person in fear of death or grievous hurt.
- 387 Putting person in fear of death or of grievous hurt, in order to commit extortion.
- 392 Robbery.
- 393 Attempt to commit robbery.
- 394 Voluntarily causing hurt in committing robbery.
- 395 Dacoity.
- 397 Robbery or dacoity, with attempt to cause death, or grievous hurt.

- 398 Attempt to commit robbery or dacoity when armed with deadly weapon. 399 Making preparation to commit dacoity.
- 400 Belonging to a gang of dacoits.
- 401 Belonging to a gang of thieves.
- 402 Assembling for purpose of committing dacoity.
- 411 Dishonestly receiving stolen property.
- 414 Assisting in concealment of stolen property.
- 451 House-trespass in order to commit offence punishable with imprisonment.
- 452 House-trespass after preparation for hurt, assault or wrongful restraint.
- 453 Lurking house trespass or house-breaking.
- 454 Lurking house-trespass or house-breaking in order to commit offence punishable with imprisonment.
- 455 Lurking house-trespass or house-breaking after preparation for hurt, assault or wrongful restraint.
- 456 Lurking house-trespass or house-breaking by night.
- 457 Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment.
- 458 Lurking house-trespass or house-breaking by night after preparation for hurt, assault, or wrongful restraint.
- 459 Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
- 460 All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.

## II

### **Offence under the Suppression of Immoral Traffic In Women and Girls Act 1956 (Central Act 104 of 1956).**

#### Section.

- 4 Living on the earnings of prostitution.

## III

### **Offences under the Prohibition Acts. Section.**

- 4 (1) (f) or (g) of the Madras Prohibition Act, 1937 (Madras Act X of 1937) as in force in the '[Mangalore and Kollegal Area]'.

- 4 (1) (f) or (g) of the Mysore Prohibition Act, 1948 (Mysore Act XXXVII of 1948) as in force in the Mysore and <sup>1</sup>[Gulburga Areas.]<sup>1</sup>
- 12 (c) and 13 (c) of the Bombay Prohibition Act, 1949 (Bombay Act XXV of 1949) as in force in the <sup>1</sup>[Belgaum Area.]<sup>1</sup>
- 4 (1) (f) or (g) of the Coorg Prohibition Act, 1956 (Coorg Act 1 of 1956) as in force in the Coorg District.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

### **SCHEDULE B.**

**(See section 22).**

#### **Enactments repealed.**

1. The Mysore Restriction of Habitual Offenders Act, 1952 (Mysore Act XXIII of 1952).
2. The Madras Restriction of Habitual Offenders Act, 1948 (Madras Act VI of 1948.)
3. The Bombay Habitual Offenders Restriction Act, 1947 (Bombay Act LI of 1947).
4. The Hyderabad Habitual Offenders (Restriction and Settlement) Act, 1954 (Hyderabad Act XXII of 1954).

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### **NOTIFICATION**

**Bangalore, dated 30th June, 1969 [No. HD 5 PRH 62]**

**S.O. 1404.-** In exercise of the powers conferred under sub-section (3) of section (i) of the Mysore Habitual Offenders Act, 1961 (Mysore Act No. 24 of 1961), the Government of Mysore hereby appoints 17th day of July, 1969 as the date on which the said Act shall come into force.

By Order and in the name of the Governor of Karnataka,

(N.K. SRINIVASA MURTHY)

Under Secretary to Government, Home Department.

(Published in Part IV-2c(ii) of Gazette at page 3460).

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## THE KARNATAKA LIVE-STOCK IMPROVEMENT ACT, 1961.

### ARRANGEMENT OF SECTIONS

Statement of Objects and Reasons

Sections:

1. Short title, extent and commencement.
2. Definitions.
3. Conferment of powers or duties of the Director.
4. Bulls which have attained a certain age to be licensed.
5. Refusal and revocation of licences.
6. Surrender of licence.
7. Grant of duplicate licence.
8. Inspection of bulls.
9. Power to order castration of bulls.
10. Production of licence.
11. Penalties.
12. Composition of offences.
13. Power of Licensing Officer to castrate bulls.
14. Power of Licensing Officer, etc., to inspect or mark bull and to enter premises.
15. Duty of Officers to report offences.
16. Cognizance of offences.
17. Officers to be public servants.
18. Bar of certain proceedings.
19. Limitation for certain suits and prosecutions.
20. Power to make rules.
21. Bull dedicated to a religious purpose.
22. Repeal and savings.

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### STATEMENT OF OBJECTS AND REASONS

**Act 30 of 1961.**- At present in the different areas of the State, the enactments noted below are in force, providing for measures to be taken for the improvement of livestock in the State—

1. The Mysore Livestock Improvement Act, 1951.
2. The Coorg Livestock Improvement Act, 1950.
3. The Bombay Livestock Improvement Act, 1953.
4. The Madras Livestock Improvement Act, 1940.

With a view to have a single uniform Act applicable to the entire new State this Act has been placed before the Legislature.

The Act provides for obtaining licences to keep bulls which have attained the prescribed age and for castration of scrub bulls.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 19th March 1959).

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सत्यमेव जयते

**'[KARNATAKA ACT]' No. 30 OF 1961.**

(First published in the 1[Karnataka Gazette]1 on the Seventh day of December, 1961.)

**THE '[KARNATAKA]' LIVE-STOCK IMPROVEMENT ACT, 1961.**

(Received the assent of the Governor on the First day of December, 1961.)

**An Act to provide for the Improvement of live-stock In the '[State of Karnataka]'<sup>1</sup>.**

WHEREAS it is expedient to provide for the improvement of live-stock in the 1[State of Karnataka]1;

BE it enacted by the '[Karnataka State]'<sup>1</sup> Legislature in the Twelfth Year of the Republic of India as follows:—

1. Adapted by the karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

**1. Short title, extent and commencement.**—(1) This Act may be called the 1[Karnataka]1 Live-stock Improvement Act, 1961.

1. Adapted by the karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) It extends to the whole of the '[State of Karnataka]'<sup>1</sup>.

1. Adapted by the karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(3) It shall come into force at once in the areas in which any of the enactments repealed by section 22 is in force, and shall come into force in any other area on such '[date]'<sup>1</sup> as the State Government may, by notification, specify.

1. Act came into force in other areas of the State on 1.10.2000 by notification. Text of the notification is at the end of the Act

**2. Definitions.**—In this Act, unless the context otherwise requires,—

(a) "bull" includes a buffalo bull;

(b) "cow" includes a buffalo cow and a heifer;

(c) "Director" means the officer appointed by the State Government as the

'[Director of Animal Husbandry and Veterinary Services in Karnataka]'<sup>1</sup>, and includes any other person on whom the powers or duties of the Director under this Act have been conferred or imposed under section 3;

1. Adapted by the karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(d) "licence" means a licence granted under section 4;

(e) "Licensing Officer" means the Director or any other officer authorised to grant licences under section 4;

(f) "notification" means notification published in the official Gazette;

(g) "prescribed" means prescribed by rules made under this Act;

(h) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody;

(i) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

**3. Conferment of powers or duties of the Director.**—The State Government may, by notification, confer or impose on any person all or any of the powers or duties of the Director under this Act.

**4. Bulls which have attained a certain age to be licensed.**—(1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the conditions of a licence granted under this section.

**Explanation:**—Where a person keeps more than one bull he shall obtain a separate licence in respect of each bull.

(2) Every licence under this section shall be granted by the Director or any officer not below the rank of a Veterinary Inspector authorised by the Director by general or special order. It shall be in such form, for such period, and subject to such conditions as may be prescribed:

Provided that no fee shall be charged for the grant of the licence.

**5. Refusal and revocation of licences.**—(1) Subject to such rules as may be prescribed, the Licensing Officer may refuse to grant a licence in respect of any bull, if in his opinion the bull appears to be,-

(a) of defective or inferior conformation and consequently, likely to beget defective or inferior progeny, or

(b) suffering from an incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purpose, or

(c) of a breed which is undesirable in public interest to propagate in the district or part of the district in which it is kept.

(2) (a) The Licensing Officer may revoke a licence granted in respect of any bull kept within his jurisdiction (whether such licence was granted by himself or by any other officer) if there has been a breach of any of the conditions of the licence.

(b) The State Government, in respect of a licence granted by the Director, and the officer of the Animal Husbandry Department immediately superior to the Licensing Officer, in respect of a licence granted by any other officer of that Department, may revoke the licence, if the licence was granted under circumstances, under which it ought not to have been granted.

(c) Before revoking a licence under clause (a) or clause (b), a notice shall be given to the person concerned of the grounds on which it is proposed to take action and he shall be given a reasonable opportunity of showing cause against it.

(3) If a licence is revoked under this section, the State Government or the officer revoking the licence shall communicate the order of revocation along with the grounds of revocation, to the person keeping the bull or to the person stated in the licence to be the owner of the bull.

(4) Against an order either refusing to grant or revoking a licence under sub-section (1) or sub-section (2) an appeal shall lie within thirty days of the communication of such order,—

(i) to the State Government, if the order is that of the Director,

(ii) to the Director, if the order is that of any officer subordinate to the Director.

The order in appeal shall be final.

**6. Surrender of licence.**—A licence granted in respect of a bull shall be surrendered to the Licensing Officer, if,—

(a) the period specified in the licence expires, or

(b) the licence is revoked under this Act, or

(c) the bull dies or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director.

The licence shall be surrendered within fifteen days from the date of its expiry or revocation or the date of death of the bull or the issue of the certificate that the bull has been castrated, as the case may be.

**7. Grant of duplicate licence.**—If the Licensing Officer is satisfied that the licence granted under section 4 has been lost or destroyed, such officer may, subject to such conditions and payment of such fees, as may be prescribed, issue to the holder of the licence a duplicate thereof, and all the provisions of this Act with respect to the licence so lost or destroyed shall apply to the duplicate as if it were the original licence.

**8. Inspection of bulls.**—The Licensing Officer may, by notice served in the prescribed manner, require any person keeping a bull to submit it for inspection at any reasonable time by himself or by any officer deputed by him for the purpose, either at the place where the bull is kept for the time being, or at any appointed place in the village, town or city in which the bull is kept specified in the order, and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all reasonable assistance in connection with such inspection to the officer concerned.

**9. Power to order castration of bulls.**—(1) The Licensing Officer may, by notice served in the prescribed manner, require any person keeping a bull which has attained the prescribed age and in respect of which no licence is for the time being in force under this Act, to have it effectively castrated within thirty days from the date of service of the notice, by a method and in a manner approved by the Director and specified in the order.

(2) Such castration shall be performed or caused to be performed by the Licensing Officer free of charge, unless the owner or other person keeping the bull desires to make his own arrangements for complying with the notice.

**10. Production of licence.**—It shall be the duty of any person who for the time being keeps a bull in respect of which a licence has been obtained and is in force, to produce such licence,-

(a) on demand made by a Licensing Officer or any other officer authorised in this behalf by the Director, within a reasonable time, at any place where the bull is for the time being;

(b) on demand made by the person in charge of the cow before a cow is served by the bull.

**11. Penalties.**—Whoever,-

(a) keeps a bull, in contravention of the provisions of this Act or of any rule or order made thereunder, or of any conditions of a licence; or

(b) fails to submit a bull for inspection when required to do so under section 8; or

(c) fails to comply with a notice served under section 9; or

(d) fails to produce a licence when required to do so under section 10;

-shall be punishable with fine which may extend to twenty-five rupees, and in case of any subsequent offence, with fine which may extend to fifty rupees.

**12. Composition of offences.**—(1) Any offence punishable under this Act or any rule made thereunder may be compounded by an officer of the Animal Husbandry Department not below the rank of Assistant Director of Animal Husbandry having jurisdiction over the area in which the offence is committed, on payment of an amount fixed by that officer.

(2) On the composition of an offence under sub-section (1), the person concerned, if in custody, shall be set at liberty, and if proceedings in any criminal court have been instituted against such person in respect of the offence, the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

**13. Power of Licensing Officer to castrate bulls.**—(1) If a person who keeps a bull fails to have it castrated when required to do so under section 9, the Licensing Officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(2) (a) If it is not known in whose ownership, possession or custody a bull is for the time being, and the fact cannot be ascertained after an enquiry in the prescribed manner, the Licensing Officer may seize the bull or cause it to be seized, and if he is of

opinion that the bull has attained the prescribed age and is unsuitable for breeding purposes on any of the grounds specified in sub-section (1) of section 5, may direct that the bull be castrated by a method and in a manner approved by the Director, and marked with a prescribed mark in the prescribed manner, free of charge.

(b) Every bull seized under clause (a) shall, after it has been castrated and marked as aforesaid, where necessary, be sold by public auction or sent to a pinjrapole or infirmary, recognised by the State Government in this behalf.

(c) In case the owner of any bull seized under clause (a) appears before the Licensing Officer within such time as may be prescribed in this behalf and proves to the satisfaction of such officer that the bull is owned by him,-

(i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull and determined in the prescribed manner; and

(ii) in any other case, the bull shall be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance, and determined in the prescribed manner.

**14. Power of Licensing Officer, etc., to inspect or mark bull and to enter premises.**—For the purposes of this Act, a Licensing Officer or any officer authorised by the Director in this behalf shall have power at all reasonable times,-

(a) to inspect any bull;

(b) to mark any bull with a prescribed mark in the prescribed manner; and

(c) subject to such conditions and restrictions, if any, as may be prescribed, to enter any premises or other place where he has reason to believe that a bull is kept.

**15. Duty of Officers to report offences.**—It shall be the duty of all village officers and servants and of all officers of the Animal Husbandry, Agriculture, Community Development and Revenue Departments, and of all officers of such other Departments as may be notified by the State Government,—

(a) to give immediate information which may come to their knowledge of the commission of any offence or any attempt or preparation to commit any offence, punishable under this Act, to the nearest Licensing Officer;

(b) to take all reasonable measures in their power to prevent the commission of any such offence which they know or have reason to believe is about or likely to be committed; and

(c) to assist any Licensing Officer in carrying out the provisions of this Act.

**16. Cognizance of offences.**—No Magistrate shall take cognizance of any offence under this Act, except upon a complaint made by a Licensing Officer or any person authorised by such officer in this behalf.

**17. Officers to be public servants.**—The Director, every Licensing Officer, all officers and persons authorised by the Director or the Licensing Officer under this Act, and all village officers and servants shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act XLV of 1860).

**18. Bar of certain proceedings.**—(1) No prosecution or other proceeding shall lie against any officer or servant of the State Government for any act done or purporting to be done under this Act, without the previous sanction of the State Government.

(2) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

**19. Limitation for certain suits and prosecutions.**—No suit shall be instituted against the State Government and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the State Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

**20. Power to make rules.**—(1) The State Government may after previous publication, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,-

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) the fees which may be charged for the grant of duplicates of licences and the conditions, restrictions and limitations subject to which they may be granted;

(c) the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure to be followed by such officers;

(d) the service of notices and orders issued under this Act.

(3) In making a rule under sub-section (1) or sub-section (2), the State Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to twenty-five rupees.

(4) Every rule made under this section, shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**21. Bull dedicated to a religious purpose.**—(1) Save as provided in sub-section (2), nothing contained in this Act shall apply to a bull dedicated in good faith for a religious purpose in accordance with any religious usage or custom, provided that notice of the dedication is given in the prescribed manner, to the Licensing Officer.

(2) If the Licensing Officer is of opinion that any such bull, as is referred to in sub-section (1), is of the description set out in sub-clause (a), or (b) or (c) of sub-section (1) of section 5, he may cause such bull to be effectively castrated by a method and in a manner approved by the Director.

**22. Repeal and Savings.**—The Mysore Live-Stock Improvement Act, 1951 (Mysore Act XIX of 1951) as in force in Mysore Area, the Bombay Live-Stock Improvement Act, 1933 (Bombay Act XXII of 1933) as in force in 1[Belgaum Area]1, the Madras Live-Stock Improvement Act, 1940 (Madras Act XV of 1940) as in force in 1[Mangalore and Kollegal Area]1 and Bellary District, the Coorg Live-Stock Improvement Act, 1950 (Coorg Act III of 1950) as in force in Coorg District, are hereby repealed:

Provided that the provisions of section 6 of the 1[Karnataka]1 General Clauses Act, 1899 (1[Karnataka]1 Act III of 1899), and sections 8 and 24 of the said Act shall apply as if the said enactments had been repealed and re-enacted by this Act.

1. Adapted by the karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

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#### NOTIFICATION

**Bangalore, dated 19th September, 2000 [HF 33 AHP 99]**

In exercise of the powers conferred by sub-section (3) of section 1 of the Karnataka Live-stock Improvement Act, 1961 (Karnataka Act 30 of 1961) the government of Karnataka hereby specifies 1st day of October, 2000 as the date on which the said Act shall come into force in the areas other than areas specified in the said sub-section.

By Order and in the name of the

Governor of Karnataka,

(K.C. JAYALAKSHMI)

Under Secretary to Government,

Animal Husbandry and Fisheries Dept.

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**THE KARNATAKA MEDICAL REGISTRATION ACT, 1961**  
**ARRANGEMENT OF SECTIONS**

**Statement of Object and Reasons**

**Sections:**

1. Short title, extent and commencement.
2. Definitions.
3. Establishment, incorporation and constitution of Council.
4. Nomination of members in default of election.
5. Term of Office.
6. Vacancies.
7. Disqualifications.
8. Disabilities for continuing as member.
9. Time and place of meeting of Council.
10. Validity of proceedings.
11. Registrar and officers.
12. Register.
13. Registration of Medical Practitioners.
14. Appeals against decision of Registrar.
15. Removal of Medical Practitioner's name from Register for misconduct etc.
16. Medical Council to have powers of Civil Courts.
17. Inquiries to be deemed to be judicial proceedings.
18. Assessor to Medical Council.
19. Renewal of registration.
20. Qualified Practitioners certificate.
21. Persons entitled to hold certain appointments.
22. Notice of death.
23. Exemption from serving on inquests, etc.
24. Fee payable to members.
25. Disposal of fees.
26. Publication of list of practitioners.
27. Elections to be held by distributive vote.

28. Penalties.
29. Protection of action taken in good faith.
30. Jurisdiction of Civil Courts.
31. Power to make rules.
32. Regulations.
33. Control.
34. Repeal and savings.
35. Power to remove difficulties.

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### STATEMENT OF OBJECTS AND REASONS

**Act 34 of 1961.**- 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 No. 102 of 1956) one member has to be elected to the Medical Council of India by the members included in the State Medical Register, it is necessary to have one Medical Register for the entire State.

In the circumstances, it is proposed to have a uniform law relating to registration of practitioners practising the modern system of medicine throughout the State.

(Obtained from file LAW 12 LGN 60.)

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**Amending Act 43 of 2003.**- It is considered necessary to amend the Karnataka Medical Registration Act, 1961,-

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

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

Certain other incidental and consequential changes are also made.

Hence the Bill.

[LA Bill No. 15 of 2003]

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

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सत्यमेव जयते

**<sup>1</sup>[KARNATAKA ACT]<sup>1</sup> No. 34 OF 1961**

(First published in the <sup>1</sup>[Karnataka Gazette]<sup>1</sup> on the Thirtieth day of December, 1961.)

**THE <sup>1</sup>[KARNATAKA]<sup>1</sup> MEDICAL REGISTRATION ACT, 1961**

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

(as Amended by Karnataka Act 43 of 2003)

**An Act to consolidate the laws for the registration of medical practitioners of modern scientific system of medicine in the <sup>1</sup>[State of Karnataka]<sup>1</sup>.**

WHEREAS it is expedient to consolidate the laws for the registration of medical practitioners of modern scientific system of medicine, surgery and obstetrics, other than veterinary medicine and surgery, in the <sup>1</sup>[State of Karnataka]<sup>1</sup>;

BE it enacted by the <sup>1</sup>[Karnataka State]<sup>1</sup> Legislature in the Twelfth Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

**1. Short title, extent and commencement.**—(1) This Act may be called the <sup>1</sup>[Karnataka]<sup>1</sup> Medical Registration Act, 1961.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) It extends to the whole of the <sup>1</sup>[State of Karnataka]<sup>1</sup>.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(3) It shall come into force on such <sup>1</sup>[date]<sup>1</sup> as the State Government may, by notification, appoint.

1. Act came into force w.e.f. 22.8.1963 by notification. Text of the notification is at the end of the Act

**2. Definitions.**—In this Act, unless the context otherwise requires,—

(a) "Council" or "Medical Council" means the <sup>1</sup>[Karnataka Medical Council]<sup>1</sup> established under this Act;

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(b) "notification" means a notification published in the official Gazette;

(c) "registered practitioner" means any person registered under the provisions of this Act;

(d) "regulations" means regulations made under section 32;

(e) "rules" means rules made under section 31.

**3. Establishment, incorporation and constitution of Council.**—(1) The State Government shall by notification establish a Council to be called "the <sup>1</sup>[Karnataka Medical Council]<sup>1</sup>" for the purposes of carrying out the provisions of this Act. Such

Council shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract and may by the same name sue and be sued.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(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;

<sup>1</sup>[(b) four members to be elected from amongst themselves by the "teachers" and "teachers of the University" as defined in clauses (m) and (n) respectively of section 2 of the Rajiv Gandhi University of Health Sciences Act, 1994 (Karnataka Act 44 of 1994 ) and who are registered under this Act.

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

(d) one members to be nominated by the State Government from amongst the members of the Kamataka State Dental Council, the Karnataka Pharmacy Council, the Karnataka Nursing Council, the Karnataka Ayurvedic and Homoeopathy Council, by rotation for a period of one year.]<sup>1</sup>

1. Substituted by Act 43 of 2003, w.e.f. 01.03.2012

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

1. Substituted by Act 43 of 2003, w.e.f. 01.03.2012

(4) The President and Vice-President of the Medical Council shall be elected by the '[by the members other than a member referred to in clause (d), from amongst themselves]'

1. Substituted by Act 43 of 2003, w.e.f. 01.03.2012

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

**4. Nomination of members in default of election.**—If any of the 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 a 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 <sup>1</sup>[other than a member referred to in clause (d) of sub-section (2) of section 3] shall, subject to the provisions of this Act, hold office for a term of five years from the date of their nomination or election or until their successors have been duly nominated, or elected, whichever is longer, and shall be eligible for re-nomination, or re-election, as the case may be.

1. Substituted by Act 43 of 2003, w.e.f. 01.03.2012

**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.

<sup>1</sup>[Provided that where a vacancy has arisen in the office of the elected member of the Council and the remainder period of the term of office is less than six months no election shall be held to fill up such vacancy.]

1. Substituted by Act 43 of 2003, w.e.f. 01.03.2012

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

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

(b) if he is an undischarged insolvent;

(c) if he is of unsound mind and stands so declared by a competent court;

(d) if he is a whole time officer or servant of the Council.

**8. Disabilities for continuing as member.**—If any member, during the period for which he has been nominated or elected,—

(a) absents himself, without excuse, sufficient in the opinion of the Medical Council, from three consecutive ordinary meetings of the Council; or

(b) in the case of a member elected under clause (b) of sub-section (2) of section 3, <sup>1</sup>[ceases to be a teacher or as the case may be, teacher of the University or ceases to be a registered practitioner]<sup>1</sup>; or

1. Substituted by Act 43 of 2003, w.e.f. 01.03.2012

(c) in the case of a member elected under <sup>1</sup>[clause (a)]<sup>1</sup> of sub-section (2) of section 3, ceases to be a registered practitioner; or

1. Substituted by Act 43 of 2003, w.e.f. 01.03.2012

(d) becomes subject to any of the disqualifications mentioned in section 7,  
-the State Government shall declare his office to be vacant.

**9. Time and place of meeting and procedure at meetings of Council.**—The Medical Council shall make such regulations as may be necessary with respect to the time and place of the meeting of the Medical Council and the mode of summoning the same. In the absence of any regulation as to the summoning of 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 absence of both, some other member to be chosen from the members present, shall act as President; and all acts of the Medical Council shall be decided by the votes of the majority of the members present at any meeting the total number present being not less than eight, and at all such meetings the President for the time being shall, in addition to his vote as a member of the Medical Council, have a casting vote in case of any equality of votes.

[Provided that the member nominated under clause (d) of sub-section (2) of section 3 shall participate in meeting of the Medical Council but shall not have a right to vote in such meeting.]<sup>1</sup>

1. Substituted by Act 43 of 2003, w.e.f. 01.03.2012

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

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

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

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

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

**13. Registration of Medical Practitioners.**—(1) Every person who holds any of the medical qualifications included in the Schedules to the Indian Medical Council Act, 1956 (Central Act 102 of 1956), may apply to the Registrar giving a correct description of his qualifications, with the dates on which they were granted, and present his degree, diploma or licence along with a '[Prescribed fee]' 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:

1. Substituted by Act 43 of 2003, w.e.f. 01.03.2012

Provided that the Registrar shall on application and on payment of '[a Prescribed fee]' enter the names of medical practitioners registered under any of the enactments repealed by section 34 and included in the registers maintained in accordance with the provisions of the said repealed enactments as adapted by the Mysore Adaptation of Laws Order, 1956.

1. Substituted by Act 43 of 2003, w.e.f. 01.03.2012

(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 '[the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)]' 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.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

1. Substituted by Act 43 of 2003, w.e.f. 01.03.2012

**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** <sup>1</sup>[for misconduct etc.].— (1) If a medical practitioner has been, after due inquiry by the Medical Council, found '[guilty of any misconduct, negligence, incompetence or violation of code of Medical ethics]', 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 Procedure, 1973 (Central Act 2 of 1974)]', or any other law for the time being in force;
- (b) any conduct which, in the opinion of the Medical Council is infamous in relation to the medical profession.

(2) The Medical Council may, at any subsequent date, if it thinks fit, and shall on a decision to that effect of the Central Government under sub-section (2) of section 24 of the Indian Medical Council Act, 1956, direct that any name so removed shall be re-entered.

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

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

<sup>1</sup>[(d) inspection of Medical institutions such as Hospital, Nursing Homes, Consultation rooms, Diagnostic Centres, Polyclinics, Clinics, health and Care Institutions by whatever name called including Government Hospitals, carrying Medical Practice:

Provided that no such inspection of a private or Government hospital or a teaching hospital of a medical college shall be made without a written complaint.]<sup>1</sup>

1. Substituted by Act 43 of 2003, w.e.f. 01.03.2012

**17. Inquiries to be deemed to be judicial proceedings.**—All inquiries under this Act shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code.

**18. Assessor to Medical Council.**—(1) For the purpose of advising the Medical Council on questions of law arising in inquiries before it, '[the Medical Council may in such inquiries take the assistance of an assessor]<sup>1</sup> who has been for not less than ten years an advocate of a High Court.

1. Substituted by Act 43 of 2003, w.e.f. 01.03.2012

(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) Notwithstanding anything contained in section 13, each medical practitioner shall pay to the Medical Council '[a prescribed fee on or before such date as may be prescribed]<sup>1</sup> for the continuance of his name in the register.

<sup>2</sup>[Provided that the renewal of registration shall not be done unless the registered Medical Practitioner produces a certificate for having attended a Continuing Medical Education programme for not less than one hundred hours conducted by an organisation or institution recognised by the Medical Council.]<sup>2</sup>

1. Substituted by Act 43 of 2003, w.e.f. 01.03.2012

2. inserted by Act 43 of 2003, w.e.f. 01.03.2012

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

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

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

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

**21. Persons entitled to hold certain appointments.**—A person whose name is for the time being borne on the Indian Medical Register maintained under the Indian Medical Council Act, 1956 (Central Act 102 of 1956), shall be eligible to hold any appointment as a physician, surgeon or other medical officer in any dispensary, hospital, infirmary or lying-in-hospital, or in any public establishment, body or institution, where the modern scientific system of medicine is 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 Registrar appointed under this Act a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificate and transmission as an expense of his office.

**23. Exemption from serving on inquests, etc.**—Notwithstanding 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 a juror under <sup>1</sup>[the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)]<sup>1</sup>

1. Substituted by Act 43 of 2003, w.e.f. 01.03.2012

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

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

**26. Publication of list of practitioners.**—(1) The Registrar shall every year on or before the thirtieth day of June publish <sup>1</sup>[on the notice board in the office of the Medical Council]<sup>1</sup> a correct list of the names and qualifications of all the practitioners entered in the register on the first day of January of that year.

1. Substituted by Act 43 of 2003, w.e.f. 01.03.2012

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

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

**27. Elections to be held by distributive vote.**—All elections under this Act shall be held according to the distributive system of voting.

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

Provided that no voter shall give more than one vote to any one 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 may extend to three hundred rupees and in the case of subsequent conviction with fine which may extend to one thousand rupees.

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

**30. Jurisdiction of civil courts.**—No act done in the exercise of any power conferred by or under this Act on the State Government or the Council or the Registrar shall be questioned in any civil court.

**31. Power to make rules.**—(1) The State Government, after previous publication, may by notification make rules to carry out the purposes of this Act.

(3) Every rule made under this section shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or

both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**32. Regulations.**—(1) Subject to the provisions of this Act and of the rules made under section 31, the Medical Council may, with the previous approval of the State Government, 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.**—(1) If at any time it shall appear to the State Government that the Council has failed to exercise, or has exceeded or abused any of the powers conferred upon it by or under this Act, or has failed to perform any of the duties imposed upon it by or under this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Council, and if the Council fails to remedy such default, excess or abuse, within such time as the State Government may fix in this behalf, the State Government may dissolve the Council and cause all or any of the powers and duties of the Council to be exercised and performed by such person and for such period as it may think fit and thereupon the funds and property of the Council shall vest in the State Government for the purpose of this Act until a new Council shall have been constituted under section 3.

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

(3) Notwithstanding anything contained in this Act, rules or regulations, if, at any time, it shall appear to the State Government that the Council or any other authority empowered to exercise any of the powers or to perform any of the functions under this Act, has not been validly constituted or appointed, the State Government may cause any of such powers or functions to be exercised or performed by such person in such manner and for such period not exceeding six months and subject to such conditions as the State Government thinks fit.

**34. Repeal and savings.**—The Bombay Medical Act, 1912 (Bombay Act VI of 1912), as in force in the '[Belgaum Area]', the Medical Registration Act, 1348F. (Hyderabad Act I of 1348 Fasli), as in force in the '[Gulburga Area]' the Madras Medical Registration Act, 1914 (Madras Act IV of 1914), as in force in the '[Mangalore

and Kollegal Area]<sup>1</sup> and the Mysore Medical Registration Act, 1931 (Mysore Act V of 1931), as in force in the Mysore Area, are hereby repealed:

Provided that until the constitution of the Medical Council in accordance with the provisions of this Act, the body functioning as the '[Karnataka Medical Council]<sup>1</sup> immediately before the commencement of this Act shall exercise the powers and perform the duties conferred by the provisions of this Act on the Medical Council and casual vacancies in the seats of the members of the Medical Council so functioning shall be filled and all matters in connection with the filling up of such vacancies shall be regulated in accordance with the provisions governing the filling of such vacancies and regulating such matters in force immediately before the commencement of this Act subject to such modifications of the said provisions as the State Government may by notification make in the said provisions:

Provided that section 6 of the '[Karnataka]<sup>1</sup> General Clauses Act, 1899 ('[Karnataka]<sup>1</sup> Act III 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.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

**35. Power to remove difficulties.**—(1) If any difficulty arises in giving effect to the provisions of this Act in consequence of the transition to the said provisions from the provisions of the Acts in force immediately before the commencement of this Act, the State Government, may by notification make such provisions as appear to it to be necessary or expedient for removing the difficulty.

(2) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be laid before both Houses of the State Legislature.

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**NOTIFICATION**

I

**Bangalore, dated 19th August, 1963 [No. PLM 251 MDA 61]**

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

By order and in the name of the Governor of Karnataka,  
L.G. DESAI)

Under Secretary to Government,  
P.H., L. & MI. A.D.

(Published in the Karnataka Gazette, Part IV-2C(ii), dated 5th September, 1963 at page,656.).

**NOTIFICATION**

II

**(Published in the Karnataka Gazette, Part IV-A (Extra Ordinary) No. 110,  
dated: 14.02.2012)**

**Bangalore, dated 13th February, 2012 (No. HFW 416 MPS 2011)**

In exercise of the powers conferred by sub-section (3) of section 1 of the Karnataka Medical Registration (Amendment) Act, 2003 (Karnataka Act 43 of 2003), the Government of Karnataka, hereby appoints the 1st day of March 2012 as the date on which the provisions of the said Act, shall come into force.

By order and in the name of the Governor of Karnataka,  
L.G. DESAI)

Under Secretary to Government,  
Health and Family Welfare Department  
(Medical Education)

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**KARNATAKA ACT NO. 43 OF 2003**

**THE KARNATAKA MEDICAL REGISTRATION (AMENDMENT) ACT, 2003**

**Arrangement of Sections**

Sections:

1. Short title and commencement
2. Amendment of section 3
3. Amendment of section 5
4. Amendment of section 6
5. Amendment of section 8
6. Amendment of section 9
7. Amendment of section 13
8. Amendment of section 15
9. Amendment of section 16
10. Amendment of section 18
11. Amendment of section 19
12. Amendment of section 23
13. Amendment of section 26

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**STATEMENT OF OBJECTS AND REASONS**

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

- (i) to define "teachers" and "teachers of University" and to provide for election of four members to the Medical Council jointly from both these categories;
- (ii) to provide that out of 4 persons to be nominated by the State Government one shall be from amongst the Karnataka Dental Council, Pharmacy Council, Nursing Council and Ayurvedic and Homeopathy Council by rotation for a period of one year, who shall have no right to vote in the meeting of the Medical Council;



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

Certain other incidental and consequential changes are also made.

Hence the Bill.

[LA Bill No. 15 of 2003]

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

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**KARNATAKA ACT NO. 43 OF 2003**

*(First Published in the Karnataka Gazette Extra-ordinary on the 16th day of September, 2003)*

**THE KARNATAKA MEDICAL REGISTRATION (AMENDMENT) ACT, 2003**

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

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

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

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

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

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

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

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

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

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

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

(2) in sub-section (3),

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

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

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

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

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

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

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

(i) in clause (b), for the words "ceases to be a member of the faculty of medicine of the University concerned" the words "ceases to be a teacher or as the case may be, teacher of the University or ceases to be a registered practitioner" shall be substituted;

(ii) in clause (c), for the words, brackets and letter "clause (a) or (c)" the word, bracket and letter "clause (a)" shall be substituted.

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

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

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

(a) in sub-section (1),

(i) for the words "a fee of fifteen rupees" the words "prescribed fee" shall be substituted;

(ii) in the proviso, for the words "a fee of two rupees" the words "a prescribed fee" shall be substituted.

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

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

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

(2) in sub-section (1),

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

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

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

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

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

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

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

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

"Provided that the renewal of registration shall not be done unless the registered Medical Practitioner produces a certificate for having attended a Continuing Medical

Education programme for not less than one hundred hours conducted by an 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.

T.N. CHATURVEDI  
Governor of Karnataka

By Order and in the name of the Governor of Karnataka

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

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**THE KARNATAKA HOMOEOPATHIC PRACTITIONERS ACT, 1961.**

**ARRANGEMENT OF SECTIONS**

Statement of Object and Reasons

Sections:

**CHAPTER I  
PRELIMINARY**

1. Short title, extent and commencement.
2. Definitions.

**CHAPTER II  
ESTABLISHMENT OF BOARD**

3. Establishment, constitution and incorporation of Board.
4. Appointment of members in default of election.
5. Election of members.
6. Term of office.
7. Vacancies.
8. Resignation.
9. Removal of members.
10. Disqualification.
11. Validity of proceedings.
12. Time and place of meetings of Board.
13. Procedure at meetings of Board.
14. Registrar and other employees of Board.
15. Powers and functions of the Board.

**CHAPTER III  
COURT OF EXAMINERS**

16. Court of Examiners.

**CHAPTER IV  
REGISTRATION**

17. Preparation of first register.
18. Registration Tribunal.

19. Custody of register.
20. Qualifications for subsequent registration.
21. Undertaking to be given for entering name in register.
22. Maintenance of Register.
23. Removal of names from Register.
24. Renewal fee.
25. Qualified medical practitioners.
26. Notice of death.

#### CHAPTER V

#### COURSE OF STUDIES, QUALIFYING EXAMINATIONS AND RECOGNITION OF INSTITUTIONS

27. Course of studies and qualifying examinations.
28. Recognition of institutions.
29. Removal of institution authorised to hold qualifying examination.
30. Alteration of Schedule.

#### CHAPTER VI

#### MISCELLANEOUS

31. Exemption from serving on inquests, etc.
32. Fees and allowances to members.
33. Income and expenses of the Board.
34. Publication of list of practitioners.
35. Rules.
36. Regulations.
37. Control of State Government.
38. Jurisdiction of Civil Courts.
39. Repeal.

#### SCHEDULE.

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## STATEMENT OF OBJECTS AND REASONS

### I

**Act 35 of 1961.**- With the exception of the Bombay Homoeopathic Act, 1951 (Bombay Act XLVIII of 1951) as in force in the Bombay area, there is no law regulating the practice of the Homoeopathic system of medicine in Mysore State. The practitioners and associations of this system of medicine have been agitating for their statutory recognition. It is also considered expedient to have a uniform law for regulation of the practice and education of the Homoeopathic system of medicine in the State of Mysore.

Hence this Act.

(Obtained from notification 346 LA dated 9th April, 1960 in the relevent file.)

### II

**Act 9 of 1969.**—The First Board of the Homoeopathic System of Medicine as required by section 3 of the Mysore Homoeopathic Practitioners Act, 1961, has not been established, as the first Register of the Registered Practitioners has not yet been prepared. Pending such constitution it is considered necessary to provide for a machinery to recognise colleges so that institutions of Homoeopathic System of Medicine may not be handicapped.

Hence the Act.

(Published in Kamataka Gazette (Extraordinary) Part IV-2A, dated 12th December 1968 at page 55)

### III

**Act 14 1972.**—According to sub-section (1) of section 5 of the Mysore Homoeopathic Practitioners Act, 1961, elections to the Mysore Board of Homoeopathic System of Medicine have to be held at such time and place as may be prescribed. The electorate consists of practitioners all over the State and it would not be practicable for all of them to meet at one place. Hence was not possible to hold the elections. In order to obviate the difficulty it was proposed to take steps to conduct elections by postal ballot.

As neither the Mysore Legislature Assembly nor the Mysore Legislative Council was in session, the Mysore Homoeopathic Practitioners (Amendment) Ordinance, 1972 (Mysore Ordinance No. 3 of 1972) was promulgated by the Governor.

This Act is intended to replace the said Ordinance.

(Published in Kamataka Gazette (Extraordinary) Part IV-2A, dated 22nd November 1972 as No. 554. at page. 3.)



#### IV

**Act 8 of 1976.**—As per sub-section (1) of section 16 of the Karnataka Homoeopathic Act, 1961 the Director of Health and Family Planning Services shall be the Chairman of the Court of Examiner for conducting examinations in Homoeopathy in this State. Similarly under section 37-A of the Act, the Director of Health and Family Planning Services shall be the Chairman of the Karnataka Homoeopathic Committee.

A separate Department of Indian Medicine has been created on a permanent basis and a post of Director of Indian Systems of Medicine and Homoeopathic has also been sanctioned in the grade of Rs. 1,300–1,800.

Since Homoeopathic comes under the administrative control of the Department of Indian Systems of Medicines and Homoeopathy, it is appropriate to appoint the Director, Indian Systems of Medicine and Homoeopathy as the Chairman of the Court of Examiners for conducting examinations in Homoeopathy and as the Chairman of the Karnataka Homoeopathic Committee.

In view of the aforesaid, the Karnataka Homoeopathic Practitioners (Amendment) Ordinance, 1975 was issued.

This Act is to replace the said ordinance.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 22 January 1976 at page. 23–24.)

#### V

**Act 34 of 1979.**—In section 6 of the Karnataka Homoeopathic practitioner Act, 1961 the term of the office of the Members whether elected or nominated shall be for a period of 5 years commencing from the dates on which the first meeting of the Board is held after the election of member under section 3 of the Act. If a member has committed grave irregularity or misconduct, then the member has to be removed in the interest of the Institution/Board. For this purpose it is necessary to amend the Act to make provision to remove such member from the office.

It is also considered necessary to enhance the registration fee and renewal fee payable under the said Act to Rs. 30 and Rs. 10 respectively.

Hence this Act.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A, dated 16th May 1979 as No. 472 at page. 3.)

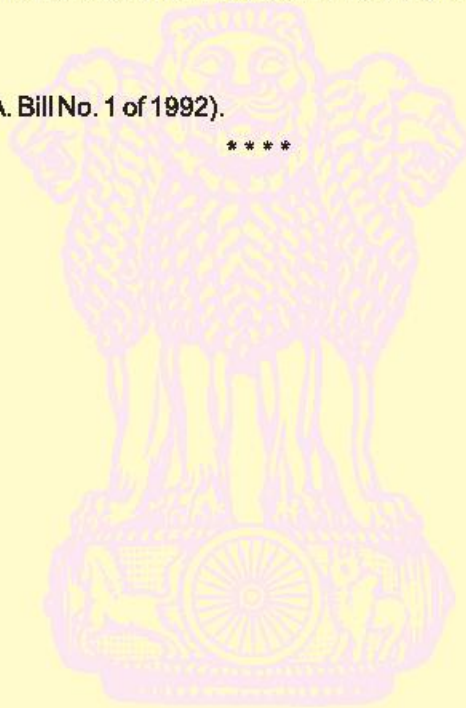
## VI

**Act 13 of 1992.**—The existing provision of the Karnataka Homoeopathic Practitioner Act, 1961 provides for electing four members from among the practitioners whose names are entered in Part 'A' of the register and two from among the practitioners whose names are entered in Part 'B' of the register. The number of members to be so elected is considered to be disproportionate to the number of practitioners registered respectively in part 'A' and 'B' and so it is proposed to make a provision for electing six members from the practitioners registered in Part 'A' and Part 'B' grouped together.

Hence the Act.

(Obtained from L.A. Bill No. 1 of 1992).

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**'[KARNATAKA]' ACT No. 35 OF 1961**

*(First published in the '[Karnataka Gazette]' on the Thirtieth day of December, 1961.)*

**THE '[KARNATAKA]' HOMOEOPATHIC PRACTITIONERS ACT, 1961**

*(Received the assent of the President on the Twenty-seventh day of December, 1961.)*

*(As amended by Acts 9 of 1969, 14 of 1972, 8 of 1976, 34 of 1979 and 13 of 1992)*

**An Act to regulate the qualifications and practice of homoeopathic medicine and to provide for the registration of practitioners of the homoeopathic system of medicine in the '[State of Karnataka]'.**

WHEREAS it is expedient to regulate the qualifications and practice of homoeopathic medicine and to provide for the registration of practitioners of the homoeopathic system of medicine 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. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

**CHAPTER I  
PRELIMINARY**

**1. Short title, extent and commencement.**—(1) This Act may be called the '[Karnataka]' Homoeopathic Practitioners Act, 1961.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) It extends to the whole of the '[State of Karnataka]'.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(3) Chapters I, IV and VI shall come into force at once and the remaining provisions of this Act shall come into force on such '[date]' as the State Government may by notification appoint.

1. Remaining provisions came into force on 17.7.1970 by notification. Text of the notification is at the end of the Act.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

(a) "Board" means the '[Karnataka Board of Homoeopathic System of Medicine]' established under section 3;

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(b) "Court" means the Court of Examiners constituted under section 16;

(c) "homoeopathy" means the system of medicine founded by Dr. Hahnemann and includes the allied branches of Biochemistry founded by Dr. Schussler and the expression "homoeopathic" shall be construed accordingly;

(d) "Inspector" means an Inspector appointed by the Board under sub-section (4) of section 14;

(e) "member" means a member of the Board;

(f) "notification" means a notification published in the official Gazette;

(g) "practitioner" means a person who practises the homoeopathic system of medicine, as his principal occupation;

(h) "prescribed" means prescribed by rules;

(i) "President" means the President of the Board;

(j) "qualifying examination" means an examination in homoeopathic system of medicine specified in the Schedule;

(k) "register" means a register of practitioners prepared and maintained under this Act;

(l) "registered practitioner" means a practitioner whose name is for the time being entered in the register;

(m) "Registrar" means the Registrar appointed under section 14;

(n) "regulations" means regulations made under section 36;

(o) "rules" means rules made under section 35.

## CHAPTER II

### ESTABLISHMENT OF BOARD

**3. Establishment, constitution and Incorporation of Board.**—(1) The State Government may, as soon as may be, by notification in the official Gazette, constitute a Board, to be called the '[Karnataka Board of Homoeopathic System of Medicine]'. The Board 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 said name sue and be sued.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) The Board shall consist of eleven members including the President and shall be constituted in the following manner, namely:—

(i) A President who shall be a registered practitioner;

(ii) Five members nominated by the State Government out of whom two at least shall be registered practitioners; and

'[(iii) six members elected by the registered practitioners from among themselves, whose names are entered in Part A and B of the register:]'

1. Substituted by Act 13 of 1992 w.e.f. 24.4.1992

Provided that,-

(a) for a period of five years after the coming into force of this Chapter, the President shall be appointed by the State Government;

(b) at the first and subsequent constitution of the Board after the expiry of the said period of five years, the President shall be elected by the members from among themselves '[x x x]'

1. Omitted by Act 13 of 1992 w.e.f. 24.4.1992

**4. Appointment of members in default of election.**—If at any election, the electors fail to elect the requisite number of members, the State Government shall nominate such registered practitioners as it deems fit, to fill the vacancies and the practitioners so nominated shall for the purpose of section 3 be deemed to have been duly elected under the said section.

**5. Election of members.**—(1) The election of members under section 3 shall be held '[x x x]' in such manner as may be prescribed.

1. Omitted by Act 14 of 1972 w.e.f. 11.10.1972

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

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

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

**6. Term of office.**—(1) Save as otherwise provided by this Act, the term of office of the members whether elected or nominated, shall be for a period of five years commencing from the date on which the first meeting of the Board is held after the election of the members under section 3.

(2) An out-going member shall continue in office until the election or nomination of his successor, as the case may be.

(3) An out-going member shall be eligible for re-election or re-nomination.

**7. Vacancies.**—In the event of a vacancy arising out of the death, resignation, removal, disability or disqualification of a member or the President, or otherwise, previous to the expiry of the period of his office, the vacancy shall be filled in the prescribed manner. Any person elected or nominated to fill the vacancy shall,

notwithstanding anything contained in section 6, hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

**8. Resignation.**—(1) Any member may at any time resign his office by a letter addressed to the President.

(2) The President, if appointed by the State Government, may at any time resign his office by a letter addressed to the State 1. Substituted by Act 34 of 1979 w.e.f. 6.11.1979

(a) absents himself from three consecutive ordinary meetings of the Board without such reasons as may, in the opinion of the State Government in the case of the President, and in the case of any other member in the opinion of the Board, be sufficient, or

(b) becomes subject to any of the disqualifications specified in section 10, <sup>1</sup>[or]<sup>1</sup>

1. Inserted by Act 34 of 1979 w.e.f. 6.11.1979

<sup>1</sup>[(c)abuses his position as a member so as to render his continuance as a member detrimental to the interest of the Board; or

(d) is otherwise unfit to continue as a member.]<sup>1</sup>

the State Government 2[may remove such member from office:

Provided that no member shall be removed from office on the grounds specified in clause (c) or clause (d) without giving such member an opportunity to submit his explanation]2.

1. Inserted by Act 34 of 1979 w.e.f. 6.11.1979

2. Substituted by Act 34 of 1979 w.e.f. 6.11.1979

**10. Disqualification.**—A person shall be disqualified for being chosen as, and for being, a member of the Board,—

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

(b) if he is an undischarged insolvent;

(c) if he is of unsound mind and stands so declared by a competent court;

(d) if his name has been removed from the register;

(e) if he is a whole time officer or servant of the Board.

**11. Validity of proceedings.**—No disqualification or defect in the election,

nomination or appointment of any person as a member or as the President or as a presiding authority of a meeting shall of itself invalidate any act or proceeding of the Board in which such person has taken part.

**12. Time and place of meetings of Board.**—The Board shall meet at such time and place and every meeting shall be summoned in such manner as may be provided for by regulations:

Provided that until such regulations are made, it shall be lawful for the President to summon a meeting of the Board at such time and place as he may deem expedient by circulating a notice to each member. Government. If the President is elected, he may resign his office by a letter addressed to the Board.

**9. '[Removal of members]'**.—If any member,—

1. Substituted by Act 34 of 1979 w.e.f. 6.11.1979

(a) absents himself from three consecutive ordinary meetings of the Board without such reasons as may, in the opinion of the State Government in the case of the President, and in the case of any other member in the opinion of the Board, be sufficient, or

(b) becomes subject to any of the disqualifications specified in section 10, '[or]'

1. Inserted by Act 34 of 1979 w.e.f. 6.11.1979

'[(c) abuses his position as a member so as to render his continuance as a member detrimental to the interest of the Board; or

(d) is otherwise unfit to continue as a member.]'

the State Government 2[may remove such member from office:

Provided that no member shall be removed from office on the grounds specified in clause (c) or clause (d) without giving such member an opportunity to submit his explanation]2.

1. Inserted by Act 34 of 1979 w.e.f. 6.11.1979

2. Substituted by Act 34 of 1979 w.e.f. 6.11.1979

**10. Disqualification.**—A person shall be disqualified for being chosen as, and for being, a member of the Board,—

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

(b) if he is an undischarged insolvent;

(c) if he is of unsound mind and stands so declared by a competent court;

- (d) if his name has been removed from the register;
- (e) if he is a whole time officer or servant of the Board.

**11. Validity of proceedings.**—No disqualification or defect in the election, nomination or appointment of any person as a member or as the President or as a presiding authority of a meeting shall of itself invalidate any act or proceeding of the Board in which such person has taken part.

**12. Time and place of meetings of Board.**—The Board shall meet at such time and place and every meeting shall be summoned in such manner as may be provided for by regulations:

Provided that until such regulations are made, it shall be lawful for the President to summon a meeting of the Board at such time and place as he may deem expedient by circulating a notice to each member.

**13. Procedure at meetings of Board.**—(1) The President if present, shall preside at every meeting of the Board. In the absence of the President, the members present shall elect one amongst themselves to preside.

(2) All questions at a meeting of the Board shall be decided by the votes of the majority of the members present and voting at the meeting.

(3) Six members including the President shall form a quorum.

(4) The President or the person presiding at a meeting shall have a second or casting vote in case of an equality of votes.

**14. Registrar and other employees of Board.**—(1) The Board shall, with the previous sanction of the State Government, appoint a Registrar. The Registrar shall receive such salary and allowances as may be prescribed.

(2) The Board may from time to time grant him leave and may appoint a person with the previous sanction of the State Government to act in his place during his leave or absence; provided that if the period of such leave does not exceed two months, such leave may be granted by the President who shall also make temporary appointment of any other person to act during the said period and report the appointment to the State Government. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for the purposes of this Act.

(3) An appeal shall lie to the State Government from every order of the Board punishing or removing any person from the office of the Registrar.

(4) The Board may appoint Inspectors and such other officers and servants as may be necessary for the purposes of this Act.

(5) The Registrar and 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.



(6) The Registrar shall be the Secretary and the Executive Officer of the Board.

**15. Powers and functions of the Board.**—The Board shall exercise such powers and perform such functions as may be prescribed by or under the provisions of this Act or as the State Government may direct for carrying out the provisions of this Act.

### CHAPTER III COURT OF EXAMINERS

**16. Court of Examiners.**—(1) The State Government may, by notification, constitute a Court of Examiners which shall consist of seven persons including the Chairman, as follows:—

(i) the 1[Director of Indian Systems of Medicine and Homeopathy in Karnataka]1 who shall be the Chairman of the Court;

1. Substituted by Act 8 of 1976 w.e.f. 16.4.1975

(ii) three persons elected by the Board from amongst its members; and

(iii) three persons possessing any of the qualifications specified in the Schedule nominated by the State Government:

Provided that every person elected under clause (ii) shall continue to hold office of a member of the Court only so long as he is a member of the Board:

Provided further that pending the election of such persons by the Board after its constitution for the first time, the State Government shall nominate three persons who shall be registered practitioners or entitled to have their names entered in the register. The persons so nominated shall hold office until the Board has elected all the three persons under this sub-section.

(2) The members of the Court shall hold office for a period of two years.

(3) Any vacancy in the office of the members of the Court shall be filled in the prescribed manner and any person elected or nominated to fill any vacancy shall hold office only so long as the person in whose place he is elected or nominated would have held office, if the vacancy had not occurred.

(4) Any member of the Court other than the Chairman may at any time resign his office by a letter addressed to the Chairman.

(5) It shall be the duty of the Court to appoint examiners and to conduct examinations held by it, to make recommendations to the State Government through the Board in respect of the course of studies, and to perform such other duties and functions as may be prescribed.

(6) The Court shall meet at such time and place, and the procedure regarding its working shall be such, as may be prescribed.

## CHAPTER IV REGISTRATION

**17. Preparation of first Register.**—(1) The State Government shall, as soon as may be, cause to be prepared a register of homoeopathic practitioners for the State.

(2) The register shall include the following particulars, namely:—

(a) the full name, nationality and residential address of the registered practitioner;

(b) the date of his first admission to the register;

(c) the qualification for registration and the date on which he obtained his degree or diploma in homoeopathy, if any, and the authority which conferred or granted it;

(d) his professional address; and

(e) such further particulars as may be prescribed.

(3) The register shall be divided into three parts as follows:—

(i) Part A.—This part shall include,—

(a) persons who have been engaged in the practice of the homoeopathic system of medicine for a period of not less than ten years immediately before the date of the coming into force of this Chapter as the principal occupation;

(b) persons who have received personal clinical instruction for a period of not less than two years in a hospital where indoor patients are kept and where the service includes surgery, gynæcology and midwifery and homoeopathic medicine and passed an examination in the said subjects approved by the Registration Tribunal;

(ii) Part B.—This part shall include medical practitioners who are registered under the 1[Kamataka]1 Medical Registration Act, 1961 or the 1[Kamataka]1 Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961, and who practise the homoeopathic system of medicine; and

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(iii) Part C.—Other persons who have been in practice of the homoeopathic system of medicine for not less than two years as the principal occupation on the date of coming into force of this Chapter:

Provided that the entries of the names of persons in Part C shall be provisional and their names shall be removed from the register, unless they pass only the third and final examination in the subjects specified in Part I and Part II for the diploma of L.C.E.H. specified in the Schedule within a period of seven years from the aforesaid date:

Provided further that if any such person passes the final examination in the subjects referred to in the preceding proviso within the period specified therein, the entries of the names of such persons shall be transferred from Part C to Part A of the register.

**18. Registration Tribunal.**—(1) For the purpose of the preparation of the first register, the State Government may by notification constitute a Registration Tribunal constituting of three persons out of whom two shall be persons who are entitled to have their names entered in the register, and shall appoint a Secretary of the Tribunal.

(2) The State Government, by notification, shall appoint a date on or before which application for registration shall be made to the Registration Tribunal. Such application shall be accompanied by a fee of '[thirty]' rupees. 1. Substituted by Act 34 of 1979 w.e.f. 6.11.1979

(3) The Registration Tribunal shall examine every application received on or before the appointed date, and after making inquiry in the prescribed manner if it is satisfied that the applicant is qualified for registration under section 17 shall direct the entry of the name of the applicant in the register in the Part in which he is entitled to have his name entered.

(4) The register so prepared shall thereafter be published in such manner as the State Government may direct, and any person aggrieved by a decision of the Registration Tribunal, express or implied in the register as so published may within thirty days from the date of the publication of the register and after payment of a fee of five rupees appeal to the State Government.

(5) The Secretary shall amend the register in accordance with the decision of the State Government under sub-section (4) and shall thereupon issue to every practitioner whose name is entered in the register a certificate of registration in the prescribed form.

**19. Custody of register.**—(1) Upon the constitution of the Board for the first time after the commencement of this Act, the register shall be given into its custody and the State Government may direct that all or any specified part of the application fees for registration in the first register shall be paid to the credit of the Board. The State Government shall publish in the official Gazette, the date on which the register is given to the custody of the Board.

(2) It shall be the duty of the Board to maintain and revise the register in accordance with the provisions of this Act and the rules.

**20. Qualifications for subsequent registration.**—After the constitution of the Board referred to in sub-section (1) of section 19, a person shall on payment of '[thirty]'

rupees be entitled to have his name entered in the register, only if he possesses any of the qualifications specified in the Schedule.

1. Substituted by Act 34 of 1979 w.e.f. 6.11.1979

**21. Undertaking to be given for entering name in register.**—The name of any practitioner shall not be entered either in the first register or a register maintained under section 19, unless he gives an undertaking in writing that he shall not use any degree, diploma or licence which is identical with or is a colourable imitation of any degree, diploma or licence granted by a body or institution authorised under the Indian Medical Degrees Act, 1916, or the Indian Medical Council Act, 1956. It shall be lawful for such persons to use after his name the words "Registered Practitioner of Homoeopathy" in full to indicate that his name has been entered in the register.

**22. Maintenance of register.**—(1) It shall be the duty of the Registrar to make entries in the Register, from time to time to revise the same and to issue the certificates of registration in accordance with the provisions of this Act, the rules, and the orders of the Board.

(2) The names of registered practitioners who die or whose names are directed to be removed from the register under section 23, shall be removed therefrom.

(3) The Board may direct that any alteration in the entries as respects additional qualifications shall not be made except on payment of such fee as may be prescribed.

**23. Removal of names from Register.**—(1) The Board may direct that the name of any practitioner 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, which discloses such defect of moral character as is, in the opinion of the Board, sufficient to make him unfit to practice his profession or who after due inquiry has been found guilty of conduct, which is in the opinion of the Board infamous in any professional respect, shall be removed from the register. On such removal, the certificate of registration issued to the practitioner shall be deemed to have been cancelled. The Board may, on sufficient cause being shown and with the approval of the State Government direct that the name of the practitioner so removed shall be re-entered in the register.

(2) Any person aggrieved by an order of the Board under sub-section (1) directing the removal of his name from the register may within ninety days from the date of communication of the order, appeal to the State Government and the State Government may pass such order thereon as it deems fit.

(3) If the name of the practitioner is entered in a Register maintained under the '[Karnataka]' Medical Registration Act, 1961, or the '[Karnataka]' Ayurvedic and Unani Practitioners Registration and Medical Practitioners' Miscellaneous Provisions Act,

1961, it shall be the duty of the Board to give intimation of such removal to the authority entitled to maintain the said registers.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f 1.11.1973.

**24. Renewal fee.**—(1) Notwithstanding anything contained in section 18 or 20, each registered practitioner shall pay to the Board on or before the thirty-first day of December of every year a renewal fee of '[ten]<sup>1</sup> rupees for the continuance of his name in the register.

1. Substituted by Act 34 of 1979 w.e.f. 2.11.1979

(2) If the renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the register. On such removal, the certificate of registration issued to the practitioner shall be deemed to have been cancelled:

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 and a new certificate of registration may be re-issued.

**25. Qualified Medical Practitioners.**—Notwithstanding anything contained in any law for the time being in force,—

(i) the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word importing a person recognised by law as a medical practitioner or member of medical profession shall in all Acts of Legislature in the 1[State of Karnataka]<sup>1</sup> and in all Central Acts in their application to the 1[State of Karnataka]<sup>1</sup> in so far as such Acts relate to any matters specified in List II or List III of the Seventh Schedule to the Constitution, include a practitioner whose name is entered in Part A or Part B of the Register.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f 1.11.1973.

(ii) a certificate required by any Act from any medical practitioner or medical officer shall be valid, if such certificate has been signed by a practitioner whose name is entered in Part A or Part B of the register;

(iii) a practitioner whose name is entered in Part A or Part B of the register shall be eligible to treat patients according to the Homoeopathic system of medicine or to hold any appointment as a physician or other medical officer in any homoeopathic dispensary, hospital or infirmary supported by or receiving a grant from the State Government and treating patients according to the homoeopathic system of medicine or in any public establishment, body or institution dealing with such system of medicine;

(iv) a practitioner whose name is entered in Part A of the register may possess and prescribe the drugs relating to the homoeopathic system of medicine only.

**26. Notice of death.**—Every Registrar of Deaths on receiving notice of the death of a registered practitioner shall forthwith transmit by post to the Registrar a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificate and transmission as an expenditure of his office.

## CHAPTER V

### COURSE OF STUDIES, QUALIFYING EXAMINATIONS AND RECOGNITION OF INSTITUTIONS

**27. Course of Studies and Qualifying Examinations.**—(1) The course of studies and the examinations specified in the Schedule and such other course of studies and examinations as may, on the recommendation of the Board, be included in the Schedule by the State Government by notification, shall be the course of studies and the qualifying examinations held for the purpose of granting a diploma or a degree conferring the right of registration under this Act.

(2) The Board may recommend to the State Government for recognition of institutions to give instruction in the homoeopathic system of medicine or to hold examinations therein.

(3) It shall be the duty of the Board to secure maintenance of an adequate standard,-

(i) of instruction in each of the subjects of the course of studies specified in the Schedule and for the purposes of securing such standard, the Board shall have authority to call on the governing body or the authorities of any institution giving such instruction,-

(a) to furnish such particulars as the Board may require about the details of instruction;

(b) to permit Inspectors to inspect the institution;

(ii) in each of the qualifying examinations specified in the Schedule and for the purpose of securing such standard, the Board shall have authority to call on the governing body or authorities of any institution authorised to hold any of such examinations,—

(a) to furnish such particulars as the Board may require about the conduct of such examinations;

(b) to permit Inspectors to be present at the examinations and to report to the Board about the nature of the questions asked, the standard of giving marks and such other details as the Board may require.

(4) It shall also be the duty of the Board to inspect all institutions recognised under section 28 once at least in every two years.

**28. Recognition of institutions.**—(1) Any institution applying for recognition under this Act shall send an application to the Registrar and shall give full information in respect of the following matters:-

- (a) the constitution and personnel of the governing or managing body;
- (b) subjects and courses on which it gives or proposes to give instruction;
- (c) accommodation, equipment and the number of students for whom provision has been made or is proposed to be made;
- (d) the strength of the staff, their qualifications, salaries and the research work done by them;
- (e) fees levied or proposed to be levied and the financial provision made for the capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(2) Any institution applying for recognition to hold qualifying examinations shall send an application to the Registrar and shall give full information in respect of particulars specified in clauses (b) to (e) of sub-section (1) and such other particulars as the Board may require.

(3) The Registrar shall place the application before the Board and the Board may direct the Registrar to call for any further information which it may deem necessary. The Board may also direct a local inquiry to be made by a competent person or persons authorised by it in this behalf.

(4) After recording the report of such local inquiry and after making such further inquiry as may be necessary, the Board shall forward the application with its report to the State Government stating its opinion whether the recognition asked for should or should not be granted. The State Government may thereupon grant or refuse the recognition or may grant it subject to such conditions as it deems fit. The decision of the State Government shall be final.

**29. Removal of institution authorised to hold qualifying examination.**—If it shall appear to the State Government on the report of the Board or otherwise that the instruction given in any recognised institution or the qualifying examination conducted by any of the institutions recognised to hold such examinations are not such as to secure the maintenance of the adequate standard of proficiency for the practice of surgery and midwifery and homoeopathic medicine, it shall be lawful for the State Government from time to time to direct that the recognition of any institution for the purpose of giving instruction or holding an examination under section 27 shall be withdrawn and the said institution shall not be authorised to give instruction or to hold the examination, as the case may be:

Provided that before any direction for the withdrawal of the recognition of any institution is made under this section, the said institution shall be required to take steps within such time as may be specified in this behalf by the State Government to remedy the defect.

**30. Alteration of Schedule.**—If it shall appear to the State Government on the report of the Board or otherwise that it is necessary or expedient to modify the Schedule by making any addition or alteration in the course of studies or the examinations specified therein, the State Government may, after calling for the report of the Board if it has not already made the report and after making such inquiries as it thinks fit, make addition or alteration in the Schedule by notification, and the Schedule on such addition or alteration shall be deemed to have been so modified from the date specified in the notification.

## CHAPTER VI MISCELLANEOUS

**31. Exemption from serving on inquests, etc.**—Notwithstanding anything contained in any other law for the time being in force, every registered practitioner shall be exempt, if he so desires, from serving on an inquest, or as a juror under the Code of Criminal Procedure, 1898 (Central Act V of 1898).

**32. Fees and allowances to members.**—There shall be paid to the members of the Board and the Court such fees and allowances for attendance and such reasonable travelling allowances as shall from time to time be prescribed.

**33. Income and expenses of the Board.**—(1) The income of the Board shall consist of,-

- (a) fees received from practitioners and examinees;
- (b) the fees, if any, collected by the Court;
- (c) grants received from the Government;
- (d) donations and other sums received by the Board.

(2) The expenses of the Board shall include the salaries and allowances of the Registrar, the staff appointed by the Board including Inspectors, and fees and allowances paid to members of the Board and the Court, expenses for the conduct of examinations and such other expenses as are necessary for carrying out the purposes of this Act. The State Government may also direct the Board to pay such other expenses to the Court as it thinks fit.

**34. Publication of list of practitioners.**—(1) The Registrar shall every year on or before the thirtieth day of June publish in the official Gazette a correct list of the names and qualifications of all practitioners entered in the register on the first day of January of that year.



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

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

**35. Rules.**—(1) The State Government may, by notification, and after previous publication, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, rules may be made for any of the following matters:—

(a) 1[x x x]1 the manner in which election shall be held under section 5;

1. Omitted by Act 14 of 1972 w.e.f. 11.10.1972

(b) the manner in which vacancies shall be filled under section 7;

(c) the salary, allowances and other conditions of service of the Registrar under section 14;

(d) the powers to be exercised and functions to be performed by the Board under section 15;

(e) the manner of filling a vacancy under sub-section (3), the duties and functions to be performed by the Court under sub-section (5) and the time and place of the meeting and the procedure to be followed regarding its working under sub-section (6) of section 16;

(f) the particulars to be entered in the register under clause (e) of sub-section (2) of section 17;

(g) the manner of making inquiry under sub-section (3), and the form of certificate under sub-section (5) of section 18;

(h) the fees chargeable for the alteration of entries as respects additional qualification under sub-section (3) of section 22;

(i) the manner of payment of renewal fee and conditions subject to which such fee shall be paid under the proviso to sub-section (2) of section 24;

(j) the fees and other allowances to members of the Board and Court under section 32; and

(k) any other matter which is to be or may be prescribed under this Act.

(3) 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 or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything done under that rule.

**36. Regulations.**—(1) The Board, may with the previous sanction of the State Government make regulations not inconsistent with this Act or the rules for any of the following matters, namely:—

(a) the time and place at which and the manner in which the Board shall hold its meetings under section 12;

(b) the salary, allowances and other conditions of service of officers and servants of the Board and the Court, other than the Registrar, under section 14;

(c) the language in which the examinations shall be conducted and instruction shall be given;

(d) the detailed curriculum, the number of lectures, the period of terms devoted to practical and clinical studies in each subject and the recommendation of text books, if any;

(e) the conditions of appointment of examiners and fees to be paid to them, the conduct of examinations and the fees to be charged for the conduct of such examinations;

(f) all other matters which are not prescribed by rules, but which are necessary for the purpose of carrying out the object of this Act:

Provided that the Board shall, before proposing any regulation under clauses (b), (c), (d), (e) or (f), consult the Court and in case of difference of opinion between the Board and the Court in respect of any such regulation, the Board shall, while submitting such regulation to the State Government for sanction, report the grounds for such difference of opinion.

(2) The State Government on receiving the draft regulations may sanction or refuse to sanction the same or sanction them subject to such modifications as it may think fit or return them to the Board for further consideration.

(3) All regulations when sanctioned, with or without modification shall be published in the official Gazette.

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

**37. Control of State Government.**—(1) If at any time it appears to the State Government that the Board 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 conferred 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 Board, and if the Board fails to remedy such failure, excess or abuse within such time as the State Government may fix in this behalf, the State Government may by notification dissolve the Board and cause all or any of the powers or duties of the Board to be exercised and performed by such person and for such period not exceeding two years as it may think fit and shall take steps to constitute a new Board.

(2) Notwithstanding anything contained in this Act, rules or regulations, if at any time it shall appear to the State Government that the Board or any other authority empowered to exercise any of the powers or to perform any of the functions under this Act, has not been validly constituted or appointed, the State Government may by notification direct that any of such powers or functions 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.

**1[37A. Provision when the Board is not constituted.**—Notwithstanding anything contained in this Act, pending the constitution of the Board for the first time under this Act, the powers and functions of the Board shall be exercised and performed by a committee appointed by the State Government consisting of the 2[Director of Indian

Systems of Medicine and Homeopathy in Karnataka]2 as Chairman and four members who shall be practitioners eligible to have their names entered in the register.]1

1. Inserted by Act 9 of 1969 w.e.f. 24.4.1969

2. Substituted by Act 8 of 1976 w.e.f. 16.4.1975

**38. 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 Board or the Court or the Registrar or by any officer or servant under the direction of the State Government, the Board or the Court shall be questioned in any civil court.

**39. Repeal.**—The Bombay Homoeopathic Act, 1951 (Bombay Act XLVIII of 1951), as in force in the 1[Belgaum Area]1, is hereby repealed.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973.

**SCHEDULE****(Section 27)****I. Course of Studies.**

**[1. F.C.E.H. :—**(For those registered under the Karnataka Medical Registration Act, 1961, or the Karnataka Ayurvedic and Unani Practitioners Registration and Medical Practitioners Miscellaneous Provisions Act, 1961).

**Period of Study:—**One year.

**Subjects:—**Medicine including the principles of Homoeopathy Therapeutics, Repertory, Pharmacy and Dispensing Organon of Medicine, Homoeopathic Philosophy, Homoeopathy *materia medica*, Chronic miasma, Development of Homoeopathy and Research in Homoeopathy.

**Examination:—**Four papers of three hours' duration and clinical, Practical and viva voce examination.

**Paper-I:—**Organon, Homoeopathic Philosophy, Chronic Miasma.

**Paper-II:—**Homoeopathic materia medica pharmacy and dispensing.

**Paper-III:—**Therapeutics, Repertorisation and case taking.

**Paper-IV:—**The scientific method, and the Development of & research in Homoeopathy.

**2. B.H.M.S. :—**Bachelor of Homoeopathic Medicine & Surgery.

For this course, the existing Central Council Syllabi shall apply and any amendment to the syllabi as and when issued shall be applicable.]<sup>1</sup>

1. Substituted by notification NO. HFW 44 IME 87 dated 12.5.1988

**II. Qualifying Examinations.**

Licentiate of the Court of Examiners in Homoeopathy	...	(L.C.E.H.)
Graduate of the Court of Examiners in Homoeopathy	...	(G.C.E.H.)
Fellow of the Court of Examiners in Homoeopathy	...	(F.C.E.H.)
1[Diploma in Medicine and Surgery	...	D.M.S of W.B.
Diploma in Homoeopathic Medicine	...	D.H.M. of A.P.
Diploma in Homoeopathic Medicine	...	D.H.M. of Kerala.
Licenciate Certificate of Examination in Homoeopathy	...	L.C.E.H. of Maharashtra.] <sup>1</sup>

1. Inserted by notification No. HMA 303 PTM 72 dt. 18.8.1972 19

**[A. Recognised medical qualification in Homoeopathy granted by  
Universities, Boards or Medical Institutions In India.**

Name of University, Board of Medical Institution	Recognised Medical qualification	Abbreviation for Registration	Remarks
1	2	3	4
1. Dr. Gururaju Government Homoeopathic Medical College, Gudivada.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From April 1970 onwards.
2. Board of Indian Medicine, Hyderabad.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From October 1971.
3. Bihar State Board of Homoeopathic Medicine.	Diploma in Homoeopathi Science. Diploma in Homoeopathic Medicine and Surgery.	D.M.S. D.H.M.S.	Since 1961. From 1971 onwards.
4. Board of Homoeopathic System of Science. Medicine, Delhi.	Diploma in Homoeopathic  Diploma in Homoeopathic Medicine and Surgery.	D.H.S. D.H.M.S.	From 1965 to 1970-71. From 1971 onwards.
5. Royal College of Homoeopathic Physicians, Ernakulam.	Licentiate of Royal College of Homoeopathic Physicians.	L.R.C.H.P.	Upto 1966-67

6. The Board of Homoeopathic and Biochemic systems of Medicine, Madhya Pradesh.	Diploma in Homoeopathy and Biochemistry	D.H.B.	From 1960 onwards.
7. Court of Examiners in Homoeopathy.	Fellow of the Court of Examiners in only Homoeopathy.	F.C.E.H.	In May 1958
8. Orissa Board of Homoeopathic Medicine, Bhubaneswar.	Diploma in Homoeopathic Medicine and Surgery	D.H.M.S.	From 1972 onwards.
9. State Board of Homoeopathic Medicine, U.P., Lucknow.	Graduate of Homoeopathic Medicine and Surgery.	G.H.M.S.	From 1961 to 1963.
	Bachelor of Medicine and Surgery.	B.M.S.	From 1958 to 1960 and from 1970 onwards.
	Certificate of Homoeopathic Practice.	C.H.P.	...
10. Agra University, Agra.	Graduate of Homoeopathic Medicine and Surgery.	G.H.M.S.	From 1965 to 1967.
11. Kanpur University, Kanpur.	Graduate of Homoeopathic Medicine and Surgery.	G.H.M.S.	From 1967 onwards.
12. National Homoeopathic Medical College and Hospital, Lucknow.	...	H.L.M.S.	From 1923 to 1936.
		H.M.D.	From 1925 to 1942.

		H.M.B.	From 1924 to 1949.
		B.M.S.	From 1950 to 1957.
13. Homoeopathic Medical College, Lucknow.	...	H.M.B.	From 1931 to 1936.
14. The Council of Homoeopathic and Medicine, West Bengal.	Diploma in Medicine Surgery.	D.M.S.	From 1965 onwards.
15. Calcutta Homoeopathic Medical College, Calcutta.	Bachelor of Homoeopathic Medicine.	H.M.B.	Upto 1936.
	Bachelor of Medicine & Bachelor of Surgery.	B.M.B.S.	From 1936 to 1942.
16. Bengal Allen Homoeopathic Medical College, Calcutta.	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	Upto 1942.
	Master of Homoeopathic Medicine and Surgery.	M.H.M.S.	Upto 1942.
	Licentiate in Homoeopathic Medicine and Surgery.	L.H.M.S.	Upto 1942.
17. Dunham Homoeopathic Medical College, Calcutta.	Member of Dunham College of Homoeopathy.	M.D.C.H.	Upto 1942.
18. Ashutosh Homoeopathic Medical College, Calcutta.	Practitioners of Rational System of Medicine.	P.R.S.M.	Upto 1942.

	Practitioner of Heading Art.	P.H.A.	Upto 1942.
19. Herring Homoeopathic Medical College, Calcutta.	Licentiate of the Rational Homoeopathic Society.	L.R.H.S.	Upto 1942.
20. Regular Homoeopathic Medical College, Calcutta.	Licentiate in Homoeopathic Medicine and Surgery.	H.L.M.S.	Upto 1942.
21. Central Homoeopathic College, Calcutta.	...	H.L.M.S.	1910.
		H.M.B.	1910.
22. Bengal Homoeopathic Medical College, Calcutta.	Bachelor of Homoeopathic Medicine.	H.M.B.	Upto 1942.
23. Court of examiners in Homoeopathic Education, Bangalore.	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	From 1985 onwards.
24. Bangalore University	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	From October 1990 onwards.
25. Mangalore University	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	From December 1990 onwards.
26. Gulbarga University.	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	From December 1990 onwards.]2



**B. Qualifications granted by medical institutions outside India.**

Name of University, Board of Medical Institution.	Recognised Medical qualification.	Abbreviation for Registration.	Remarks
1. Faculty of Homoeopathy, London.	Diploma of the Faculty of Homoeopathy.	D.F.Hom.	
2. Faculty of Homoeopathy, London.	Member of the Faculty of the Homoeopathy.	M.F.Hom.	
3. Faculty of Fellow Homoeopathy, London.	of the Faculty F.F.Hom.]1 of Homoeopathy.		

1. Inserted by notification S.O. No. 274 dt. 11.10.1974

2. Inserted by notification No. KFW 2 IME 92 dt. 10.2.1993.

**NOTIFICATIONS**

I

**Bangalore, dated 10th July, 1970. [No. HMA 463 PIM 69.]**

**S.O. 1530.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Homoeopathic Practitioners Act, 1961 (Mysore Act 35 of 1961), the Government of Mysore hereby appoints 17th July, 1970 as the date on which the remaining provisions of the said Act other than Chapter I, IV and VI shall come into force.

By Order and in the name of the Governor of Karnataka,

(K. RANGANATHAPPA)

Under Secretary.

(Published in the Karnataka Gazette PART IV—2C (ii) dated 16th July, 1970 at p. 3571.)

II

**Bangalore, dated 16th August, 1972.[No. HMA 303 PTM 72.]**

**S.O. 1471.**—In exercise of the powers conferred by Section 30 of the Mysore Homoeopathic Practitioners Act, 1961 (Mysore Act 35 of 1961) the Government of

Mysore hereby makes the following additions to the Schedule to the said Act and specifies the date of publication of this notification in the Mysore Gazette as the date from which the Schedule shall be deemed to have been so modified, namely:—

In the Schedule to the said Act, to the entries under the heading "II Qualifying Examinations," the following entries shall be added, namely:—

Diploma in Medicine and Surgery	...	D.M.S of W.B.
Diploma in Homoeopathic Medicine	...	D.H.M. of A.P. 23
Diploma in Homoeopathic Medicine	...	D.H.M. of Kerala.
Licenciate Certificate of Examination in Homoeopathy	...	L.C.E.H. of Maharashtra.

By Order and in the name of the Governor of Mysore,

(K. P. RAMAKRISHNA)

Under Secretary to Government,

Health and Municipal Administration Department.

(Published in the Karnataka Gazette PART IV—2C (ii) dated 24th August, 1972 at p. 2937.)

### III

**Bangalore dated 11th October, 1974.**

**S.O. 274.**—In exercise of the powers conferred by Section 30 of the Karnataka Homoeopathic Practitioners Act 1961 (Karnataka Act 35 of 1961) the Government of Karnataka hereby makes the following additions to the Schedule to the said Act and specifies the date of publication of this notification in the Karnataka Gazette as the date from which the schedule shall be deemed to have been so modified, namely:—

In the schedule to the said Act, to the entries under the heading "Qualifying Examinations", the following entries shall be added namely:—

A. Recognised medical qualifications in Homoeopathy granted by Universities, Boards or Medical Institutions in India.

[Note: As in the text of the Act at pages. 419 to 423 covered by Foot Note 2 of page 419]

By Order and in the name of the Governor of Mysore,

(K. JANARE GOWDA)

Under Secretary to Government,

Health and Municipal Administration Department.

(Published in the Karnataka Gazette Part IV-2C (ii) dated 16.01.1975 at pages 634-637)

**IV**

**Bangalore, dated 12th May, 1988 [No HFW 44 IME 87]**

In exercise of the powers conferred by section of the Karnataka Homeopathic Practitioners Act, 1961 (Karnataka Act 35 of 1961), the Government of Karnataka hereby makes the following alteration to the Schedule to the said Act, and the said alteration shall come into effect from the academic year 1988-89.

In the Schedule to the Karnataka Homeopathic Practitioners Act, 1961 (Karnataka Act 35 of 1961), for the entries under the heading 1, Course of studies, the following shall be substituted, namely:-

[Note: Entries as in the text of the Act at pages 418-419 covered by foot Note 4 at page 418]

By Order and in the name of the Governor of Mysore,  
(H.M. CHIKKABASAVIAH)  
Under Secretary to Government,  
Health and Family Welfare Department. 24

**V**

**Bangalore, dated 10th February, 1993. [No. HFW 2 IME 92]**

In exercise of the powers conferred by Section 30 of the Karnataka Homoeopathic Practitioners Act, 1961, (Karnataka Act 35 of 1961) the Government of Karnataka hereby makes the following additions further to amend the schedule to the said Act namely:—

In the schedule to the said Act under the heading Recognised medical qualification in Homoeopathy granted by Universities, Boards or Medical Institutions in India after item no. 22 the following entries shall be inserted namely:—

[Note: As in the text of the Act at page.423 covered by foot Note-1 at page.423]

By Order and in the name of the Governor of Mysore,  
(P. PRASANNAKUMAR)  
Under Secretary to Government,  
Health and Family Welfare Department.

(Published in the Karnataka Gazette Part IV-2C(ii) dated 18.03.1993 at pages 175-176)

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**THE KARNATAKA NURSES, MIDWIVES AND HEALTH VISITORS ACT, 1961**  
**ARRANGEMENT OF SECTIONS**

Statement of Object and Reasons

Sections

**PART I**  
**PRELIMINARY**

1. Short title, extent, commencement and application.
2. Definitions.

**PART II**  
**THE MYSORE NURSING COUNCIL**

3. Establishment, incorporation and constitution of Council.
4. Appointment of members in default of election.
5. Period of office of members.
6. Vacancy.
7. Vacancy not to affect proceedings.
8. Disqualifications.
9. Disabilities from continuing as member.
10. Leave of absence to members.
11. Elections to be held by distributive system of voting.

**PART III**  
**REGISTRATION**

12. Maintenance of register.
13. Persons entitled to registration.
14. Refusal of registration and removal and re-entry of names.
15. Appeal from order under section
16. Renewal fee.
17. Maintenance of list of persons practising as nurses, midwives, auxiliary nurse midwives and health visitors.

**PART IV**

**NURSES, MIDWIVES, AUXILIARY NURSE- MIDWIVES AND HEALTH VISITORS  
ENTITLED TO PRACTICE AND CONTROL OF LICENSING AUTHORITIES**

18. Persons not registered or included in the list not to practise as nurse, etc.
19. Conditions on practice in certain areas.
20. Licensing authority to exercise general supervision.
21. Notice to licensing authority before commencement of practice.

**PART V**

**NURSES ESTABLISHMENTS**

22. Regulation of nurses establishments.

**PART VI**

**TRAINING INSTITUTIONS**

23. Training Institutions.
24. Appeal against refusal to recognise institutions.

**PART VII**

**MISCELLANEOUS**

25. Removal of names from register on notice of death.
26. Penalty for dishonest use of certificate.
27. Penalty for unlawful assumption of title of registered nurse, midwife, auxiliary nurse-midwife or health visitor.
28. Court competent to try offences under Act.
29. Power of State Government to make rules.
30. Power of Council to make bye-laws.
31. Protection of persons acting in good faith under the Act, rules or bye-laws.
32. Jurisdiction of Civil Courts.
33. Control.
34. Repeal.
35. Power to remove difficulties.

\* \* \* \*

**STATEMENT OF OBJECTS AND REASONS****I**

**Act 4 of 1962.-** There are at present separate enactments in force in the Bombay Area, Hyderabad Area and the Madras Area of the State for the registration of Nurses, Midwives, etc. With a view to have uniformity in law and control over the nursing profession it has become necessary to have a uniform law applicable throughout the State of Mysore. On a careful consideration of the enactments in force in the several States, this Bill has been prepared after consulting the W.H.O. Nursing Adviser and W.H.O. Adviser, MCH Project in the State of Mysore.

(Obtained from File No.LAW 13 LGN 60.)

**II**

**Act 27 of 1981.—**The Karnataka Nursing Council maintains a register of nurses, midwives, auxiliary nurses and health visitors who are registered under the Act. For the purpose of continuance of their names on the register such nurses etc., may be required by the Council to renew their registration once in every three years by paying a renewal fee. At present the renewal fee is one rupee which was fixed in the year 1961. It is proposed to enhance it to five rupees having regard to the increase in the cost connected with the registration of nurses etc.,

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 3rd February 1981, as No. 101, at page 3).

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सत्यमेव जयते

**'[KARNATAKA]' ACT No. 4 OF 1962**

(First published in the '[Karnataka Gazette]' on the Twenty-fifth day of January, 1962.)

**THE '[KARNATAKA]' NURSES, MIDWIVES AND HEALTH VISITORS ACT, 1961**

(Received the assent of the President on the Sixteenth Day of January, 1962.)  
(Amended by Karnataka Act 27 of 1981)

**An Act to provide for the registration of Nurses, Midwives and Health Visitors in the '[State of Karnataka]'<sup>1</sup>.**

WHEREAS it is expedient to provide for the registration of nurses, midwives and health visitors in the '[State of Karnataka]'<sup>1</sup>;

BE it enacted by the '[Karnataka State]'<sup>1</sup> Legislature in the Twelfth Year of the Republic of India as follows:-

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

**PART I  
PRELIMINARY**

**1. Short title, extent, commencement and application.-** (1) This Act may be called the '[Karnataka]' Nurses, Midwives and Health Visitors Act, 1961.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) It shall extend to the whole of the '[State of Karnataka]'<sup>1</sup>

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(3) (a) (i) Part I and section 29 of Part VII of this Act shall come into force at once in the whole of the '[State of Karnataka]'<sup>1</sup>.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(ii) Parts II, III, V and VI and the remaining sections of Part VII of this Act shall come into force in the whole of the '[State of Karnataka]' on such '[date]'<sup>1</sup> as the State Government may by notification appoint.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(b) Part IV shall come into force on such '[date]'<sup>1</sup> and shall apply to such class of persons only in such areas as the State Government may by notification specify.

1. Parts specified in section 1(3)(a)(ii) of the Act came into force w.e.f. 16.8.1968 by Notification No. PHS 22 MAA 62 dt. 30.7.1968

**2. Definitions.-** In this Act, unless the context otherwise requires,-

- (a) "affiliated institution" means an institution for the nursing of the sick, maternity or child welfare, which may be affiliated to the Council in accordance with the bye-laws;
- (b) "auxiliary nurse-midwife" means a person who has passed the examination prescribed in this behalf;
- (c) "bye-law" means a bye-law made by the Council under section 30;
- (d) "Council" means the '[Karnataka Nursing Council]' constituted under section 3;

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

- (e) "health visitor" means a person who has obtained the Health Visitors' Certificate from any Health School, institution and examining body recognised in this behalf by the Council;
- (f) "institution" includes any association, which maintains or controls a nurses establishment;
- (g) "licensing authority" in the case of a municipal area means the municipal corporation or the municipal council or other municipal authority established for such area and in the case of any other area, taluk development board established for such area:

Provided that the State Government may by notification in respect of any area specify any other authority as the licensing authority for such area;

- (h) "list" means a list of nurses, midwives, auxiliary nurse-midwives and health visitors prepared and kept under section 17;
- (i) "midwife" means a person who holds a certificate in midwifery from any institution recognised in this behalf by the Council;
- (j) "notification" means a notification published in the official gazette;
- (k) "nurse" means a person who holds a certificate in nursing from any institution recognised in this behalf by the Council;
- (l) "nurses establishment" means any establishment, whether carried on for gain or not, which provides for or is intended to provide the services of persons to act as nurses, midwives, auxiliary nurse-midwives or health visitors to those requiring such services;
- (m) "prescribed" means prescribed by rules;
- (n) "register" means a register maintained under section 12 and the expressions "registered" and "registration" shall be construed accordingly;
- (o) "registered medical practitioner" means a person registered under any law in force in the State regulating the registration of practitioners in the ayurvedic, unani, homeopathic or modern system of medicine;



(p) "rule" means a rule made by State Government under section 29.

1. Substituted for sub-section (d) by Kamataka Adaptations of Laws order 1973 w.e.f.1.11.1973

## PART II

### THE '[KARNATAKA NURSING COUNCIL]'

**3. Establishment, Incorporation and constitution of Council.-** (1) The State Government may, by notification, establish a Council to be called the '[Karnataka Nursing 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 sued.

1. Adapted by the Kamataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) The Council shall consist of the following members:-

(a) as ex-officio members,-

'[(i) the Director of Health and Family Planning Services in Karnataka or such other Officer as the State Government may nominate:]'

1. Adapted by the Kamataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(ii) the Superintendent of Nursing Services, '[Government of Karnataka]';

1. Adapted by the Kamataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(b) as elected members,-

(i) eight persons to be elected from amongst themselves by (aa) nurses, (bb) midwives, (cc) auxiliary nurse-midwives and (dd) health visitors registered in the register, the number of persons to be elected from each category being so divided as to be in the proportion of the number of their members in the register:

Provided that in determining the said proportion, a fraction of one-half or less shall be neglected and a fraction of more than one-half shall be counted as one:

Provided further that the number of members to be elected representing any particular category shall be at least one.

(ii) two persons to be elected from amongst themselves by the heads of the affiliated institutions;

(iii) two persons to be elected from amongst themselves by the matrons and Nursing Superintendents of the affiliated institutions in the '[State of Karnataka]';

1. Adapted by the Kamataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(iv) one person to be elected from amongst themselves by the sister tutors of the affiliated institutions;

(v) one person to be elected by the <sup>1</sup>[Karnataka Medical Council]<sup>1</sup>;

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(vi) one person to be elected by the <sup>1</sup>[Karnataka State Branch]<sup>1</sup> (by whatever name called) of the Indian Medical Association;

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(vii) one person to be elected by the <sup>1</sup>[Karnataka State Branch]<sup>1</sup> of the Trained Nurses' Association of India.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(c) as nominated members, three persons to be nominated by the State Government of whom at least one person shall be a woman:

Provided that the members to be elected under clause (b) shall in respect of the first Council, be nominated by the State Government from persons who in the opinion of the State Government are entitled to be included in the electorate or body concerned and shall hold office for a period of two years.

(3) The President and Vice-President of the Council shall be elected from among the members of the Council.

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

**4. Appointment of members in default of election.-** If any of the electorates or bodies referred to in section 3 does not, by such date as may be prescribed, elect a person to be a member of the Council, the State Government shall, by notification appoint to the vacancy a person qualified for election thereto; and the person so appointed shall be deemed to be a member of the Council as if he had been duly elected by the said electorate or body.

**5. Period of office of members.-** (1) The members of the Council, other than the ex-officio members specified in clause (a) of sub-section (2) of section 3, shall hold office for a term of five years from the date of their election or nomination or until their successors have been duly elected or nominated whichever is longer and shall be eligible for re-election or re-nomination, as the case may be.

(2) Any such member may at any time resign his appointment by letter addressed to the President of the Council.

**6. Vacancy.-** When a vacancy occurs in the office of a member of the Council through death, resignation, removal or disability of such member or otherwise, previous to the expiry of the period of his office, the vacancy shall be filled in the manner prescribed. Any person elected or nominated to fill a casual vacancy shall, notwithstanding anything contained in section 5, hold office only so long as the

member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

**7. Vacancy not to affect proceedings.-** If a vacancy in the office of a member of the Council has occurred, the continuing members thereof shall act as if no vacancy had occurred, and no act or proceeding of the Council shall be deemed invalid merely by reason of a vacancy in the Council or the disqualification of, or of defect in the election or nomination of a person acting as a member of the Council.

**8. Disqualifications.-** A person shall be disqualified for being chosen as, and for being, a member of the Council,-

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

(b) if he is an undischarged insolvent, or

(c) if he is of unsound mind and stands so declared by a competent court, or

(d) if his name has been removed from the register, or

(e) if he is a wholetime officer or servant of the Council.

**9. Disabilities from continuing as member.-** (1) If any member, during the period for which he has been elected or nominated,—

(a) absents himself without excuse, sufficient in the opinion of the Council, from three consecutive ordinary meetings of the Council; or

(b) is absent out of India for a period exceeding eight consecutive months; or

(c) ceases to be a member of the electorate or body by which he was elected; or

(d) becomes subject to any of the disqualifications specified in section 8; or

(e) having been elected by the 1[Karnataka Medical Council]1, ceases to be a registered medical practitioner;

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

-the President of the Council shall forthwith report the fact to the State Government, which shall thereupon, by an order in writing, declare his seat to be vacant.

(2) If any question arises whether a vacancy has occurred under sub-section (1), the orders of the State Government shall be final for the decision of such question.

**10. Leave of absence to members.-** The Council may permit any member to absent himself from the meetings of the Council or any period not exceeding six months.

**11. Elections to be held by distributive system of voting.-** All elections under this Act shall be held according to the distributive system of voting.

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

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

### PART III

### REGISTRATION

**12. Maintenance of register.-** The Council shall maintain a register of (a) nurses, (b) midwives, (c) auxiliary nurses and (d) health visitors, consisting of four sections, in such form, containing such particulars and divided into such parts as may be prescribed.

**13. Persons entitled to registration.-** Persons who have undergone such courses of training, have passed such examinations and who fulfil such other conditions as may be prescribed shall, on payment of the prescribed fee and on making an application in the prescribed form, be entitled to registration.

**14. Refusal of registration and removal and re-entry of names.-** (1) Subject to such conditions as may be prescribed, the Council may, after giving an opportunity to the person concerned to be heard in his defence and after holding an inquiry in the prescribed manner, refuse to enter in the register the name of any person or may order the removal of the name of such person from the register.

(2) The order passed under sub-section (1) shall be in writing and shall be served on the person concerned in the prescribed manner.

(3) The Council may direct that the name of any person against whom an order under sub-section (1) has been passed shall be entered or re-entered in the register, as the case may be.

**15. Appeal from order under section 14.-** (1) Any person aggrieved by any order of the Council made under section 14 may, within ninety days from the date on which such order is served, appeal against such order to the State Government.

(2) The order of the State Government on any such appeal shall be final.

**16. Renewal fee.-** (1) Notwithstanding anything contained in section 13, the Council may, with the previous sanction of the State Government, direct that for every three years a renewal fee of 1 [five rupees] shall be paid by each person registered under this Act for the continuance of his name on the register.

1. Substituted by Act 27 of 1981 w.e.f. 9.4.1981

(2) If the renewal fee is not paid before the date fixed by the Council, the Council may after giving notice to the defaulter concerned remove the name of the defaulter from the register:

Provided that the name so removed may be re-entered in the register on payment of the renewal fee in such manner and subject to such conditions as the Council may, after giving notice to the defaulter concerned by bye-laws direct.

**17. Maintenance of list of persons practising as nurses, midwives, auxiliary nurse-midwives and health visitors.**-(1) The Council shall prepare and keep a list of persons whose names are not entered in the register maintained under section 12 and who are practising as nurses, midwives, auxiliary nurse-midwives and health visitors. The list shall be divided into such parts as may be determined by the Council.

(2) Every person not being qualified for registration under this Act, who, within the period of two years from the date on which this Part comes into force, proves to the satisfaction of the Council that he has been in regular practice as a nurse, midwife, auxiliary nurse-midwife, or health visitor and fulfils such other conditions as may be determined by the Council shall on payment of the prescribed fee, be entitled to have his name entered in the list:

Provided that any person whose name has been removed from the register maintained under this Act or under any other law for the time being in force in any other part of India or from the register of any other country for infamous conduct in any professional respect shall not be entitled to have his name entered in the list.

(3) The provisions of sections 14 and 15 shall mutatis mutandis apply to the list.

#### PART IV

### NURSES, MIDWIVES, AUXILIARY NURSE-MIDWIVES AND HEALTH VISITORS ENTITLED TO PRACTISE AND CONTROL OF LICENSING AUTHORITIES

**18. Persons not registered or included in the list not to practise as nurse, etc.**-(1) No person other than a person registered under this Act or a person whose name is entered in the list, shall practise or hold himself out, whether directly or by implication, as practising habitually or for personal gain as a nurse, midwife, auxiliary nurse-midwife or health visitor.

(2) Any person who acts in contravention of the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to one hundred rupees for the first offence, to two hundred rupees for the second offence, and to three hundred rupees for any subsequent offence.

**19. Conditions on practise in certain areas.-** (1) Notwithstanding anything contained in section 18, a person whose name has been entered in the list shall not practise as a nurse, midwife, auxiliary nurse-midwife or health visitor in an area within the limits of a municipal corporation or other municipal body or an area notified under sub-section (2), unless he,-

(a) has been in regular practice as a nurse, midwife, auxiliary nurse-midwife or health visitor for a continuous period of five years prior to the date on which this section has come into force, or

(b) has been in regular practice as a nurse, midwife, auxiliary nurse-midwife or health visitor for a continuous period of two years prior to the date on which this section has come into force and produces a certificate from an institution signed by the Matron, Medical Superintendent or other responsible officer of such institution that such person has received the training as a nurse-midwife, auxiliary nurse-midwife or health visitor in a prescribed manner.

(2) The State Government may, after consultation with the Taluk Development Board of a Taluk by a notification, direct that the provisions of sub-section (1) shall apply on such date as may be specified therein to any other area in the Taluk, subject to such adaptations and modifications as it may consider suitable having regard to the local conditions of the area.

**20. Licensing authority to exercise general supervision.-** (1) Subject to the provisions of this Act and the rules and by-laws made in this behalf, every licensing authority shall exercise general supervision and control over the nurses, midwives, auxiliary nurse-midwives, and health visitors practising within the area under its jurisdiction.

(2) The licensing authority may authorise any of its officers to perform any of the duties and to exercise any of the powers conferred on it by this section and section 21.

**21. Notice to licensing authority before commencement of practice.-** (1) Every person registered under this Act and every person whose name has been entered in the list, if he intends to continue to practise after the date on which this Part comes into force in any area or if either of such persons intends to practise in such area as a nurse, midwife, auxiliary nurse-midwife, or health visitor, he shall give notice in writing to the licensing authority and shall give a like notice to the said authority in the month of January every three years thereafter during the period he continues to practise within the said area.

(2) Every such notice shall contain such particulars and shall be in such form as may be determined by the Council.

(3) Any person who fails to comply with the provisions of sub-sections (1) and (2) shall, on conviction, be punished with fine which may extend to twenty-five rupees for

the first offence, to fifty rupees for the second offence and to one hundred rupees for any subsequent offence.

(4) Any person who knowingly or wilfully makes or causes or procures any other person to make any false statement in any notice under this section shall, on conviction, be punished with fine which may extend to one hundred rupees for the first offence, to two hundred rupees for the second offence and to three hundred rupees for any subsequent offence.

## PART V NURSES ESTABLISHMENTS

**22. Regulation of nurses establishments.-** (1) No person shall carry on any nurses establishment, except under a licence granted by the licensing authority and in accordance with the terms and conditions approved by the Council and specified in such licence.

(2) Any person who desires to carry on any nurses establishment shall apply to the licensing authority for a licence before such date, in such manner and in such form as may be prescribed. He shall along with the application pay to the licensing authority the prescribed fee, half of which shall be refunded to him if the licence is not granted.

(3) The licensing authority may before granting such licence impose such additional conditions as it may think fit for securing the proper conduct of the establishment.

(4) The licensing authority may, after giving an opportunity to the person concerned of being heard, refuse to grant any licence or revoke any licence already granted, if,-

(i) the applicant or the holder of the licence is below twenty-one years or is in its opinion not a suitable person to hold such licence; or

(ii) the premises of the establishment are not suitable; or

(iii) any offence under this section has been committed in respect of the establishment.

(5) Any person aggrieved by any of the conditions imposed by the licensing authority or by the refusal or revocation of any licence may appeal within ninety days of such imposition, refusal or revocation to the State Government. The memorandum of appeal shall be accompanied by such fee as may be prescribed. The decision of the State Government on such appeal shall be final.

(6) The licensing authority may authorise any of its officers to perform any of the duties conferred on it by this section.

(7) Any officer duly authorised by the licensing authority in this behalf may at all reasonable times enter the premises specified in any licence or application for licence or any premises which are used, or which the officer has reasonable cause to believe

are used, for the purpose of, or in connection with, the nurses establishment and inspect the premises and any records relating to such establishment as may be kept thereon.

(8) The Council may also exercise the powers of entry and inspection conferred by sub-section (7) through any of its officers authorised by it in this behalf. If the Council is of opinion that in any case the licence should be refused or revoked it shall report the matter to the State Government. On receipt of such report, the State Government may after consultation with the licensing authority or after making such inquiry as it deems fit, and after giving an opportunity to the person concerned of being heard pass orders refusing or revoking the licence. Such orders shall be final.

(9) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees for the first offence and for any subsequent offence with fine which may extend to five hundred rupees or with simple imprisonment for a term which may extend to six months or with both.

(10) Any person who refuses any duly authorised officer of the licensing authority or any such officer of the Council to enter or inspect any premises or to inspect any records under sub-section (7) or (8), as the case may be, or obstructs such officer in the exercise of his aforesaid powers shall, on conviction, be punished with fine which may extend to fifty rupees for the first offence and for any subsequent offence with fine which may extend to one hundred rupees or with simple imprisonment for a term which may extend to three months or with both.

(11) Any person who makes or causes to be made or knowingly allows to be made any entry in a record to be kept under this section, which he knows to be false in any material particular for any of the purposes of this Act or who makes, produces, furnishes or knowingly allows to be made, produced or furnished any statement, record or information which he knows to be false in any material particular for the purpose of obtaining a licence under this section or for any other purposes of this Act shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees for the first offence and for any subsequent offence with fine which may extend to one thousand rupees or with imprisonment for a term which may extend to six months or with both.

(12) (i) If the person committing an offence under this section is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:



Provided that, nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(ii) Notwithstanding anything contained in clause (i), where an offence under this section has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation.-** For the purposes of this sub-section,-

(a) "company" means any body corporate and includes a firm or other association of individuals, and

(b) "director" in relation to a firm means a partner in the firm.

## PART VI

### TRAINING INSTITUTIONS

**23. Training Institutions.-** (1) The institutions which are approved and recognised by the Council after inspection by its representative shall be competent to train nurses, midwives, auxiliary nurse-midwives, or health visitors and to send them for examination for the qualifying certificates of the Council.

(2) The Council may withdraw recognition from any such institution after its inspection by a representative of the Council. The order of such withdrawal shall be in writing and shall be served in the prescribed manner.

(3) No school, hospital or other institution which is not approved and recognised under this section shall issue to any person a certificate or enter the name of any person in any document purporting to show that such person is qualified by reason of his having passed any examination or undergone any course of training to practise as a nurse, midwife, auxiliary nurse-midwife, or health visitor, unless his name is registered or entered in the list under this Act.

(4) Any person who contravenes the provisions of sub-section (3) shall, on conviction, be punished with fine which may extend to three hundred rupees.

(5) (i) If the person committing an offence under this section is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(ii) Notwithstanding anything contained in clause (i) where an offence under this section has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation.-** For the purposes of this sub-section,-

(a) "company" means any body corporate and includes a firm or other association of individuals, and

(b) "director" in relation to a firm means a partner in the firm.

**24. Appeal against refusal to recognise Institutions.-** Any person aggrieved by the refusal of the Council to approve and recognise any institution as competent to train nurses, midwives, auxiliary nurse-midwives, or health visitors may appeal, within ninety days from the date of such refusal, to the State Government against such order of refusal. The decision of the State Government on any such appeal shall be final.

## PART VII MISCELLANEOUS

**25. Removal of names from register on notice of death.-** Every Registrar of Births and Deaths who receives notice of the death of any person whose name he knows to be or has reason to believe is entered in any register, shall forthwith transmit by post to the Council a certificate of registration of such death signed by him and stating the time and place of death; and thereupon the name of such person shall be removed from the register.

**26. Penalty for dishonest use of certificate.-** Any person who,-

(a) dishonestly makes use of any certificate of registration issued under the provisions of this Act to him or to any other person,

(b) procures or attempts to procure registration under the provisions of this Act by making or producing, or causing to be made or produced any false or fraudulent declaration, certificate or representation, whether in writing or otherwise, or

(c) wilfully makes or causes to be made any false representation in any matter relating to the register or certificate issued under the provisions of this Act,

-shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees for the first offence and for any subsequent offence with fine which may extend to five hundred rupees or with simple imprisonment for a term which may extend to six months or with both.

**27. Penalty for unlawful assumption of title of registered nurse, midwife, auxiliary nurse-midwife, or health visitor.**- Any person who, not being a registered nurse, midwife, auxiliary nurse-midwife, or health visitor, takes or uses the name or title of registered nurse, midwife, auxiliary nurse-midwife or health visitor or uses any name, title, description, prescribed uniform, object or sign-board, with the intention that it may be believed, or with the knowledge that it is likely to be believed that such person is a registered nurse, midwife, auxiliary nurse-midwife or health visitor shall, on conviction, be punished with fine which may extend to one hundred rupees for the first offence and for any subsequent offence with fine which may extend to two hundred rupees or with simple imprisonment for a term which may extend to three months or with both.

**28. Court competent to try offences under Act.**- No court other than a Magistrate of the First Class shall take cognizance of or try any offence under this Act.

**29. Power of State Government to make rules.**-(1) The State Government may, after previous publication, by notification make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, rules may be made,-

(a) prescribing the manner in which elections and nominations of members of the Council and the elections of the President and Vice-President shall be made, and casual vacancies shall be filled under section 6;

(b) prescribing the form in which a register shall be kept, the particulars to be entered in such register, and the parts into which such register shall be divided under section 12;

(c) prescribing the courses of training and examinations including those for auxiliary nurse-midwives entitling a person to registration, the fee payable on application for registration, the form in which such applications shall be made, and the conditions subject to which names shall be entered in the register under section 13; (d) prescribing the causes for which, the conditions under which, and the manner in which the names of nurses, midwives, auxiliary, nurse-midwives, and health visitors may be removed or re-entered in the register under section 14 and the manner in which the order of removal or refusal shall be served on such persons;

(e) the course of instruction for and the manner in which training is required to be received by a person as a nurse, midwife, auxiliary nurse-midwife or health visitor for the purpose of section 19; prescribing the matters and the manner in which and the conditions under which a licensing authority shall exercise supervision and control over the nurses,

(f) midwives, auxiliary nurse-midwives and health visitors practising within the area under its jurisdiction under section 20;

(g) the date before which and the manner and form in which application for a licence for any nurses establishment shall be made under section 22;

(h) the manner in which an order of withdrawal of recognition of an institution shall be served under section 23;

(i) prescribing the fees payable for entering the name of any person in the list under sub-section (2) of section 17 and in respect of an appeal under section 15 or 24; and

(j) any matter which is to be or may be prescribed.

(3) 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 or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions immediately following, both House agree in making any modification in the rule or both House agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything done under that rule.

**30. Power of Council to make by-laws.**- (1) The Council may make by-laws not inconsistent with this Act or the rules,-

(a) for regulating the compilation, maintenance and publication of the register or list and the conditions of admission to the register or list;

(b) for regulating the conduct of any examinations which may be prescribed as a condition of admission to the register and any matter ancillary to or connected with such examinations, including the courses of training which the candidates appearing for the examinations shall under go;

(c) for determining the manner in which the list shall be maintained, the conditions which shall be fulfilled by persons whose names are to be entered in the list, the qualifying examination to be passed by persons whose names are entered in the list and for regulating the conduct of such examinations;

(d) for the approval of any institution for the purpose of such training and the granting of diplomas to candidates passing the examinations;

(e) for regulating the conditions under which institutions for nursing the sick, maternity or child welfare may be affiliated to the Council.

(f) for appointing a Registrar and such other servants as may be necessary;

(g) for regulating the pay, pension, conduct and other conditions of service of persons appointed under clause (f).

(h) for establishing a provident fund for the benefit of the employees of the Council and of affiliated institutions and regulating its administration;

(i) for regulating and supervising the practice of their profession by registered nurses, midwives, auxiliary nurse-midwives and health visitors and by persons whose names are entered in the list;

(j) for regulating the publication of the names of registered nurses, midwives, auxiliary nurse-midwives and health visitors and of persons whose names are entered in the list and their residence;

(k) for regulating the conditions under which such nurses, midwives, ancillary nurse-midwives and health visitors registered in other States may be admitted to the register, on such other States granting reciprocal registration to persons registered on the register of the Council;

(l) for determining the form and the manner in which notices under section 21 shall be given;

(m) for determining the manner of inspection of the nurses establishments by the Council, the statements to be furnished and records to be maintained by such establishments;

(n) for regulating the summoning of meetings of the Council and its proceedings;

(o) for determining the manner in which all fees levied under this Act and all moneys received by the Council shall be accounted for, audited and applied for the purposes of this Act, and for regulating the expenditure of the Council generally;

(p) for prescribing the travelling and other expenses payable to the members of the Council or of committees;

(q) generally for the provisions of any matter in respect of which the Council considers provision should be made for the purposes of this Act.

(2) No by-law made by the Council shall come into force until it has been approved by the State Government, with or without modification or amendment.

(3) All by-laws made under this section shall be published in the Official Gazette.

(4) It shall be lawful for the State Government by notification, to cancel or amend any by-law made under this Act.

**31. Protection of persons acting in good faith under the Act, rules, or by-laws.-** No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, rules or by-laws.

**32. Jurisdiction or 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.

**33. Control.-** (1) 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 may be convenient to constitute a new Council under section 3 and thereupon the property and funds referred to in sub-section (1) shall revert in the Council so constituted.

(3) Notwithstanding anything contained in this Act, rules or by-laws, if, at any time, it shall appear to the State Government that the Council or any other authority empowered to exercise any of the powers or to perform any of the functions under this Act, has not been validly constituted or appointed, the State government may cause any of such powers or functions to be exercised or performed by such person in such manner and for such period not exceeding six months and subject to such conditions as it thinks fit.

**34. Repeal.-** The Madras Nurses and Midwives Act, 1926 (Madras Act III of 1926), the Hyderabad Nurses, Midwives and Health Visitors Registration Act, 1951 (Hyderabad Act XIX of 1951) and the Bombay Nurses, Midwives and Health Visitors Act, 1954 (Bombay Act XIV of 1954), are hereby repealed:

Provided that section 6 of the '[Karnataka]' General Clauses Act, 1899 ('[Karnataka]' Act III 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.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

35. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Act in consequence of the transition to the said provisions from the provisions of the Acts in force immediately before the commencement of this Act, the State Government, may by notification make such provisions as appear to it to be necessary or expedient for removing the difficulty.

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### NOTIFICATION

**Bangalore, dated 30th July, 1968 [PH.S 22 MDA 62]**

**S.O. 1626.-** In exercise of the powers conferred by sub-clause (ii) of clause (a) of sub-section (3) of section 1 of the Karnataka Nurses, Midwives and Health Visitors Act, 1961 (Karnataka Act 4 of 1962), the Government of Karnataka hereby appoints the 16th day of August 1968 as the date on which parts II, III, V and VI and the remaining sections of Part VII of the said Act shall come into force in the whole of the State of Karnataka.

By Order and in the name of the Governor of Karnataka,

**B. S. SRIKANTIAH,**

Secretary to Government,

Health & Municipal Admn. Department

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सत्यमेव जयते

**THE KARNATAKA HIGH COURT ACT, 1961**  
**ARRANGEMENT OF SECTIONS**

Statement of objects and reasons

Sections:

1. Short title and commencement.
2. Definitions.
3. Registrar and Deputy Registrars.
4. Appeals from decisions of a single Judge of the High Court.
5. First appeals.
6. Second Appeals.
7. Reference to Full Bench.
8. Powers of single Judge to dispose of revision cases himself or refer the same to a Bench.
9. Other powers of a single Judge.
10. Other powers of a bench of two Judges.
11. High Court to keep registers.
12. Vacation Judge.
13. Act to apply to pending proceedings.
14. Repeal.
15. NOTIFICATION – I  
NOTIFICATION – I

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**STATEMENT OF OBJECTS AND REASONS**

I

**Act 5 of 1962.**- Consequent upon the abolition of the High Court of the former State of Mysore by section 50 of the States Reorganisation Act, 1956, and the establishment of a new High Court for the new State, sections 52, 54 and 57 of that Act govern the jurisdiction, practice and procedure and the powers of judges, of the new High Court. Under section 52, the High Court has, in respect of the different areas of the State such original, appellate or other jurisdiction, which under the laws in force before 1st November 1956, the High Courts of Bombay, Hyderabad, Madras and Mysore had in



the areas concerned. By virtue of section 54, the provisions of the Mysore High Court Act, 1884, are applicable in respect of the practice and procedure in relation to the High Court of the new State, and by virtue of section 57, the provisions of the said Act are applicable in respect of the powers of the Chief Justice, single Judges and Division Courts and matters ancillary to the exercise of those powers. Under section 69 of the States Reorganisation Act, the provisions referred to above will have effect subject to any provision that may be made with respect to the High Court by any Legislature or other authority having power to make such provision.

The Government of India have suggested the enactment of a law by the State Legislature so that the State High Court can exercise the same powers and jurisdiction in respect of the whole of the new State. Accordingly the Bill has been prepared in consultation with the High Court. The recommendations of the Law Commission have also been considered.

Provision has been made in the Bill specifying the cases to be heard by a Single Judge and by a Bench of two Judges. In respect of decisions of a Single Judge in the exercise of original jurisdiction, an appeal to a Bench of two Judges has been provided for. At present all Criminal Appeals are being heard by a Bench of two Judges, and this has resulted in considerable delay in the disposal of such appeals. Provision has therefore been made in Clause 5, for criminal appeals from judgments in which no sentence of death, imprisonment for life or imprisonment for a period exceeding seven years, is passed against any accused, being heard by a single Judge. By virtue of Clause 6 all Second Appeals will be heard by a single Judge. It is considered necessary to make specific provision relating to disposal of urgent work of the High Court during vacation. Clause 12 makes provision for this.

(Obtained from File No. LAW 126 LGN 58)

## II

**Amending Act 20 of 1969.-** Section 3 of the Mysore High Court Act, 1961, provides that the High Court should have a Registrar and as many Deputy Registrars as may be determined by the Government in consultation with the High Court. The High Court has recommended that provision may be made for appointment of Additional Registrars, Joint Registrars and Assistant Registrars. Since these officers have to exercise statutory functions that may be assigned to them by the Hon'ble the Chief Justice under the High Court Rules, it is necessary to amend the Act suitably.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, dated 23rd August 1969 as No. 414 at page. 3)

## III

**Amending Act 12 of 1973.**- At present all applications under clause (1) of article 226 and articles 227 and 228 of the Constitution of India are dealt with by a Bench of two Judges. In the High Courts of Kerala, Madras, Nagpur, Allahabad, Delhi, Calcutta, Andhra Pradesh and Bombay, such applications are dealt with by a single Judge and a right of appeal is given to the aggrieved party and such appeals are dealt with by a Bench of two Judges. The Law Ministers' Conference held in 1957 and 1960 was also of the view that such applications should be dealt with by a single Judge with a right of appeal to a Bench of two Judges. The Law Commission in its Fourteenth Report Vol. II while considering the question has stated with particular reference to Madras that such a procedure has yielded satisfactory results. As the principles governing the disposal of Writ Petitions and connected matters have been now sufficiently clarified by the decisions of different High Courts and the Supreme Court, it is considered desirable to empower a single Judge to deal with applications under clause (1) of article 226 (except where the prayer is for the issue of a writ in the nature of habeas corpus) and applications under articles 227 and 228 of the Constitution of India with a right of appeal to a Bench of two Judges. It is also considered that this procedure may result in more expeditious disposal of such applications, and also provide a right of appeal to the aggrieved party whose right to approach the Supreme Court is very much restricted in view of the Constitution (Thirtieth) Amendment.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A dated 2nd May 1973 as No.432 at page. 4)

## IV

**Amending Act 13 of 1980.**- City Civil Courts are functioning in the Metropolitan Cities of Bombay, Madras, Calcutta, Hyderabad and Ahmedabad. The High Court is of the opinion that a City Civil Court on the pattern of the City Civil Courts functioning in the other cities above-named may be constituted for the City of Bangalore also. When such a City Civil Court is constituted, the Sessions Judge will deal exclusively with criminal work and the supervision of the work of the Magistrates' Courts. As there will be an appeal only to the High Court against the decision of the City Civil Court, this would not only minimise the delay in disposal of cases but also reduce the cost of litigation.

The Government have therefore, considered it necessary to constitute a City Civil Court for the City of Bangalore. It is also proposed to abolish vacation in civil courts.

Hence this Bill.

Note: By this Act some amendments consequential to the establishment of the city civil court are made to Act 5 of 1962.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A dated 16th May 1979 as No. 473 at page. 14).

V

**Amending Act 6 of 1994.-** On the suggestions of the Arrears Committee of the High Court, the High Court of Karnataka recommended amendment of section 5 of the Karnataka High Court Act to facilitate quick disposal of cases at lesser cost.

Hence the Bill.

(Obtained from File No. LAW 47 LGN 93)

VI

**Amending Act 26 of 2007.-** The pecuniary jurisdiction of the Courts of Civil Judge (Junior Division), Civil Judge (Senior Division), Small Causes Courts and District Courts and of High Court was fixed long back, at a time when the value of the properties was far below their present value. In view of the appreciable increase in the value of properties, litigants are forced to approach higher courts, instead of lower courts as before, for getting necessary reliefs.

Keeping in view the increase in the value of properties in rupee value and increase in banking and business activities, it is proposed to increase the pecuniary jurisdiction of courts.

Hence the Bill.

[L.A Bill No. 34 of 2007]

[Entry 65 of List II of the Seventh Schedule to the Constitution of India.]

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**'[KARNATAKA ACT]' No. 5 OF 1962**

*(First published in the 1[Karnataka Gazette]1 on the First day of February, 1962.)*

**THE '[KARNATAKA]' HIGH COURT ACT, 1961**

*(Received the assent of the President on the Twenty-fifth day of December, 1961.)  
(As Amended by Karnataka Acts 20 of 1969, 12 of 1973, 13 of 1980, 6 of 1994 and 26 of 2007.)*

**An Act to make provision for regulating the business and the exercise of powers of the High Court of the '[State of Karnataka]' in relation to the administration of justice and to provide for its jurisdiction.**

WHEREAS it is expedient to make provision for regulating the business and the exercise of powers of the High Court of the '[State of Karnataka]' in relation to the administration of justice and to provide for its jurisdiction and other matters hereinafter appearing;

BE it enacted by the '[Karnataka State]' Legislature in the Twelfth Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973

**1. Short title and commencement.**—(1) This Act may be called the 1[Karnataka]1 High Court Act, 1961.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973

(2) It shall come into force at once.

**2. Definitions.**—In this Act,—

(1) "Chief Justice" means the Chief Justice of the High Court of the 1[State of Karnataka]1;

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973

(2) "Criminal Appeal" means an appeal which, under any law for the time being in force, lies to the High Court from an order or sentence passed by a subordinate criminal court in the exercise of its original criminal jurisdiction;

(3) "First Appeal" means an appeal which, under any law for the time being in force, lies to the High Court, from a judgment, decree or order, made by a subordinate civil court in the exercise of its original civil jurisdiction;

(4) "Full Bench" means a Bench consisting of not less than three Judges of the High Court;

(5) "High Court" means the High Court of the '[State of Karnataka]';

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973

(6) "Second Appeal" means an appeal which, under any law for the time being in force, lies to the High Court from a judgment, decree or order passed by a subordinate civil court in the exercise of its appellate civil jurisdiction.

**3. Registrar and Deputy Registrars.**—<sup>1</sup>[(1)]<sup>1</sup> The High Court shall have a Registrar and as many Deputy Registrars as may be determined by the Governor in consultation with the High Court.

1. Section 3 renumbered as sub-section (1) and sub-section (2) inserted by Act 20 of 1969 w.e.f. 19.09.1969 01.11.1973

<sup>1</sup>[(2) The High Court may also have as many Additional Registrars, Joint Registrars and Assistant Registrars as may be determined by the Governor in consultation with the High Court.]<sup>1</sup>

1. Section 3 renumbered as sub-section (1) and sub-section (2) inserted by Act 20 of 1969 w.e.f. 19.09.1969.

**4. Appeals from decisions of a single Judge of the High Court.**—An appeal from a judgment, decree, order or sentence passed by a single Judge in the exercise of the original jurisdiction of the High Court under this Act or under any law for the time being in force, shall lie to and be heard by a Bench consisting of two other Judges of the High Court.

**1[5. First appeals.**—Save as otherwise provided in this Act,—

(i) all First Appeals against a decree or order passed in a suit or other proceedings, the value of subject matter <sup>2</sup>[which exceeds fifteen lakh rupees]<sup>2</sup> shall be heard by a Bench consisting of not less than two Judges of the High Court and other First Appeals shall be heard by a Single Judge of the High Court.

(ii) all Criminal Appeals against Judgements in which sentence of death or imprisonment for life is passed and against Judgements of acquittal in cases in which offences are punishable with death or imprisonment for life shall be heard by a Bench consisting of not less than two Judges of the High Court and other Criminal Appeals shall be heard by a Single Judge of the High Court.]<sup>1</sup>

1. Substituted by Act 6 of 1994 w.e.f. 08.03.1994.

2. Substituted by Act 26 of 2007 w.e.f. 28.08.2007

**6. Second Appeals.**—All Second Appeals shall be heard and disposed of by a single Judge of the High Court:

Provided that, if such Judge is satisfied that a substantial question of law is involved in the case, or that in the interest of justice, the case is to be heard and disposed of by a Bench of Judges, he may refer the Second Appeal for hearing and disposal to such Bench.

**7. Reference to Full Bench.**—(1) Where in any proceeding pending before it, any question of law or usage having the force of law arises, a Bench consisting of not less than two Judges of the High Court may, if it thinks fit, and shall, if it differs from the view taken by a similar Bench of the High Court on the said question, refer to a Full Bench of the High Court the question of law or usage having the force of law.

(2) The decision of the majority of Judges comprising a Full Bench of the High Court shall be the decision of the High Court.

**8. Powers of single Judge to dispose of revision cases himself or refer the same to a Bench.**—(1) Any Judge of the High Court sitting alone, shall have power to hear and dispose of civil and criminal revision cases in exercise of the revisional jurisdiction vested in the High Court under any law for the time being in force, except cases relating to quashing of orders of commitment:

Provided that in exercise of such revisional jurisdiction in respect of proceedings of any criminal court such single Judge shall not impose a sentence of death or imprisonment for life or sentence of imprisonment exceeding seven years.

(2) The decision or order of a single Judge in cases under sub-section (1) shall be final:

Provided that such Judge may, if he thinks fit, instead of disposing of any case as aforesaid refer such case to a Bench of two Judges for hearing and disposal.

**9. Other powers of a single Judge.**—The powers of the High Court in relation to the following matters shall be exercised by a single Judge, provided that the Judge before whom the matter is posted for hearing may adjourn it for being heard and determined by a Bench of two Judges:—

- (i) determining in which of several courts having jurisdiction a suit shall be heard;
- (ii) admission of an appeal in forma pauperis;
- (iii) exercise of original jurisdiction under any law for the time being in force;
- (iv) appeals under rule 1 of Order XLIII of the First Schedule to the Code of Civil Procedure, 1908;
- (v) appeals in which the subject matter is as to costs only;
- (vi) any matter of an interlocutory character in appeals and other proceedings;
- (vii) admission of an appeal presented after the expiry of the period allowed by the law of limitation;

<sup>1</sup>[(viii) exercise of powers conferred by section 389, section 439 and section 440 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);]<sup>1</sup>

<sup>1</sup> Substituted by Act 13 of 1980 w.e.f. 17.11.1980 by notification

(ix) exercise of powers under section 24 of the Code of Civil Procedure, 1908, or '[under section 407 of the Code of Criminal Procedure 1973 (Central Act 2 of 1974)]<sup>1</sup>;

1. Substituted by Act 13 of 1980 w.e.f. 17.11.1980 by notification

'[(x) x x x]<sup>1</sup>

1. Omitted by Act 13 of 1980 w.e.f. 17.11.1980

(xi) appeals from interlocutory orders, where such appeals are allowed by law.

'[(xii) exercise of powers under,-

(a) clause (1) of article 226 of the Constitution of India except where such power relates to the issue of a writ in the nature of habeas corpus; and

(b) articles 227 and 228 of the Constitution of India.]<sup>1</sup>

1. Inserted by Act 12 of 1980 w.e.f. 17.11.1980 by notification

'[(xiii) x x x]<sup>1</sup>

1. Inserted by Act 13 of 1980 and Omitted by Act 6 of 1994 w.e.f. 08.03.1994

**10. Other powers of a bench of two Judges.**—The powers of the High Court in relation to the following matters shall be exercised by a Bench of two Judges:—

(i) a reference,-

(a) under section 113 of the Code of Civil Procedure, 1908;

'[(b) under section 395 of the Code of Criminal Procedure 1973 (Central Act 2 of 1974).]<sup>1</sup>

1. Substituted by Act 13 of 1980 w.e.f. 17.11.1980 by notification

(ii) an application under rule 2 of Order XLV of the First Schedule to the Code of Civil Procedure, 1908;

'[(iii) x x x]<sup>1</sup>

1. Omitted by Act 13 of 1980 w.e.f. 17.11.1980

'[(iv) exercise of powers under clause (1) of article 226 of the Constitution of India where such power relates to the issue of a writ in the nature of habeas corpus;

(iva) an appeal from any original judgment, order or decree passed by a single Judge in exercise of the powers under clause (1) of article 226, article 227 and article 228 of the Constitution of India.]<sup>1</sup>

1. Substituted by Act 12 of 1973 w.e.f. 16.07.1973

(v) all other matters not expressly provided for in this Act, or any other law for the time being in force.

**11. High Court to keep registers.**—The High Court shall keep such registers, books and accounts as may be necessary for the transaction of the business of the

Court and shall forward to the State Government such copies of, or extracts from, the said registers, books and accounts, as well as such statement of the work done in the High Court and in the courts subordinate thereto, as may be required by the State Government.

**12. Vacation Judge.**—(1) For the hearing of all matters, which require to be immediately or promptly dealt with during a vacation or adjournment of the High Court, the Chief Justice shall nominate a Judge of the High Court as vacation Judge, and such Judge shall during the vacation, exercise all the jurisdiction vested in the High Court, except in cases in which such jurisdiction must be exercised, under the provision of any law for the time being in force, by more than one Judge. Different single Judges may be appointed for different periods of a vacation or adjournment.

(2) It shall be competent for the Chief Justice during any vacation or adjournment of the High Court to constitute a Bench of Judges or a Full Bench for the hearing of any case.

**13. Act to apply to pending proceedings.**—Notwithstanding anything contained in any law, all appeals, applications and other proceedings pending in the High Court on the date of commencement of this Act, shall be disposed of in accordance with the provisions of this Act.

**14. Repeal.**—Sections 11, 12, 13, 14, 15, 16, 16-A, 16-B, 20 and 22 of the Mysore High Court Act, 1884 (Mysore Act I of 1884) are hereby repealed.

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## NOTIFICATIONS

I

**Bangalore, dated 10th July, 1973 [ No. GAD 60 SHC 73]**

**S.O. 1116.**- In exercise of the powers conferred by sub-section (2) of Section 1 of the Mysore High Court (Amendment) Act, 1973 (Mysore Act No. 12 of 1973), the Government of Mysore hereby appoints the 16th day of July 1973 as the date on which the said Act shall come into force.

By Order and in the name of the Governor of Mysore,

(R.J. REBELLO)

*Chief Secretary to Government.*

(Published in the Karnataka Gazette (Extraordinary) Part IV-2C(ii), dated 11th July 1973 as No. 582).



II

**Bangalore, dated 10th November, 1980 [No. LAW 247 LCE 80]**

In exercise of the powers conferred by sub-section (2) of Section 1 of the Bangalore City Civil Court Act, 1979 (Karnataka Act 13 of 1980), the government of Karnataka hereby appoints the seventeenth day of November, 1980 for the purpose of the said sub-section.

By Order and in the name of the Governor of Karnataka,

(B. NAGESHARAO)

*Deputy Secretary to Government,  
Department of Law and Parliamentary Affairs,  
(Administration)*

(Published in the Karnataka Gazette (Extraordinary) Part IV-2C (ii), dated 10th November, 1980 as No. 819.)

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