

The Karnataka Compulsory Service Training by Candidates completed Medical Courses Act, 2012

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Act 26 of 2015

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The Karnataka Compulsory Service Training by Candidates completed Medical Courses Act, 2012(Karnataka Act 26 of 2015)Statement of Objects and Reasons - Amending Act 26 of 2015. - It is considered necessary to provide for the compulsory service training by the candidates completed Medical Courses and before award of Degrees or Post Graduate Degrees or Diplomas, so as to ensure availability of service of Junior Resident Trainee and Senior Resident Trainee in Government Primary Health Centres and Government Hospitals.Hence, the Bill.[L.A. Bill No. 31 of 2012, File No. Samvyashae 57 Shasana 2012][entry 25 and 26 of List III of the Seventh Schedule to the Constitution of India.](First published in the Karnataka Gazette Extraordinary on the Third day of June, 2015)(Received the assent of the President on the Twenty ninth day of May 2015)An Act to provide for compulsory service training by candidates completed Medical Courses before award of degrees or postgraduate degrees or diplomas.Whereas it is expedient to provide for compulsory service training by candidates completed Medical courses and before award of degrees or postgraduate degrees or diplomas for the purposes hereinafter appearing;Be it enacted by the Karnataka State Legislative in the Sixty-Third Year of the Republic of India, as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the Karnataka Compulsory Service Training by Candidates completed Medical Courses Act, 2012.(2)It extends to the whole of the State of Karnataka.(3)It shall come into force from such date as the State Government may by notification, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Government hospital" means and includes district hospital, other major hospital, urban family welfare center, women & child hospital, general

hospital at taluk level, community health center, urban primary health center, primary health center, sub center, mobile health unit, mobile tribal unit, maternity centre, institution, centre or any other center by whatever name called and established by the Government;(b)"Medical courses" means degree courses leading to award MBBS;(c)"Post Graduate Medical Courses" means the post graduate degree courses leading to award of Post Graduate degree in medicine;(d)"process of counseling" means the process of giving opportunity to a person, considered for allotment or posting, to opt a place on priority which is being given on the basis of merit in accordance with such rules as may be prescribed;(e)"rural area" means the area other than the urban areas;(f)"Super specialty courses" means the courses leading to award of super specialty degree in medicine;(g)"University" means university established by law in the State or a university declared as deemed university under the University Grants Commission Act, 1956 (Central Act 3 of 1956);(h)"urban area" means any area situated within the limits of a city corporation, city municipal council, town municipal council, town panchayat or other notified areas specified under the Karnataka Municipal Corporations Act, 1976 or the Karnataka Municipalities Act, 1964 and upto such distance away from the limits of the above area notified as such by the Government from time to time;

3. Compulsory service of candidates completed medical course.

(1)Every candidate after successful completion of MBBS degree and after completion of one year internship course shall undergo one year compulsory rural service training in Government Primary Health Centres or Government Hospitals in rural areas allotted on the basis of merit through process of counseling in such manner as may be prescribed. During such service he shall be called as Junior Resident trainee.(2)No university shall award degree to such candidate who is required to undergo and does not undergo compulsory rural service training under sub-section (1):Provided that in case of candidates who has been selected and pursuing any post graduate degree or diploma may undergo one year compulsory service training immediately after completion of such course and such candidate may be given a provisional MBBS certificate valid for the purpose of prosecution of Post Graduate degree.(3)Every candidate who undergoes compulsory rural service training of one year shall be paid such a stipend equal to hundred rupees less than the minimum gross salary of General duty medical doctors in Health and Family Welfare Services.(4)Notwithstanding anything contained in any law for the time being force every candidate who does not undergo the compulsory rural service training under sub-section (1) shall also not be eligible to permanent registration under the State under Karnataka Medical Registration Act, 1961 or under the India Medical Council Act, 1956:Provided that such candidates may be given a temporary registration during till he undergo the said training independently treat patients and prescribe medicine during the training period.

4. Compulsory service training of candidates completed post graduate Medical courses.

(1)Every candidate other than the candidate who has undergone compulsory rural service training under sub-section (1) of section 3 and who has successfully completed post graduate diploma or degree shall undergo one year compulsory service training in Government hospital in urban area selected and posted on the basis of merit through process of counseling in the State in such manner

as may be prescribed. During such service he shall be called as senior resident trainee. He shall be eligible for such a stipend as may be prescribed equal to hundred rupees less than minimum gross salary of specialist of Health and Family Welfare Department:(2)No university shall award post graduate degree or diploma in the State to the candidates who does not join and undergo compulsory service training in the allotted or posted Government Hospital through process of counseling as required and prescribed under sub-section (1):Provided that in case of a candidate who has been selected for and pursuing the super specialty course may undergo one year compulsory service training immediately after completion of such course and a provisional MBBS and P.G. degree certificate may be given to such candidates valid only for the purpose of prosecuting super specialty course:Provided further that, such candidates may be given a temporary registration till he undergoes the said training independently treat patients and prescribe medicine during the training period.

5. Compulsory service training of candidates completed super specialty graduate courses.

(1)Every candidate who has successfully completed super specialty courses shall undergo one year compulsory service training in the allotted District Government Hospital selected and posted on the basis of merit through process of counseling in the State in such manner as may be prescribed. He shall be paid such a stipend as may be prescribed equal to hundred rupees less than minimum of gross salary of senior specialist of Health and Family Welfare Department:Provided that candidates who have done compulsory service training under sub-section (1) of section 3 or sub-section (1) of section 4 are exempted from this compulsory service training under this section.(2)No university shall award super specialty degree to such candidates who are required to undergo but does not undergo compulsory service training posted under sub-section (1).

6. Penalty.

- Whoever contravenes any of the provisions specified in this Act shall be punished with a fine not less than rupees fifteen lakhs but may extend upto rupees thirty lakhs.

7. Act to override other laws.

- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

8. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the official Gazette make provisions not inconsistent with the provisions of this Act as it appears to be necessary or expedient for removing the difficulty:Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.

9. Power to make rules.

(1)The Government may, by notification and after previous publication, make rules to carry out the purposes of this Act.(2)Every rule made under this Act, 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 session immediately following both Houses agree in making any modification, in the rule or notification or decide that any 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.The above translation of

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