

KARNATAKA ACT 26 OF 2015
THE KARNATAKA COMPULSORY SERVICE ¹[XXX]¹. BY CANDIDATES COMPLETED
MEDICAL COURSES ACT, 2012

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STATEMENT OF OBJECTS AND REASONS

I

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.]

II

Amending Act 35 of 2017.-It is considered necessary to amend the Karnataka Compulsory Service Training by Candidates Completed Medical Courses Act, 2012 (Karnataka Act 26 of 2015) to,-

(1) omit the concept of training and to retain only the compulsory rural service subsequent to the completion of graduate or post graduate medical courses before giving permanent registration; and

(2) lift the embargo on award of degrees by the universities concerned to such candidates who have not undergone rural service.

Hence, the Bill.

[L.A. Bill No.25 of 2017, File No. Samvyashae 10 Shasana 2017]
[entry 25 and 26 of List III of the Seventh Schedule to the Constitution of India.]

KARNATAKA ACT 26 OF 2015

(First published in the Karnataka Gazette Extraordinary on the Third day of June, 2015)

THE KARNATAKA COMPULSORY SERVICE ¹[XXX]¹. BY CANDIDATES COMPLETED MEDICAL COURSES ACT, 2012

(Received the assent of the President on the Twenty ninth day of May 2015)

(As amended by Act 35 of 2017)

An Act to provide for compulsory service ¹[XXX]¹.by candidates completed Medical Courses before award of degrees or postgraduate degrees or diplomas.

Whereas it is expedient to provide for compulsory service ¹[XXX]¹.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. Omitted by Act 35 of 2017 w.e.f. 11.07.2017

1. Short title, extent and commencement.- (1) This Act may be called the Karnataka Compulsory Service ¹[XXX]¹.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.

This Act has came into force w.e.f. 24.07.2015. by Notification No.ಅಕುಕೆ 249 ಹೆಚ್‌ಎಸ್‌ಹೆಚ್ 2015, ಬೆಂಗಳೂರು

ದಿನಾಂಕ: 24.07.2015 (See the text of the notification at the end of the Act)

1. Omitted by Act 35 of 2017 w.e.f. 11.07.2017

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 ¹[XXX]¹ 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 ¹[XXX]¹.

¹[XXX]¹

(3) Every candidate who undergoes compulsory rural service ¹[XXX]¹ 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 ¹[XXX]¹ 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 ²[service]² independently treat patients and prescribe medicine during the ²[service]² period.

1. Omitted by Act 35 of 2017 w.e.f. 11.07.2017
2. Substituted by Act 35 of 2017 w.e.f. 11.07.2017.

4. Compulsory service ¹[XXX]¹ of candidates completed post graduate Medical courses.-(1) Every candidate other than the candidate who has undergone compulsory rural service ¹[XXX]¹ under sub-section (1) of section 3 and who has successfully completed post graduate diploma or degree shall undergo one year compulsory service ¹[XXX]¹ 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 ¹[XXX]¹ 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[(2) the provisions of sub-section (4) of section 3 shall mutatis mutandis apply to post graduates under this section:

Provided that, such candidates who undergo compulsory rural service may be given temporary registration till completion of such service to treat patients independently and prescribe medicine.]²

1. Omitted by Act 35 of 2017 w.e.f. 11.07.2017.
2. Substituted by Act 35 of 2017 w.e.f. 11.07.2017.

5. Compulsory service ¹[XXX]¹ of candidates completed super specialty graduate courses.-(1) Every candidate who has successfully completed super specialty courses shall undergo one year compulsory service ¹[XXX]¹ 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 ¹[XXX]¹ under sub-section (1) of section 3 or sub-section (1) of section 4 are exempted from this compulsory service ¹[XXX]¹ under this section.

¹[(2) the provisions of sub-section (4) of section 3 shall mutatis mutandis apply to candidates who passes super specialty courses:

Provided that, such candidates who undergo compulsory rural service may be given temporary registration till completion of such service to treat patients independently and prescribe medicine.]¹

1. Omitted by Act 35 of 2017 w.e.f. 11.07.2017.
2. Substituted by Act 35 of 2017 w.e.f. 11.07.2017.

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 ಕರ್ನಾಟಕ ವೈದ್ಯಕೀಯ ಕೋರ್ಸುಗಳನ್ನು ಪೂರ್ಣಗೊಳಿಸಿದ ಅಭ್ಯರ್ಥಿಗಳ ಕಡ್ಡಾಯ ಸೇವಾ ತರಬೇತಿ ಅಧಿನಿಯಮ, 2012 (2015ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 26) be published in the Official Gazette under clause (3) of Article 348 of the Constitution of India.

VAJUBHAI VALA
GOVERNOR OF KARNATAKA

By Order and in the name of the Governor of Karnataka

S.B. GUNJIGAVI
Secretary to Government
Department of Parliamentary Affairs

ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಆಕುಕ 249 ಹೆಚ್‌ಎಸ್‌ಹೆಚ್ 2015, ಬೆಂಗಳೂರು ದಿನಾಂಕ: 24.07.2015

ಕರ್ನಾಟಕ ವೈದ್ಯಕೀಯ ಕೋರ್ಸುಗಳನ್ನು ಪೂರ್ಣಗೊಳಿಸಿದ ಅಭ್ಯರ್ಥಿಗಳ ಕಡ್ಡಾಯ ಸೇವಾ ತರಬೇತಿ ಅಧಿನಿಯಮ, 2012 (2015ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ:26)ರ ಪ್ರಕರಣ 1(3)ರ ಅಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರವನ್ನು ಚಲಾಯಿಸಿ, ಕರ್ನಾಟಕ ವೈದ್ಯಕೀಯ ಕೋರ್ಸುಗಳನ್ನು ಪೂರ್ಣಗೊಳಿಸಿದ ಅಭ್ಯರ್ಥಿಗಳ ಕಡ್ಡಾಯ ಸೇವಾ ತರಬೇತಿ ಅಧಿನಿಯಮ, 2012 (2015ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ:26)ವು ದಿನಾಂಕ: 24.07.2015ರಿಂದ ಜಾರಿಗೆ ಬರತಕ್ಕದ್ದೆಂದು ಈ ಮೂಲಕ ಗೊತ್ತುಪಡಿಸಲಾಗಿದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆಜ್ಞಾನುಸಾರ ಮತ್ತು ಅವರ
ಹೆಸರಿನಲ್ಲಿ,

ಬಿ.ಎಸ್.ನಾಗರಾಜ್
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಇಲಾಖೆ
(ಸೇವೆಗಳು)

KARNATAKA ACT NO. 35 OF 2017

(First Published in the Karnataka Gazette Extra-ordinary on the 11th day of July, 2017)

**THE KARNATAKA COMPULSORY SERVICE TRAINING BY CANDIDATES COMPLETED
MEDICAL COURSES (AMENDMENT) ACT, 2017**

(Received the assent of Governor on the 6th day of July, 2017)

An Act to amend the Karnataka Compulsory Service Training by Candidates Completed Medical Courses Act, 2012.

Whereas it is expedient to amend the Karnataka Compulsory Service Training by Candidates Completed Medical Courses Act, 2012 (Karnataka Act 26 of 2015) for the purposes hereinafter appearing;

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

1. Short title and commencement.- (1) This Act may be called the Karnataka Compulsory Service Training by Candidates Completed Medical Courses (Amendment) Act, 2017.

(2) It shall come into force at once.

(Amendment of the title, long title and preamble and Sections 3,4,5 and Omission of expression are incorporated in the Principal Act.)
