

Fifteenth Kerala legislative Assembly

Bill No. 223

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**THE KERALA CLINICAL ESTABLISHMENTS (REGISTRATION  
AND REGULATION) AMENDMENT BILL, 2024**

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[Translation in English of “2024-ലെ കേരള ക്ലിനിക്കൽ സ്ഥാപനങ്ങൾ (രജിസ്ട്രേഷനും നിയന്ത്രണവും) ഭേദഗതി ബിൽ” published under the authority of the Governor.]

**THE KERALA CLINICAL ESTABLISHMENTS (REGISTRATION AND REGULATION) AMENDMENT BILL, 2024**

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**BILL**

*further to amend the Kerala Clinical Establishments (Registration and Regulation) Act, 2018.*

*Preamble.*—WHEREAS, it is expedient further to amend the Kerala Clinical Establishments (Registration and Regulation) Act, 2018 (Act 2 of 2018) for the purposes hereinafter appearing;

BE it enacted in the Seventy-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Clinical Establishments (Registration and Regulation) Amendment Act, 2024.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In clause (k) of section 2 of the Kerala Clinical Establishments (Registration and Regulation) Act, 2018 (Act 2 of 2018) (hereinafter referred to as the principal Act), for the words “maintained and published by the Authority”, the words “maintained and published by the Council” shall be substituted.

3. *Amendment of section 3.*— In clause (h) of sub-section (2) of section 3 of the principal Act, for the words, symbols, figures and bracket “Travancore-Cochin Medical Practitioners Act, 1953 (IX of 1953)”, the words, symbol, figures and bracket “Kerala State Medical Practitioners Act, 2021 (Act 36 of 2021)” shall be substituted.

4. *Amendment of section 14.*—In sub-section (1) of section 14 of the principal Act, for clauses (d) and (e), the following clauses shall be substituted, namely:—

- “(d) District Medical Officer of the Indian Systems of Medicine;
- (e) District Medical Officer of Homoeopathic System of Medicine;
- (ea) a Dental Surgeon nominated by the Government;”.

5. *Amendment of section 15.*— In section 15 of the principal Act, for clause (e), the following clause shall be substituted, namely:—

“(e) undertake to comply with the guidelines specifying the standard of safety, infection control and method of treatments;”.

6. *Amendment of section 20.*—In section 20 of the principal Act, for the word “three”, the word “five” shall be substituted.

7. *Amendment of section 48.*—In section 48 of the principal Act, in the marginal heading and in sub-section (1), for the words “the Council and the Authority”, the words and symbol “the Council, the Executive Committee and the Authority” and in sub-section (3), for the words “the Council or Authority” in both the places where they occur, the words “the Council or the Executive Committee or the Authority” shall respectively be substituted.

8. *Amendment of section 49.*—In section 49 of the principal Act, for the words “the Council or Authority” in both the places where they occur, the words “the Council or the Executive Committee or the Authority” shall be substituted.

#### STATEMENT OF OBJECTS AND REASONS

The Subordinate Legislation Committee (2021-2023) of the Kerala Legislative Assembly while scrutinizing the Kerala Clinical Establishments (Registration and Regulation) Rules, 2018, issued by the State Government as S.R.O. No. 929/2018 under the Kerala Clinical Establishments (Registration and Regulation) Act, 2018 (Act 2 of 2018), providing for the registration and regulation of clinical establishments with a view to prescribe standards of facilities and services provided by them for the improvement of public health, had suggested

certain amendments in the said Act in its Eleventh Report. Apart from these, the Government have decided to bring certain amendments in clauses (d) and (e) of sub-section (1) of section 14 and in sections 15, 20 and 49 of the said Act.

2. The Bill is intended to achieve the above objects.

#### FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any recurring or non-recurring additional expenditure from the Consolidated Fund of the State.

VEENA GEORGE.

EXTRACT FROM THE RELEVANT PORTIONS OF THE KERALA  
CLINICAL ESTABLISHMENTS (REGISTRATION AND  
REGULATION) ACT, 2018 (ACT 2 OF 2018)

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

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(k) “register” means the State register maintained and published by the Authority under sub-section (1) of section 12 of the Act containing details of the registered clinical establishments;

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3. *Establishment of State Council.*—(1) With effect from such date as the Government may, by notification, appoint in this behalf, there shall be established for the purposes of this Act, a Council to be called the State Council for Clinical Establishments.

(2) The Council shall consist of the following members, namely:—

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(h) one representative each to be nominated by,—

(i) the Council of Modern Medicine;

(ii) the Council of Indigenous Medicine;

(iii) the Council of Homoeopathy;

constituted under the provisions of the Travancore-Cochin Medical Practitioners Act, 1953 (IX of 1953);

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14. *Authority for registration.*—(1) The Government shall, by notification, constitute an Authority for each District for registration of clinical establishments with the following members, namely:—

(a) District Collector, ex-officio - Chairperson;

(b) District Medical Officer (Health), ex-officio-Vice-Chairperson;

(c) an officer not below the rank of Assistant Director of Health and Family Welfare Department nominated by the Government who shall be the Convenor of the Authority;

(d) a Medical Officer of the Indian Systems of Medicine nominated by the Government;

(e) a Medical Officer of Homoeopathic System of Medicine nominated by the Government;

(f) one member whose tenure shall be three years to be nominated by the District Collector from a professional association in the health sector.

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15. *Conditions for registration.*—Every Clinical Establishment shall fulfil the following conditions for the purpose of registration, namely:—

(a) shall have the standards according to the category of clinical establishment;

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(e) maintain standards of safety, infection control and method of treatments maintaining standards, as may be notified.

(f) such other conditions as may be prescribed.

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20. *Validity of permanent registration.*—Permanent registration shall be valid for a period of three years following which it may be renewed prior to expiry on payment of such fees as may be prescribed.

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48. *Term of office, casual vacancies, resignation etc., of members of the Council and Authority.*—(1) The term of office of non-official members of the Council and the Authority shall be three years from the date of notification of their nomination and shall not hold office for more than two terms.

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(3) Any member of the Council or Authority may, at any time, by writing under his hand addressed to the Chairperson of the Council or Authority as the case may be, resign his office and he shall be deemed to have resigned his office legally from the date mentioned in the resignation letter, or if date is not mentioned, from the date of acceptance of resignation.

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49. *Disqualification for membership.*—A person shall be disqualified for being appointed as a member of the Council or Authority if he,—

(a) is declared to be an undischarged insolvent; or

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(e) in the opinion of the Government, has financial or such other interests in the Council or Authority which is likely to affect prejudicially the discharge of his functions as a member.

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