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PART III
JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY
SECRETARIATE

Under rule 64 of the Rules of Procedure and Conduct of Business in the Jammu and Kashmir Legislative Assembly, the following Bill together with the statement of Object and Reasons, is published in an extraordinary issue of the Government Gazette.

By order of the Hon'ble Dy. Speaker
(Sd.) M.IQBAL GANAI

Secretary

2. The J&K Govt. Gazette, 16th Oct. 2000/24th Asv., 1922 (No. 28-6)

THE JAMMU AND KASHMIR VETERINARY COUNCIL BILL 2000
(L. A. Bill No. 23 of 2000)

(As reported by select committee)

A Bill to regulate veterinary practice and to provide, for that purpose, for the establishment of a Jammu and Kashmir Veterinary Council and the maintenance of registers of the veterinary practitioners and for matters connected therewith and ancillary thereto.

WHEREAS it is expedient to make provision for the regulation of veterinary practice and to provide, for that purpose, for the establishment of a Jammu and Kashmir Veterinary Council and the maintenance of registers of persons qualified to engage in veterinary practice for the whole of Jammu and Kashmir and for matters connected therewith or ancillary thereto:

AND WHEREAS the State Legislature has power to make laws for the State with respect to any of the matters aforesaid.

Be it enacted by Jammu and Kashmir State Legislature in the Fifty first year of the Republic of India as follows :-

CHAPTER I

Preliminary

1. Short title, extent and commencement- (1) This Act may be called the Jammu and Kashmir Veterinary Council Act, 2000.

2. It shall extend to the whole of the State of Jammu and Kashmir.

3. It shall come into force on such date as the Government may, by notification in the Government Gazette, appoint.

(2) Definitions – In this Act, unless the context otherwise requires,-

(a) "Council" means the Jammu and Kashmir Veterinary Council established under section 3:

(b) "Member" means a member of the Council.

(c) "Prescribed" means prescribed by rules made under this Act :

(d) "President" means the president of the Council.

(e) "Recognized Veterinary Qualification" means any of the veterinary qualifications included in the first schedule or the second schedule, to Indian Veterinary Council Act, 1984 (52 of 1984).

(f) "Register" means a register maintained under this Act.

(g) "Registered Veterinary Practitioner" means a person whose name is for the time being duly registered in a register :

(h) "Regulation" means a regulation made this Act:

(i) "Veterinary Council of India" means the Veterinary Council of India established under the Indian Veterinary Council Act, 1984.

(j) "Veterinary Institution" means any University or other institution within or outside India which grants degrees, diplomas or licenses in Veterinary Science and Animal Husbandry ; and recognized as such under Indian Veterinary Council Act, 1984 or the regulations made there under :

(k) "Veterinary Medicine " means modern scientific veterinary medicine in all its branches and includes Animal Production, Animal health, Veterinary Medical Services, Animal Resources Development :

(l) "Vice President" means the Vice-President of the Council

CHAPTER II

Jammu and Kashmir State Veterinary Council

(3) Establishment and composition of the Council – (1) With effect from such date as the State government may, by notification in the Government Gazette, appoint in this behalf, there shall be established a Council to be called the Jammu and Kashmir Veterinary Council.

(2) The council shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property both movable and immovable, and to contract and shall by the said name sue or be use or used.

(3) The Council shall consist of the following members, namely:-

- (a) four member elected from amongst themselves by Veterinary practitioners registered in the State Veterinary Registers;
- (b) the heads of veterinary institutions, if any, in the State, ex officio;
- (c) three members nominated by the State Government;
- (d) the Directors of Veterinary Services (Animal Husbandry and Sheep Husbandry) of the State by whatever name called, ex officio;
- (e) one member to be nominated by the State Veterinary Association, if any;
- (f) one member to be nominated by Veterinary Council of India;
- (g) Registrar of the Council, ex officio.

(4) The President and Vice-President shall be elected by the members from amongst themselves in such manner as may be provided by regulations.

(5) Whenever there is a vacancy in the office of the President, the Vice-President shall discharge the functions of the President.

(6) The names of persons nominated or elected, as members shall be notified by the State Government in the Government Gazette.

(7) A person shall not be qualified for membership to the Council unless she/he holds a recognized Veterinary qualification.

4. Mode of election of members.- (1) An election under clause (a) of sub-section (3) of section 3 shall be conducted by the State Government in accordance with such rules as may be made by it in this behalf and any rule so made may provide that pending the preparation of the Jammu and Kashmir State Veterinary Practitioners' Register in accordance with the provisions of the Act, the members referred to in that clause may be nominated by the state Government instead of being elected as provided therein.

(2) where any dispute arises regarding any election to the council it shall be referred to the State Government for its decision which shall be final.

5. Terms of office of President and Vice-President and members.- (1) The President or Vice-President shall hold office for a term not exceeding three years and not extending beyond the expiry of his term as a member.

(2) Subject to the provisions of this section, a member, other than an ex Officio member, shall hold office for a term of three years from the date of her/his election or nomination to the Council or until her/his successor shall have been duly elected or nominated, whichever is longer.

(3) Members of the Council shall be eligible for re-nomination or re-election.

(4) where the term of three years is about to expire in respect of nay member, a successor may be nominated or elected at any time within three months before the said term expires, but he shall not assume Office until the said term has expired.

6.(I) An elected or nominated member of the State Veterinary Council shall be deemed to have vacated her/his Office-

- (a) if he/he is absent without excuse, sufficient in the opinion of the Council, from three consecutive meetings of the Council;
- (b) if she/he ceases to hold the post from which he has nominated;
- (c) in the case of a member elected under clause (a) of sub-section (3) of section 3, if he ceases to be a person enrolled in the register;
- (d) if she/her has been convicted of an offence involving moral turpitude and punishable with imprisonment;
- (e) if she/he is an un discharged insolvent;
- (f) if she/he is of unsound mind and stands so declared by competent court.

2) On the occurrence of a vacancy referred to in sub-section(1), the President shall forthwith report the fact of such vacancy to the State Government and thereafter that Government may, subject to the proviso to section 7, take necessary steps to fill such vacancy.

7. Casual vacancies.- A casual vacancy in the Council shall be filled by nomination or election, as the case may be, and the person nominated or elected to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was nominated or elected:

Provided that no such casual vacancy occurring within three months of the date of expiry of the normal term of Office of a nominated or an elected member need be filled under this section.

8. Resignation. –(1) The President or Vice-President may at any time resign his Office by notice in writing addressed to the Council and delivered to the Registrar and the resignation shall take effect from the date on which it is accepted by the Council or on the expiry of ninety days from the date of receipt of the resignation by the Registrar, whichever is earlier.

(2) A member may at any time resign her/his office by notice in writing addressed to the President and every such resignation shall take effect from the date on which it is accepted by the President or on the expiry of ninety days from the date of receipt of the resignation by the President, whichever is earlier.

9. Meetings of the Council.-(1) The Council shall meet at least twice in a year at such time and place as may be appointed by the Council.

(2) The quorum necessary for the transactions of business at a meeting of the Council shall be five.

(3) The President when present shall preside at every meeting of the Council and in his absence the Vice-President and in the absence of both any other member elected by the members present from amongst themselves shall preside at such meeting.

(4) Save as otherwise provided in this Act, all questions which come up before any meeting of the Council shall be decided by a majority of the members present and voting.

(5) In the case of equality of votes, the President shall have casting vote.

(6) Subject to the provisos of sub-sections (1) to (5), the Council shall observe such rules of procedure in regard to transactions of business at its meeting as may be provided by regulations.

10. Vacancies in the Council not to invalidate acts etc.- (1) No. act or proceeding of the Council shall be invalid by reason only of the existence of a vacancy in the Council or on account of any defect or irregularity in its constitution.

(2) The Council shall observe such rules of procedure in regard to transactions of business at its meetings as may be prescribed.

11. Appointment of Registrar and other Officers or servants.-(1) The Council may, with previous sanction of the State Government, appoint a Registrar (who shall also act as Treasurer unless the Council appoints any other person as Treasurer) and may appoint such other Officers and employees as it may deem necessary to carry out the purposes of this Act.

(2) The terms and conditions of service of the Registrar and to the Officers and employees appointed by the Council shall be such as may be provided by regulations.

(3) The Registrar, Officers and other employees of the Council shall be deemed to be public servants within the meaning of section 231 of the Ranbir Penal Code.

(4) All orders and decisions and other instrument of the Council shall be authenticated by the signature of the Registrar or any other Officer of the Council duly authorized by it in this behalf.

(5) Notwithstanding anything contained in sub-section (1), for the first two years from the first constitution of the State Veterinary Council the Registrar of the State Veterinary Council shall be a person appointed by the State Government, who shall hold Office during the pleasure of the State Government.

12. Executive Committee and other Committees.-(1) The Council shall appoint from among its members an Executive Committee and may constitute other Committees for such general or specific purposes as the Council considers necessary and may co-opt any person or persons specially qualified to advise on any matter to any Committee other than the Executive Committee.

(2) A Committee constituted under this section shall meet at such time and at such places and shall observe such rules of procedure in regard to the transactions of business at its meetings as may be provided by regulations.

13. Fees and allowances.- The President and other members and the members of the Committees (other than the members of the Council) shall be paid such fees and allowances for attending the meetings of the Council and the Committees as may be provided by regulations,

14. Information to be furnished by Council and publication thereof.-(1) The Council shall furnish such reports, copies of its minutes, abstract of its accounts and other information to the State Government as the Government may require.

(2) The State Government may publish in such manner as it may think fit any report, copy, abstract or other information furnished to it under this section.

15. Recognition of Veterinary qualification granted by Veterinary institutions in India.- The Veterinary qualifications granted by any Veterinary Institution in India which are included in the First Schedule to Indian Veterinary Council Act, 1984 shall be recognized Veterinary qualifications for the purposes of this Act.

16. Recognition of Veterinary qualification granted by Veterinary Institutions outside India.- The Veterinary qualification granted by Veterinary Institution outside India which are included in the Second Schedule to Indian Veterinary Council Act, 1984 shall be recognized Veterinary qualifications for the purposes of this Act.

17. Power to require information as to course of study and examination.- Every veterinary institution in the State which grants a recognized veterinary qualification shall furnish such information as the Council/Veterinary Council of India may from time to time require as to the courses of study and examinations to be undergone in order to obtain examinations are required to be undergone and such qualification is conferred and generally as to the requisites for obtaining such qualification.

18. Inspection of Veterinary Institution and examinations. -(1) a Committee constituted under section 12 may, subject to regulations, if any, made by the Council appoint such number of Veterinary inspectors as it may deem requisite to inspect any Veterinary Institution or any college or other institution where Veterinary education is given or to attend any examination held by any Veterinary Institution for the purpose of recommending to the Central Government recognition of Veterinary qualification granted by that Veterinary Institution.

(2) The Veterinary Inspectors shall not interfere with the conduct of any training or examination, but shall report to the Committee on the adequacy of the standards of Veterinary education including staff, equipment, accommodation, training and other facilities prescribed by regulations for giving Veterinary education or on the sufficiency of every examination which they attend.

(3) The Committee shall forward a copy of any such report to the veterinary institution concerned and shall also forward a copy with remarks, if any, of the said institution thereon, to the State Government.

19. Minimum standards of veterinary education.- Notwithstanding anything contained in this Act, the standard of veterinary Education shall be regulated in the State as per Minimum Standard of Veterinary Education Degree Course (B. V. Sc. &AH) Regulation 1993 framed by Veterinary council of India from time to time.

10 The J&K Govt. Gazette, 16th Oct., 2000/24th Asv., 1922 {No. 28-6

CHAPTER III

Jammu and Kashmir State Veterinary Practitioners Register 20. Jammu and Kashmir State Veterinary Practitioners

(1) The Council shall, as soon as may be after the commencement of this Act, caused to be maintained in such form and in such manner as may be provided by regulation a register of veterinary practitioners to be known as Jammu and Kashmir State Veterinary practitioners Register which shall contain the name of all persons who possess the recognized veterinary qualification included in the First and Second to the Indian Veterinary Council Act, 1984.

(2) It shall be the duty of the Registrar of the Council to keep the State veterinary practitioners register in accordance with the provisions of this Act and of any orders made by the Council and from time to time to revise the register and publish it in the Gazette of the State or in such other manner as may be provided by regulations.

(3) Such register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872 and may be provided by a copy published in the Gazette.

(4) The Council shall furnish to the Veterinary Council of India six printed copies of the State Veterinary Register as soon as may be after the 1st day of April of each year together with all additions to and other amendments in, the State Veterinary Register made from time to time, so that the names of persons enrolled on Jammu and Kashmir State Veterinary Practitioners Register be included in the Indian Veterinary Practitioners Register.

21. (1) Any person whose name has been entered in the Indian Veterinary Practitioners Register shall on an application made in this behalf in such form and in such manner and on payment of such fees be entitled to a certificate of registration from the Veterinary Council of India provided the Secretary of the Veterinary council of India is satisfied that the person concerned possesses a recognized veterinary qualification.

(2) On receipt of an application under sub-section (1) the Veterinary Council of India shall grant to the applicant a certificate of registration in such form as may be provided by regulations :

Provided that on the removal of his name from the State register, such certificate shall cease to be valid.

(3) Where it is shown to the satisfaction of the Secretary of the Veterinary Council of India that a certificate of registration has been lost or destroyed, the Secretary may, on payment of such fees,

not exceeding ten rupees, as may be specified by regulations, issue a duplicate certificate in such form as may be specified in the regulations.

22. Registration of additional qualification.-(1) If any person whose name is entered in the Jammu and Kashmir State Veterinary Practitioners Registrar obtains any post-graduate degree or diploma in veterinary science in addition to his recognized veterinary qualification, he shall, on an application made in this behalf in such form and in such manner and on payment of such fees, as may be provided by regulations, be entitled to have entry stating such degree or diploma made against his name in such register in addition to any entry previously made.

(2) The entries in respect of any such person in a State veterinary register shall be altered accordingly and intimation sent to Veterinary Council of India.

23. Removal of name from the Indian veterinary Practitioners Register – if the name of any person enrolled on a State veterinary register is removed there from in pursuance of any power conferred under this Act; the name of such person shall also be removed from the Indian Veterinary Practitioners Register. The Council shall send information to the fact to the Veterinary Council of India.

24. Person enrolled on Indian Veterinary Practitioners Register to notify change of place of residence or practice. – Every person registered in the Indian Veterinary Practitioners Register shall notify any transfer of the place of his residence or practice to the Veterinary Council of India and the Council within ninety days of such transfer, failing which his right to participate in the election of member of the Veterinary Council of India or the Council shall be liable to be forfeited by order of the Government either permanently or for such period as may be specified therein.

The J&K Govt. Gazette, 16th Oct., 2000/24th Asv., 1922 {No.28-6

CHAPTER IV

Privileges of Registered Veterinary Practitioners

25. Privileges of persons who are enrolled on the Indian Veterinary Practitioners Register.- Subject to the condition and restrictions laid down in this Act, every person whose name is for the time being borne on the State Veterinary Practitioners Register shall be entitled according to his qualifications to practice as a veterinary practitioner and to recover in due course of law in respect of such practice any expenses, charges in respect of medicament and other appliances or any fees to which he may be entitled.

26. Right of persons who are enrolled on the Indian Veterinary Practitioners Register. – No person other than a registered veterinary practitioner shall-

- (a) hold office as veterinary physicians or surgeon or any other like office (by whatever name called) in Government or in any institution maintained by a local or other authority ;
- (b) Practice veterinary medicine in the State:

Provided that the State Government may, by order permit a person holding a diploma certificate of Veterinary supervisor, stockman or stock assistant (by what ever name called) issued by the Directorate of Animal Husbandry/Sheep Husbandry (by whatever name called) of the State, to render under the supervision and direction of a registered Veterinary practitioner, Minor Veterinary services.

Explanation:-“Minor Veterinary service” means the rendering of preliminary Veterinary aid, like, vaccination, castration, and dressing of ailments as the State Government may, by notification in the Government Gazette, specify in this behalf;

- (c) be entitled to sign or authenticate veterinary health certificate or any other certificate required by any law to be signed or authenticated by a duly qualified veterinary practitioner;
- (d) be entitled to give evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872, on any matter relating to Veterinary practice.

CHAPTER V

27. professional conduct –

- (1) The Council mutates mutants, shall adopt the Veterinary Council of India (Standards of Professional conduct and etiquette regulations and a code of ethics) for veterinary practitioners.
- (2) The Council under sub-section (1) may specify violations which shall constitute infamous conduct in any professional respect, viz., professional misconduct, and such provisions shall have effect notwithstanding anything contained in any other law for the time being in force.

CHAPTER VI

28. preparation and maintenance of State Veterinary Practitioners Register ---

- (1) The Council shall on its establishment assume the duty of maintaining the State Veterinary register in accordance with the provisions of this Act.
- (2) The State veterinary register shall contain the names of the persons possessing the recognized veterinary qualifications.
- (3) The State Veterinary register shall include the following particulars, namely :-
 - a) The full name, nationality and residential address of the registered person :
 - b) The date of his admission in the State Veterinary register :
 - c) His qualification for registration and the date on which he obtained such qualification and authority which conferred it :
 - d) His professional address: and
 - e) Such further particulars as may be prescribed.

29. First preparation of Register. -(1) For the purpose of first preparing the State Veterinary register, the State Government shall, by notification in the Government Gazette, constitute a Registration Tribunal consisting of three persons holding recognized veterinary qualification and shall also appoint a Registrar who shall act as Secretary of the Tribunal.

(2) The State Government shall, by the same or a like notification appoint a date on or before which application for registration, which shall be accompanied by the fee that may be prescribed from time to time by the Council, shall be made to the Registration Tribunal.

(3) The Registration Tribunal shall examine every application received on or before the appointment date, and, if it is satisfied that the applicant is qualified for registration under section 30, shall direct the entry of the name of the applicant on the register.

(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 expressed or implied in the register as so published may, within sixty days from the date of such publication, appeal to an authority appointed by the State Government in this behalf by notification in the Government Gazette.

(5) The Registrar shall amend the register in accordance with the decisions of the authority appointed under sub-section (4) and shall thereupon issue to every person whose name is entered in the register a certificate of registration in the prescribed form.

(6) Upon the establishment of State Veterinary Council, 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 State Veterinary Council.

30. Qualification for entry on preparation of Register.- A person shall be entitled, on payment of the fee as may be prescribed by the Council, to have his name entered on the State Veterinary register if he resides in the State and if he holds a recognized Veterinary qualification.

31. Scrutiny of applications for registration.- (1) After the date appointed for the receipt of applications for registration under sub-section (2) of section 29, all applications shall be addressed to the Registrar of Council and shall for registration be accompanied by a fee as prescribed by the Veterinary Council of India from time to time.

(2) If upon such application the registrar of the Council is of the opinion that the applicant is entitled to have his name entered on the State Veterinary register, he shall enter thereon the name of the applicant:

Provided that no person, whose name has under the provisions of the Indian Veterinary Council Act, 1984 or any State Act on the subject been removed from the state Veterinary register of any State, shall be entitled to have his name entered on the State Veterinary register of Jammu and Kashmir State except with the approval of the Council from whose register his name was removed.

(3) Any person whose application for registration is rejected by the Registrar of the State Veterinary Council may, within three months from the date of such rejection, appeal to the Council.

(4) A person aggrieved by the decision of the Council under sub-section (3) may, within sixty days from the communication to him of such decision, appeal to the State Government.

(5) Upon entry in the State Veterinary register of a name under this section, the Registrar of the Council shall issue a certificate of registration in the prescribed form.

32. Renewal fees.- (1) The State Government may, by notification in the Government Gazette, direct that for the retention of a name in the State Veterinary register, such renewal fee, as may be prescribed and where such direction has been made, such renewal fee shall be due to be paid before the 1st day of April of the year it relates.

(2) Where a renewal fee is not paid within the said period, the Registrar of the Council shall remove the name of the defaulter from the State Veterinary register; provided that a name so removed may be restored to the said register on payment of renewal fee in such manner as may be prescribed.

(3) On Payment of the renewal fee the Registrar of the Council shall issue a certificate of renewal and such certificate shall be proof of renewal of registration.

33. Removal from the Register.- (1) Subject to the provisions of this section, the council may order that the name of any person shall be removed from the State Veterinary register where it is satisfied after giving inquiry, if any, as it may think fit to make:-

(a) that his name has been entered in the State Veterinary register by error or on account of misrepresentation or suppression of a material fact; or (b) that he has been convicted of an offence involving moral turpitude and punishable with imprisonment or has been guilty of any infamous conduct in any professional respect or has violated the standards of professional conduct and etiquette or the code of ethics which in the opinion of the Council renders him unfit to be kept in said register.

(2) An order under sub-section (1) may direct that any person whose name is ordered to be removed from the State Veterinary register shall be ineligible for registration under this Act, either permanently or for such period of years as may be specified.

(3) An order under sub section (1) shall not take effect until the expire of three months from the date thereof or until an appeal, if any, on such order is finally disposed of whichever date is later.

(4) A person aggrieved by an order under sub-section (1) may, within sixty days from communication to him of such order, appeal to the council.

(5) A person aggrieved by the decision of the council under sub-section (4) may, within sixty days from the communication to him of such decision, appeal to the State Government.

(6) A person whose name has been removed from the register under this section or under sub-section (2) of section 32 shall forthwith surrender his certificate of registration and certificate of renewal, if any, to the Registrar of the Council and the name so removed shall be published in the Government Gazette.

(7) A person whose name has been removed from the State veterinary register under this section or sub-section (2) of section 32 shall not be entitled to have his name registered in the State veterinary register or in any other State veterinary Council from whose register his name has been removed.

34. *Restoration to State veterinary register.* -The Council may at any time for reason appearing to it sufficient and subject to approval of the council, order that upon payment of the fee prescribed, the name of a person removed from a State veterinary register shall be restored thereto.

35. *Printing of State veterinary register.*- As soon as may be after the 1st day of April each Year, the Registrar of the Council shall cause to be printed copies of the State veterinary register as it stood on the said date and such copies shall be made available to persons applying therefore on payment of the charge prescribed by the Council from time to time and shall be evidence that on the said date the persons whose names are entered therein were registered veterinary practitioners.

CHAPTER VII

Miscellaneous

36. *Transfer of registration*—Where a registered veterinary practitioner of one State is practicing veterinary medicine in another State, he may, on payment of fee prescribed from time to time make an application in the prescribed form to the Veterinary Council of India for the transfer of his name from the State Veterinary register of the State where he is registered to the State Veterinary register of the State in which he is practicing veterinary medicine and receipt of any such application, the Veterinary Council of India shall, notwithstanding anything contained elsewhere in this Act, direct that the name of such person be removed from the 1st mentioned State Veterinary register and entered in the State Veterinary register of the 2nd mentioned State and the State Veterinary Councils concerned shall comply with such direction :

Provide that such a person shall be required to produce a certificate to the effect that all dues in the respect of his registration in the former State have been paid; provided further that where any such application for transfer is made by a veterinary practitioner against whom any disciplinary proceeding is pending or where for any other reasons it appears to the Veterinary Council of India that the application for transfer has not been made bona fide and the transfer should not be made, the Veterinary Council of India may, after giving the veterinary practitioner a reasonable opportunity of making a representation in this behalf, reject the application.

37. *Bar of Jurisdiction*-- No order refusing to enter a name in a register or removing a name from a register shall be called in question in any court.

38. *Issue of duplicate certificate* ---Where it is shown to the satisfaction of the Registrar of the Council that a certificate of registration or a certificate of renewal has been lost or destroyed, the

Registrar may, on payment of the fee prescribed from time to time, issue a duplicate certificate in the prescribed form.

39. *Penalty for falsely claiming to be registered* – If any person whose name is not for the time being entered in a register falsely represents that it is so entered or uses in connection with his name or title any words or letters reasonably calculated to suggest that his name is so entered, he shall be punishable on first conviction with fine which may extend, and on any subsequent conviction with imprisonment which may extend to six months or with fine not exceeding one thousand rupees or six months imprisonment both.

40. *Misuse of title ---If any persons, -*

- (a) Not being a persons registered in a register, take or uses the description of a veterinary practitioner, or
- (b) Not possessing a recognized veterinary qualification uses a degree or a diploma or a license or an abbreviation indicating or implying such qualification, he shall be punishable on first conviction with fine which may extend to one thousand rupees, and on any subsequent conviction with imprisonment which may extend to six months or with fine not exceeding five thousand rupees or with both.

41. *Practice by unregistered persons-* After the expiry of one year from the date of appointed under sub-section (2) of section 29, no person, other than registered veterinary practitioner or a person permitted by the State Government under the provision to clause (b) of section 26 shall practice veterinary medicine or render minor veterinary services, as the case may be, in the State.

(1) If any person contravenes the provisions of sub-section (1), he shall be punishable on first conviction with fine which may extend to one thousand rupees and on any subsequent conviction with imprisonment which may extend to six months or with fine not exceeding five thousand rupees or with both.

42. *Failure to surrender certificates of registration-* If any person whose name has been removed from a register fails without sufficient cause forthwith to surrender his certificate of registration or certificate of renewal, or both, he shall be punishable with fine which may extend to five hundred rupees and in case of a continuing offence with an additional fine which may extend to ten rupees per day after the first day during which the offence continues.

43. *Cognizance of offence-* No court shall take cognizance of any offence punishable under this Act except upon complaint made by order of the State Government of the Council.

44. *Bar of suit and other legal proceedings-* No suit or other legal proceedings shall lie against the Central Government or the State Government or the Veterinary Council of India or the Council in respect of anything which is in good faith done or intended to be done in pursuance of this Act, or of any rules, regulations or orders made there under.

45. *Payment of part of fees to Veterinary Council of India-* The Council shall, before the end of June, in each year, pay to the Veterinary Council of India, a sum equivalent to one-fourth of the total fees realized by the Council under this Act during the period of twelve months ending on the 31st day of March of that year.

46. *Accounts and Audit-* The Council shall maintain appropriate accounts and other relevant records and prepare an annual statement of accounts including the balance sheet, in accordance with such general directions as may be issued and in such form as may be specified by the State Government in consultation with the Accounts General of the State.

(2) The accounts of the Council shall be audited by that Accountant General of Jammu and Kashmir or any person appointed by him in this behalf and any expenditure incurred by him or any person so appointed in connection with such audit shall be payable by the Council to the Accountant General of Jammu and Kashmir.

(1) The Accountant General of Jammu and Kashmir and any person appointed by him in connection with the audit of the accounts of the Council shall have the same rights and privileges and authority in connection with such audit as the Account General of Jammu and Kashmir has in connection with the audit of Government accounts, and, in particular shall have the rights to demand the production of books of accounts, connected vouchers and other documents and papers and to inspect the office of the Council.

(2) The Accounts of the Council as certified by the Accountant General of Jammu and Kashmir or any person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the State Government and the Government shall cause the same to be laid before each House of Legislature.

(3) A Copy of the accounts of the Council as so certified together with the audit report thereon shall be forward3ed simultaneously to the Council.

47. *Appointment of Commission of Enquiry –*

- (1) Whenever it appears to the State Government that the Council is not complying with any of the provisions of the Act, the State Government may appoint a Commission of Enquiry consisting of three persons, two of whom shall be appointed by the State Government, one being the judge of a High Court and one by the Council and refer to it the matter on which the enquiry is to be made.
- (2) The Commission shall proceed to inquire in a summary manner and report to the State Government on the matters referred to it together with such remedies, if any, as the Commission may like to recommend.
- (3) The State Government may accept the report or remit the same to the Commission for modification or reconsideration.
- (4) After the report is finally accepted, the State Government may order the Council to adopt the remedies so recommended within such time as may be specified in the order and if the Council fails to comply within the time so specified, the State Government may pass such order or take such action as may be necessary to give effect to the recommendations of the Commission.

48. Power of State Government to make rules –

- (1) The State Government may, by modification in the Government Gazette, make rules to carry out the purposes of the 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 manner in which the President of the Council shall be elected under section 3:
 - b) The manner in which election under Chapter II shall be conducted:
 - c) The procedure to be observed by the Council at its meetings under sub-section (2) of section 10:
 - d) The conditions and restrictions with respect to the constitution of Executive Committee and other committees under section 12:
 - e) The fees and allowances for attending the meetings of the Council and the Committees under section 13:
 - f) The terms and conditions of appointment of the Registrar, other Officers and employees of the Council under sub-section (2) of section 11.
 - g) The particulars to be included in the State Veterinary register under clause (e) of sub-section (3) of section 28:
 - h) The fee which shall be accompanied by an application for registration under sub-section (2) of section 29 and sub-section (1) of section 31:
 - i) The form of certificate of registration under sub-section (5) of section 29 and sub-section (5) of section 31:
 - j) The fee payable under section 32, section 34, section 36 and section 38:
 - k) The renewal fee under sub-section (1) of section 32:
 - l) The manner of payment of renewal fee under the provision to sub-section (2) of section 32:
 - m) The charge for supplying printed copies of the State Veterinary register under section 35:
 - n) The form of duplicate certificate under section 38:
 - o) Any other matter which is to be or may be prescribed under Chapter II, VI and VII.

(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.

49. Liaison with the Veterinary Council of India – The Council shall keep close liaison with the Veterinary Council of India from time to time in matters relating to establishment of the Council, maintenance of the standards of veterinary education, registration of veterinary practitioners in the State, implementation of Standards of Professional Conduct, Etiquette and code of Ethics, and matter connected therewith and ancillary thereto, so as to bring the State of Jammu and Kashmir in maintaining these standards at par with the rest of the Country.

50. Repeal – As from the commencement of this Act in the State of Jammu and Kashmir every other Act relating to any matter contained in this Act and in force in the Jammu and Kashmir State shall, to the extent to which that Act or any provision contained in this Act, stand repealed.

24 The Govt. Gazette, 16th Oct., 200/24th Asv., 1922 {No. 28-6

STATEMENT OF OBJECTS AND REASONS

The Bill seeks enactment of Jammu and Kashmir Veterinary Council Act, 2000 with a view to regulating standards of veterinary practice and education in the State. The enactment is necessitated due to following reasons: -

1. Need to regulate the veterinary practice and training on a uniform pattern as adopted all over the country to ensure highest standards of veterinary practice and education.
2. Need to establish a watchdog organization in the State Veterinary Council to regulate the professional practice with a view to protecting the public interest.

3. Need to register qualified veterinary doctors as registered veterinary [practitioners to ensure quality service to livestock.
4. Need to maintain liaison with Veterinary Council of India for keeping update the professional knowledge and experience of the veterinarians of the State by dissemination of latest professional/technical knowledge and information.
5. Need to regulate the standards of professional conduct and etiquette, and to enforce a code of ethics for veterinarians.
6. Need to monitor and regulate the course of study and examination in veterinary institution of the State to ensure high standards education.
7. Need to bring the veterinarians practitioners of the State at par with registered practitioners of other States of the Union in reference to job opportunities all over the country.

MEMEORANDUM REGARDING DELEGATED LEGISLATION

Clause 48 of the Bill empowers the Government to make rules for carrying out the purpose of the Act. The delegation is of normal character.

26 The J&K Govt. Gazette, 16th Oct., 2000/24th Asv., 1922 {No. 28-6

FINANCIAL MEMORANDUM

The Bill seeks to regulate veterinary practice and to provide for that purpose, for the establishment of Veterinary Council in the State and the maintenance of registers of the veterinary practitioners. The Bill, as when enacted, shall involve expenditure out of the plan Fund of the State to the tune of Rs. 19.20 lakh of this, Rs. 14.20 lakh will be on account of one time expenditure and Rs. 5.00 lakh of recurring nature annually.

RECOMMENDATION OF THE GOVERNOR

The Governor has in pursuance of sub-section (1) and (3) of section 84 of the Constitution of Jammu and Kashmir recommended to the Jammu and Kashmir Legislative Assembly the introduction and consideration of the Bill.