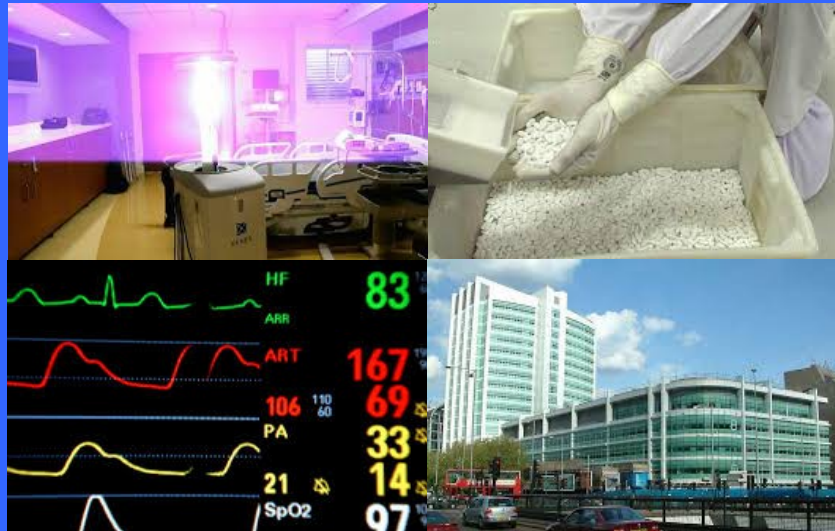


KERALA PRIVATE HOSPITALS' ASSOCIATION

Re. No. T/C 685/1997
(MODERN MEDICINE)
ESTD.1997



MEMORANDUM RULES AND BYLAWS As Amended on 24-August-2008

Uphold Nobility, Provide Quality Health Care

Kerala Private Hospitals' Association Memorandum, Rules and Bylaws passed by General Body Meeting held on **1997 August 24th** at **Yathri Nivas, Thrissur** and Amended by the General Body Meeting held on 5-02-2006 at the HOSCON-2006 and State Annual Conference held on 24-08-2008 at Thrissur.



KERALA PRIVATE HOSPITALS' ASSOCIATION

Kerala Private Hospitals' Association Memorandum, Rules and By-laws

PART-1 MEMORANDUM

A. Name: Name of the Association is KERALA PRIVATE HOSPITALS' ASSOCIATION (Modern Medicine) here in after called the Association.

B. Jurisdiction: It will comprise the whole state of Kerala.

C. Head Quarters: The state office of the Association is known as HEAD QUARTERS shall be at Thrissur.

D. Objects of the Association:

1. To promote and project the lawful interest of the Member Hospitals in Kerala.
2. To maintain the honor and dignity and do uphold the rights of the Private Hospitals practicing Modern medicine in KERALA.
3. To Promote Co-operation among the member hospitals.
4. To promote moral and ethics in the functioning of the Private Hospitals, upholding the nobility of the profession.
5. To encourage scientific out look and academic atmosphere in private hospitals.
6. To promote the spirit of unity among the members and act as coordinating body for the purpose.
7. To help the safeguarding financial interest of the member hospitals and to render help in protecting their properties.
8. To work to co-ordinate and to create an atmosphere of co existence of similar Associations all over India.

KERALA PRIVATE HOSPITALS' ASSOCIATION

9. To work to overcome the problem faced by the member hospitals and to attain maximum benefits from the authorities.
10. To work to safeguard the interest of the public in the field of HEALTH CARE through the maximum possible scientific and ethical methods.
11. To promote HEALTH in all its meaning among the public by joining in the good efforts of the Governments, Voluntary Organizations and other National and International Agencies.
12. To promote honesty, justice, dedication, affection and sacrifices in the functioning of the hospitals and above all to create National outlook in the functioning.
13. To promote and motivate confidence and service attitude among the employees of the hospitals at the same time protecting their interest within the limitations of individual hospitals.
14. To protect the dignity and honor of the doctors and all other categories of the employees in the discharge of their professional duties.
15. To co-operate and put combined efforts with other associations who are interested in the wellbeing of the hospitals and its employees and work for the betterment of the Health Delivery System Kerala, providing quality health care.

To attain the above objectives the Association shall:

- a) Hold periodical meetings and conferences of the members of the association and of like minded bodies and the public.
- b) Arrange lectures, discussions, and demonstrations.
- c) Publish circulars, notices, letters, and journals.
- d) Encourage the member hospitals in their growth especially in the field of management through proper guidance.
- e) Co-ordinate and guide the service of the member hospitals during epidemics and mass casualties etc.
- f) Consider, Discuss and express on all questions and laws of the state and Union of India or proposed legislation in any way connected with the health care system in the country and take steps and adopt measures from time to time to safeguard interest of the Association and its measures.

KERALA PRIVATE HOSPITALS' ASSOCIATION

- g) Purchase, take lease or otherwise acquire, hold, manage, let, sell, exchange, mortgage or otherwise, dispose immovable properties of every description for the purpose of the Association.
- h) Borrow and raise funds in the manner the Association may find fit and collect subscriptions and donations for the purpose of the Association.
- i) Invest any amount it may not require immediately in such manner as may be decided by the Governing body from time to time.
- j) In the interest of the Association admit new members; take action against those who act against the interest of the Association and its Rule and Bylaws.
- k) Invest amount on production and distribution of equipments, drugs, reagents etc, if decided by the general body from time to time.
- l) Conduct discussions with the authorities of all level; and other Associations on any problems and issues connected with member hospitals.
- m) Do everything to bring down the morbidity rate making public aware of the "HEALTH".
- n) Do all such other things as are cognate to the objectives of the Associations or are incidental or conduct to the attainment of the objectives.



PART II
DEFINITIONS

1) In this Rules and By-laws made there under, unless the context otherwise described:

- a) Association means Kerala Private Hospitals' Association.
- b) Governing body means the State Governing Body of KPHA.
- c) Local Unit means the unit formed by the Association in a locality with a minimum of 10 member hospitals.
- d) Headquarters means the Sate Office of the Association.
- e) Journal means the journal of KPHA.
- f) Rules and Bylaws mean the rules and regulation of KPHA.
- g) The President means the State President of KPHA.
- h) The Hon: General means the State Secretary of KPHA.
- i) The Hon: Treasurer means the State Treasurer of KPHA.
- j) The funds mean the funds of KPHA.



KERALA PRIVATE HOSPITALS' ASSOCIATION

PART III RULES & BYLAWS

A. General

1) The Association is constituted by its members whose names are in the Register of the members of the Association at the time constituting come into operation and subsequent members who join the Association who shall be eligible for the membership as per adopted Rules and Bylaws.

2) These Rules and Bylaws adopted by the General Body are strictly applicable and binding to all its members presently and joining in future.

3) The register of members duly prepared and kept in the Head quarters shall be updated and corrected from time to time.

B. Amendments to Rules and Bylaws

1) Proposals for change of Rules shall ordinarily be considered in the State General Body Meeting.

2) The proposal should reach the Hon: Gen: Secretary six months earlier to the due date of the General body meeting.

3) Hospital member or local units can sent the proposals for amendments and the SGB can bring the amendments directly in the GB.

4) The Hon: Secretary shall circulate the proposals among units with in one month of receiving the proposals.

5) The Local unit in its general body meeting shall discuss the proposals and either intimates the Gen: Secretary or president in the SGB any difference of opinion or alteration or recommendations come up in the general body meetings.

6) Rules can only be changed by two third majorities of those members present and voting in the State General Body Meetings.

7) The changes of additions voted such shall come into force after the next SGB meetings which shall confirm the proceedings of the GB on discussion and amendments.

8) A special General Body meeting shall be called with notice of fifteen days time to amend the Rules and Bylaws adopted by the SGB Meetings by t a two thirds majority, if the state conference is on vary later date.

KERALA PRIVATE HOSPITALS' ASSOCIATION

PART IV **MEMBERSHIP**

A. Eligibility

1. Any hospital practicing modern medicine inside the State of Kerala shall be eligible to join as a member of the Association.

- a) Hospital means any institution practicing modern medicine with inpatient facilities.
- b) The hospital will be represented by the persons authorized by the management of the concerned hospital.
- c) The hospital managements shall authorize two or more persons in accordance with the Rules regarding representation of members in Part IV Section B Clause 1 and sub-cause (b).

2. The representatives of the member hospital shall come from the categories of:

- a) Owner/Chairman or managing partner of the public or private limited company running the hospital.
- b) Medical superintendent
- c) Manager/Secretary/Executive Director/MD.
- d) Director/Partner
- e) Administrative Officer
- f) Public Relations Officer

3. The personal management shall authorize persons among the categories (a) to (f) above for a minimum period of two years to represent hospital. The management shall submit the list of representatives with their addresses and phone numbers in triplicate to the local unit secretary. He will send one copy to the General Secretary and return one copy to the hospital management after signing and numbered serially.

4. The hospital management has the power to depute any other persons to attend the meetings in the absence of the regular representatives by giving an authorized letter in which case he/she have voting right in the meetings.

B. Type of Membership

1 Hospital members- Any hospital described in Part IV section A Clause 1, Sub clause (a).

- a) Can enroll as a member by submitting the application with the subscription fixed by the Association from time to time

Kerala Private Hospitals' Association - Annual Membership Subscription Chart:-

1. Type-I	25 beds or less	Rs. 1,500/-
2. Type II	26 to 100 beds	Rs. 2,000/-
3. Type III	101 to 200 beds	Rs. 3,000/-
4. Type IV& Type V	201 to above	Rs. 5,000/-
5. Type VI	Private Medical College	Rs.7,500/-
6. Type VII	Eye Hospitals	Rs.2,500/-

- b) The number of two people representing the hospital member shall be:
 - i) Type 1 by two representatives, (One from part IV-A-2-a and one from part IV-A-2-b).
 - ii) Type II by three representatives (one each from part IV A-2-a,b,c).
 - iii) Type III by four representatives
 - iv) Type IV by five representatives
 - v) Type V and VI Six representatives.

↑
From all categories of
part IV-A-2
↓

c) The subscription for each type of hospitals shall vary and shall be fixed by the SGB from time to time which shall be ratified by the next general body meetings.

d) In case of person representing a member hospital quits the post by virtue of resignation, death or otherwise the management shall have the right to substitute another person in his place for the remaining period of his term.

2. Associate members-Any person who is the owner of a clinic in modern medicine shall be eligible to enroll as an Associate Member of the Association.

a) He/She shall submit application and shall pay the subscription.

b) The associate member shall be eligible to participate in the meeting of Local units and state general body meetings and take part in discussion but shall have no right for voting.

c) The associate member like other members shall have right to get copy of the journal and other communications.

d) Two associate members shall be nominated to the SGB by the State President with voting rights.

D. Collection of subscription

1) The membership fee shall be collected by the Local Units.

2) It shall be collected before 31st march of every year.

3) Those who fail to pay the subscription on or before 30th June of the year of election shall not have the right of voting in the election of the office Bearers.

4) Those who fail to pay the subscription on or before 31st Dec, shall have a break in membership and shall have to clear arrears to renew the membership in the following year with a fine of Rs.500/-

E. Association Year

The Association year shall be from 1st January of an year to 31st Dec. of next calendar year that is full two calendar years.

F. Privileges of Membership

1) The payment of subscription of the year along with the application for membership shall entitle the member to all privileges of membership of KPHA from the date of payments.

KERALA PRIVATE HOSPITALS' ASSOCIATION

- 2) A member shall be entitled to get a copy of all circulars, journals and other publications of the Associations.
- 3) All representatives of the Hospital members and Associate member shall have the right to attend and participate in the discussion in all general body meetings and other specially called meetings, lecturers, conferences and demonstrations organized by the association.
- 4) All members except the Associate members shall be eligible to vote in the elections of the office bearers.
- 5) All members except the Associate members shall have the right to contest the election provided they fulfill criteria of eligibility to contest elections.
- 6) All members shall enjoy the other privilege that may in after be conferred by the Association.

G. Termination of Membership

1. Membership may terminate by resignation.
 - a) A member can resign by giving 30 days notice to the local Unit Chairman.
 - b) The member shall pay all dues.
 - c) The local unit shall intimate the Hon: General Secretary by forwarding the resignation and the state share of the dues paid with in a week of receiving resignation and the state shares of the dues paid with in a week of receiving the resignation, with his comments.
 - d) The General Secretary in consultation with the president shall accept the resignation and shall remove the name of the member from the rolls. He shall intimate the matter to the concerned member with a copy to the local unit with in the stipulated name.
 - e) The Gen: Secretary may keep it pending till the next SGB meeting if he and the President feel that there is serious issue to be brought in the SGB and the matter shall be intimate to the concerned.

KERALA PRIVATE HOSPITALS' ASSOCIATION

f) The next SGB meeting shall discuss the issue and the member may explain his views and decisions of the SGB shall be final.

2. Membership may be terminated by removal of name on account of nonpayment of dues with in the stipulated time. Two reminders have to be sent before termination of which the last one shall be registered with acknowledgement.

3. Membership may be terminated by removal of name on the ground of disciplinary action taken on the member.

4. Membership in case of Associate member shall be terminated on the ground of conviction from a court of law. The representatives of the member hospital shall be withdrawn and substitute by the hospital management if such person is convicted.

H. Re-Admission of Members

1. Any members who was removed from the rolls as per Section G1 and G2 may be re-admitted by the concerned Local unit on receiving an application for membership, the subscription and recommended by a member of the Local unit.

2. Any member who was terminated under section G3 may be re-admitted after the expiry of the period of suspension by a single majority in the SGB.



PART V
MANAGEMENT

The Association shall be managed in the State Level by a body as suggested in the concerned section (PART V, Section B, and is known as the state Governing Body, SGB in the district by the district council and the Local Level management will be by the executive committee of local unit.

A. The General Body of the Association

1) The General body of association shall include all the representatives of the Hospital members in the Kerala state.

2) It shall be the supreme authority of the Association.

3) All its members have the right to participate in all its meetings take part in discussions and all except the Associate members shall have the voting right.

4) Meeting of the General Body.

a) The regular Body meeting shall be held along with the state conference of the Association.

i) Notice of the meeting shall be issued one month earlier by the General Secretary through the journal or along with the communications for the Conference.

ii) The venue shall be at the place of the conference.

iii) The reports of activities from the office bearers accepted earlier by the SGB shall be discussed.

iv) The election to the post of office bearers mentioned in the concerned sections shall be changed conducted in this GB meeting.

v) The General Body Meeting can amend the Rules and Bylaws by two third majority if presented in accordance with the rules.

vi) The decision of the meeting shall be final in all matters not covered in the Bylaws which can be changed only by amending the Rules and Bylaw.

vii) The quorum shall be 10% of the total members.

KERALA PRIVATE HOSPITALS' ASSOCIATION

b) Special General Body meeting of the Association can be convened by the decision of the SGB.

i) Notice shall be issued by the Gen: Secretary before 15 days of the meeting.

ii) The quorum of the meeting shall be 50 or 10% of the total members with voting right.

c) The matter for discussion including Bylaws amendments shall be as per the decisions of SGB.

d) Requisition Meeting of the GB can be convened within 15 days of receiving a requisition signed by not less than 50 Representatives of the member hospitals.

i) The notice shall be sent before 7 days meeting.

ii) The quorum shall be 75 in which 50% of the members who signed the requisition be present.

iii) The discussion shall be on the matter raised in the requisition.



B. The SGB

It is the executive body of association and is the supreme authority which will carry on the state level management of the association it shall guide and direct the office bearers.

1 Constitution of SGB

It shall be constituted.

- a) The State President of Association.
- b) The Three- Vice-Presidents representing South, Central and North Zones.
- c) The Hon: Secretary.
- e) The Hon: Treasurer.
- f) The editor of the journal.
- g) Chairman of district council
- h) Conveners of District Council.
- i) The local unit chairmen
- j) The local unit secretaries
- k) Two Representatives from the Associate Members nominated by the President.
- l) All the past Presidents of the Association.
- m) All the past General Secretaries of the Association.
- n) Not more than three invites who shall be invited by the President and shall have no voting right.

2. Terms of Office of SGB:

- a) It shall be continuous Body.
- b) It shall be reconstituted during the state conference every alternate year.

3. Meeting of the SGB

a) Regular meetings.

i) The SGB shall meet at least in every quarter of an year in different places hosted by the local units.

ii) The last meeting shall be held at the place of the state conference two weeks earlier to the conference followed by the meeting of organizing committee of the conference.

iii) The quorum of the regular meetings shall be 20 excluding the president and the Secretary. In case the quorum is not enough the meeting can be adjourned and reconvened after 10 minutes if the President desire so.

iv) Fifteen days notice shall be sent for the regular meeting.

b) Special Meeting.

i) The Hon: Gen: Secretary in consultation with the President can convene SGB meeting as and when required to consider important issues which cannot be kept prolong till next regular meeting.

ii) Seven days notice shall be served and the venue shall be at the Headquarters.

iii) The expense of such meetings shall be borne by the Headquarters.

iv) The quorum of such meetings shall be 10 excluding the President and Secretary.

C Emergency Meeting

i) The secretary in consultation with the President may convene emergency meeting of the SGB to discuss very important issues which need immediate attention.

- ii) The notice shall be by any media and may be of few hours.
- iii) The quorum shall be 10 excluding the President and Secretary.
- iv) The venue shall be the headquarter and the expense met by the HQ.

D Requisition Meeting

- i) Not less than 25 members of SGB can give a written requisition to call a meeting after SGB to the President or the Secretary.
- ii) The secretary shall convene the meeting within 15 days from receipt of the requisition by giving a 10 days' notice.
- iii) The venue of the meeting shall be the Headquarters and the expense shall be met by the HQ.
- iv) The quorum shall be 15 out of which 5 shall be from those who have requested for the meeting.
- v) Only issues raised in the requisition shall be discussed.

E) i) The south zone shall comprise Trivandrum, Kollam, Pathanamthitta, Alappuzha and Kottayam District.

ii) The Central Zone shall comprise Ernakulam, Idukky, Thrissur, Palakkad districts.

iii) The North Zone shall comprise Malappuram, Calicut, Wayanad, Kannur and Kasargod districts.

4. Powers and duties of SGB

- a) The SGB will administer the association in accordance with the memorandum of the constitution of the association.
- b) The SGB can take any decision without breaking the rules already exists.
- c) It can recommend a By-Law amendment to the General Body.

KERALA PRIVATE HOSPITALS' ASSOCIATION

- d) It can authorize the Secretary to convene special meeting of SGB.
- e) The SGB shall have the right to appoint Special and Adhoc Committees.
- f) The SGB shall have the executive authority of the Association and have right to:
 - i) Make regulations.
 - ii) Represent any matter which consider of the interest of the Association and the members before the Govt. or Court of law or any other body.
 - iii) Consider and make decision on application of members/resignation of the members.
 - iv) Take disciplinary action including suspension and recommend dismissal to the General Body.
 - v) Appoint or remove salaried person for the service of the Association.
 - vi) Fix up the traveling expenses of the office bearers.
- g) Take decisions on the SGB in all matters not covered by the Rules and Bylaws and not coming within the scope of GB shall be final.

C. The District Council

The District level management of the Association is vested on the body called The District Council.

- 1) It consists of the chairman and the convener of the district council, chairman and secretaries of all Local Units I the District and the state Office Bearers belonging to that district.
2. The Council shall meet on alternate months or a minimum of 4 meetings in a calendar year preferably in different places.
3. The chairman and the district convener shall be elected by the GB in its first meeting of the Association year or nominated by the President if the GB failed to elect in time.
4. The expenditure of the district council shall be met from the local units and the state Headquarters 10% each from the membership share.

KERALA PRIVATE HOSPITALS' ASSOCIATION

D. The Local Unit

1) It is the body acting in the grass root level managing the Association in an area having more than 10 hospitals.

2) It shall be possible to enroll as many members as possible from the locality.

3) It shall correct membership and send the share of the HQ as directed in the chapter Funds of the Association.

4) The Local Unit consists of all the representatives of the Member Hospitals and the Associate members in the locality.

5. It shall elect Local Unit Committee with

Chairman

Two Vice-chairman

Secretary

Join Secretary

Treasurer

Executive members out of which two shall be associate members and shall not exceed 10 members.

6. The local committee will be elected by the local unit in its GB meeting convened in the last month of the association Year.

7. The chairman and the secretary shall represent the unit in the SGB.

8. It shall have the power to recommend any action including the disciplinary action against a member to the state President/ Gen: Secretary/ SGB.

9. The local unit shall be bound to carry out the decision taken by the SGB/GB of the Association.

Part VI
Funds of the Association

A The funds shall be derived from

- 1) Share of membership subscription to the Headquarters.
- 2) Special contributions or donations to the headquarters.
- 3) Income shared from the journal or other publications if any.
- 4) Contributions form conferences.
- 5) Interests on deposits
- 6) Rents.
- 7) Other sources as may be authorized by the SGB.

B. Reserve Fund

At least 20% of the surplus of the funds during an Association Year shall be deposited as reserve fund of the Association.

C. Operation of the Fund.

- 1) The amount received from any source shall be deposited in a Bank in the HQ.
- 2) The account shall be operated jointly by the Hon: General Secretary and treasurer.
- 3) The expense from the funds be presented in SGB and get the concurrence from time to time.

D. Auditor

An internal auditor shall be appointed by the SGB from among its members who shall audit accounts by verifying the receipts, bills and vouchers. He can question the genuineness of them if doubt arises and shall present his report to the SGB.

E. The Distribution of the collected funds

1) The membership shall be shared by

- a) The Head Quarters 40%
- b) Local Unit 40%
- c) District Council 20%

2) contribution and donation collected through local unit shared by

- a) Head quarters 40%
- b) Local Units 50%
- c) District Council 10%

3) Contribution and donation directly collected.

Contribution from conferences, share from the journals and other publications & interest from deposits etc: shall be added to HQ funds. Any income for any business of the Association will be added to the Headquarters funds.

F. Bank Accounts of the Association.

1) State general account:

a) Amount received from any sources to the HQ shall be deposited in a scheduled Bank either in the Head Quarters or in any place convenient to the Gen: Secretary and State treasurer.

b) The account shall be operated jointly by the Hon:Gen: Secretary and state treasurer.

2) Fixed deposits

a) Amount separated as reserve fund shall be deposited in any scheduled bank as fixed deposits.

b. Any amounts come as surplus from any source shall be deposited as fixed deposit.

3) Accounts of the KPHA NEWS: The Editor and the joint of editor / secretary shall operate a joint account in a scheduled Bank in a convenient place.

4) Accounts of the district branches: The District Branches shall deposit the Membership share and any other income as contributions from seminars, conferences, donations etc. in a Scheduled Bank at a convenient place in the district.

5) Any of the Schemes and projects of the Association presently existing or constituted in future as per the decision of the State Governing Body shall have separate joint Accounts operated by its Secretaries and Treasurers.

PART VII
ELECTIONS

A. Election of the State Office Bearer.

1. State office of bearers of the association or THE CABINET of the association

- a) President
- b) Three Zonal Vice-Presidents
- c) The Hon:Gen: Secretary
- d) Three Zonal joint Secretaries
- e) The Hon:State Treasurer
- f) Editor of the journal
- g) Joint Editor/Secretary

KERALA PRIVATE HOSPITALS' ASSOCIATION

2. The election to the posts of the President and the three Vice Presidents shall be conducted as follows:

a) The returning officer publishes the voters list by sending a copy to the concerned Local Unit Secretary after getting verified by the State Treasurer before 31st July of the second calendar year of the Association year.

b) He also invites nomination of the posts of the President and Vice-presidents to reach him on or before 24th august.

c) The nominations are sent by the candidates through the local unit Secretary and each nomination has to be proposed by one and second by two representatives of the Member hospitals. Nominations can be filled by the members other local units in favor of a candidate and will be valid if the candidate is eligible for the particular post and if the representatives proposed and seconded are from current member of the Association and if the nominations are forwarded through a local unit a contest from the member hospitals to which the member belong is mandatory.

d) The scrutiny of the nominations shall be done by the Returning officer in the presence of the Gen: Secretary and the State Treasurer at the Head quarters on the ensuing Sunday the last date of receiving nominations.

e) In case the nominations of the candidate are accepted they are intimated by the R.O asking their willingness to contest the election and should reach the candidate on or before 5th Sept.

f) The acceptance withdrawal letter from the candidate shall reach the R.O on or before 25th Sept. Non receipt of any letter shall be considered of acceptance of the candidature.

g) The R.O shall send the ballot papers to the local unit secretary by registered post along with the updates list of the votes as on 30th Sept.

h) The polling will be conducted in each local unit in the presence of the polling officer appointed by the R.O from the neighboring local unit on the last Sunday of the month of November.

i)The members have to sign in the voters list sent along with the ballots and cast their votes.

KERALA PRIVATE HOSPITALS' ASSOCIATION

j) After the polling officer and unused ballot papers and voters list shall be packed and sealed by the polling officer and shall hand it over to the Local Unit Secretary to be sent it to the Returning Officer on the next day by registered post/parcel.

k) The votes shall be counted on the next Sunday at the HQ or in a meeting of the SGB by a committee appointed by the BGB to assist the R.O.

l) Covers from each unit shall be opened verified and the polled ballots are put together counting stars.

m) The result will be declared by the R.O in the SGB.

n) If the polling officer fails to report the Unit chairman shall act as the polling officer.

3) Election to the post of Hon: Gen: Secretary joint Secretaries, the Treasurer, Editor, and Joint Editor/Secretary.

a) The election for the post shall be conducted in the floor of the General Body Meeting convened in connection with the State conference.

b) The returning officer shall invite nominations from the floor.

c) Each candidate have to be proposed by one and seconded by two representatives.

d) The willingness of the candidates are obtained.

e) Polling by secret ballot shall be conducted by the R.O with the help of the members of the Committee already appointed by SGB.

f) The counting of votes shall be done soon after the polling is over and the result declared.

KERALA PRIVATE HOSPITALS' ASSOCIATION

B. Complaints against election:

- 1) Any candidate has the right to file a complaint against the election if he/ she feels the violation rules or general principles of election has taken place.
- 2) The petition shall be filed to the President by Registered post within 7 days of the declaration of results.
- 3) The petition shall be accompanied by DD for Rs.250/- in favor of the Secretary KPHA to be encashed in any bank at HQ and shall be non refundable.
- 4) The president shall verify the records and if finds the complaints genuine notice shall be served to all concerned to appear in person along with proofs and witnesses on the date fixed not beyond the 10th of Dec. If the President is the candidate the senior Vice president shall conduct the enquiry.
- 5) The decision of the President / Vice President shall be intimated to the concerned with in two weeks form the hearing.
- 6) The complaint may file an appeal to the SGB through the Secretary if he/she feels the verdict of the President is not acceptable.
- 7) The ensuing SGB shall discuss and give its verdict which shall be final.
- 8) Complaints against election in the floor of the GB shall; be raised soon after the results are declared and the matter discussed and settled in the GB, the decision of which shall be final.

C. Re-Election

- 1) If the post or posts fall vacant in the category mentioned in A2 due to any reason including the verdict of President or the SGB election shall be conducted in the floor of the GB along with the election to other posts.
- 2) In the event of resignation or otherwise of the post of the President falls vacant Vice president shall take over the post for the remaining term.
- 3) In case of the Secretary, the joint Secretary shall acts as the Secretary for the remaining term.

KERALA PRIVATE HOSPITALS' ASSOCIATION

4) In the case of the post of the Treasurer the Secretary shall take over the post till next SGB elects Treasurer for the rest of the term.

D. Returning Officer

1) The SGB in its meeting elects a responsible member as the Returning Officer before the end of the first calendar year of the Association year.

2) He shall be responsible to conduct elections of the State Officer Bearers of the association year.

3) He shall be provide by the voters list by the General Secretary after the Treasurer verifies the list of to ensure that the members enlisted have no dues to the Association.

4) The R.O shall invite nomination; scrutinize them with help of the Gen: Secretary and the Treasurer and finalize the list of the candidates.

5) He shall print the ballot paper and sign on each them and send to the Local Unit Secretaries along with the copy of voters list of the Local Unit.

6) He shall appoint polling officers to each unit from the neighboring unit.

7) He shall receive all the covers of the ballots from the Local unit and keep in the safe custody and bring to the SGB meeting for counting.

8) He shall with the help of members of the committee appointed by the SGB count and declare the results.

9) He shall be responsible for conducting the election in the floor of the General Body meeting of the State Conference.

10) He shall be provided with sufficient amount for expenses by the treasurer and shall be responsible to maintain proper accounts.

E. Eligibility for Contesting Election

1) Any person who is authorized to represent the Hospital members for not less than two years by the hospital authorities provided the hospital is current member with no outstanding dues to the Association.

2) For the post of the President and the General Secretary the candidates shall have experience as representative of a member hospital for 4 years and shall have service as a state office bearer for 2 years.

F. Election of the District Council Chairman and Convener

1) Shall be elected by the district council in its first meeting to any senior member from the district preferably a past or present office bearer of a local unit can be elected to the post.

G. Election of the Local Unit Office Bearers

1) The local unit Chairman, the Secretary, the Local Unit Committee members are elected in the general body meeting of the local unit in the month of November of the Second calendar year of the Association year.

2) The list of newly elected office bearers shall be sent to the General Secretary by the unit Secretary before 31st December.

PART VIII
POWER AND DUTIES OF STATE OFFICE BEARERS

A. The President

1. Shall be the chairman of all SGB meetings.
2. Shall preside over all General Body meetings.
3. Shall preside over any committee meeting in which he is a member.
4. Shall preside over the public function conducted by the Association.
5. Shall guide and control the activities of the Association.
6. Shall regulate the proceedings of the meetings impartially and interpret the Rules and Bylaws clarifying doubtful points.
7. Shall give ruling on controversial points based on the constitution and precedence.
8. Shall have right for casting vote in case of equal votes on any decision.
9. Shall have the power to entrust the duties of other office bearers to suitable person or nominate in emergencies.
10. Shall represent the Association before the Govt: or any other bodies.
11. Shall conduct press conference or speak on behalf of the Association in any media or seminars and conferences.

12. Shall have to hand over the charges to the senior Vice President in emergencies like resignation or absences for a considerable period due to tour abroad or illness.

13. Shall submit his resignation to SGB if so desired.

14. Shall appoint Committee for detailed studies of any issue.

15. Shall take disciplinary action against a member or representatives of member hospitals subject to ratification of SGB.

16. Shall act on behalf of SGB on any issue within the limits of by-law and has to get ratification in the ensuing SGB Meeting.

B. The Vice-Presidents

1. The seniority of the Vice-President shall be decided by the number of votes polled in favor of each.

In case elected unopposed the SGB in its meeting shall decide by a single majority.

2. The senior Vice President shall hold the post of the President for which the President is elected in case the President quits the post by virtue of death, resignation or otherwise.

3. Shall help the President in his activities.

4. Shall help the President and secretary on organizing Local units and shall lead the activities of the Local units in their Zone and the district council within the Zone.

C. The Hon. General Secretary

1. Shall be in charge of the Head Quarters Office

2. Shall conduct all correspondence.

3. Shall have general supervision of accounts, pass all bills for payments, and all cheques jointly with the treasurer.

4. Shall organize, arrange and convene meetings, conference, lectures and demonstration.

KERALA PRIVATE HOSPITALS' ASSOCIATION

5. Shall keep proceedings of all meetings and other committee meetings in which he is a member and shall present the minutes in the appropriate meetings.
6. Shall maintain correct and upto register of members and representatives unit wise.
7. Shall bring a matter which is necessary in the interest of the Association to the notice of the Presidents and SGB for guidance and direction.
8. Shall act on the behalf of the SGB only when advised directly by the President in writing.

D. The joint Secretaries

1. Shall prepare and present the budget of the Association Year in the first meeting of SGB.
2. Shall receive all amounts due to the HQ.
3. Shall open accounts in a bank in the town of the HQ and operate it jointly with the Gen: Secretary.
4. Shall be responsible for collecting all dues or other contributions in favor of the state office.
5. Shall make payments against the bills passed by the Secretary and only on his written order.
6. Shall point out error or discrepancies in the payments order made by the Secretary and refer the order back to him for correction with remarks. In case the dispute arises the matter shall be referred to the President and his decision shall be final.
7. Shall be responsible for maintaining up to date accounts of the Association.
8. Shall get all accounts audited by the internal auditor every quarter of the year.
9. Shall prepare quarterly accounts to be presents in the SGB.
10. Shall prepare accounts and balance sheet audited by a chartered accountant before presenting in the SGB and the General Body during the state conference.

F. The Editor

1. Shall be responsible for bringing out the journal new letter of the Association.
2. Shall edit print and publish the journal as per the advice of the Editorial board.
3. Shall be responsible to keep up the integrity and dignity of the Association in the publication of the journal, news letter and other publications.
4. Shall prepare the budget of the journal get the approval of SGB.
5. Shall constitute the Editorial board in consultation with the President, including 4-8 members and the President and Secretary.
6. Shall maintain and present the accounts of the journal.

G. The Chairman District Council

1. Shall preside over al the meetings and guide and direct the activities of the district council.

H. District Convener

1. He shall act as the Secretary of the council.
2. He shall maintain all the records, register and prepare minutes of the meetings of the council.
3. He will make all correspondence related to the council.

**PART IX
LOCAL UNITS**

1. Shall be constituted by the representatives of the hospitals members and the Associate Members of the locality having a minimum of 10 hospitals.
2. The General body of the Local Unit shall elect the office Bearers in the meeting convened for electing office bearers namely

- a) The Chairman
- b) Vice-Chairman
- c) Secretary
- d) Joint-Secretary
- e) The Treasurer

3. The executive committee of the Local Unit shall have eight members elected beside the Office bearers. Two of the executive members shall be from the Associate Members.

4. **Duties.**

- i) Shall function as strong basement of the Association.
- ii) Shall enroll as many members as possible.
- iii) Shall collect subscription from the members.
- iv) Shall send the list of members along with the details of the representatives and the share to the HQ in the manner suggested in this Rules and Bylaws.
- v) Shall represent the SGB through the chairman and the Secretary.
- vi) Shall send reports to the HQ and to joint Secretary of the Zone.
- Vii) Shall help Vice-President and the joint Secretary to co-ordinate the work of the Unit Branches within the Zone.

PART X
LEGAL FORUM

To safeguard the rights of member hospitals and the interest of the Association, a “LEGAL FORUM” may be constituted.

A. Constitution of Forum:

The forum is managed by its chairman, convener and three members of whom two shall be the state president and Gen. Secretary of KPHA.

1. The general body meeting of the association shall elect the Chairman, the convener and a member for a period of one association year unless they refuse to act or resign or are disqualified by the GB with 2/3 majority of members present and vote. In such case the GB can elect the substitutes.

B. Funds of the Forum:

- 1 The Legal Forum may receive donations, subscription or other funds for the “LEGAL FUND” kept separately for this purpose.
- 2 The required funds shall be collected from the Member institutions by the decision of State Governing Body from time to time and amounts advanced from the General fund of the Sate.

C. Powers and Duties:

1 The legal forum shall have full power to initiate, file, sue defend, compromise or compound all legal actions, suits and other proceedings and settle all difference and disputes touching the interest of association or affairs and to do such acts and thing without being liable or answerable for any *Bona Fide* loss occurred thereby.

2 The legal forum may pay all charges, expenses and incur all other costs, incidental to administration of the Forum and other legal proceedings in any court of law or before any government department on behalf of the association.

3 The legal forum shall causes true and accurate accounts to be kept of all moneys received and spent in the course of management of the forum or in relation to carrying out the objects and interest of the association.

4 The Legal forum may appoint sub-committees to attend or supervise or conduct specified jobs or to make expert opinions or any scheme in such manner, subject to the rules and regulations as the associations as the association may prescribe from time to time.

5 The legal forum shall keep an account or accounts with any bank or banks and to operate such account or accounts whether in debit or in credit, give all appropriate instructions to the banker or bankers concerning the operation and to authorize the chairman and the convener of the forum jointly on their behalf to operate such account or accounts by a resolution passed in the SGB meeting.

PART XI
Disciplinary Action

A. Any member or individual including the office bearers of the Association are liable for action against them if they act against the interest of the Association and/or violate the Rules and Bylaws of the association.

B. The Disciplinary Proceedings.

1. If the case of hospital member or its representatives

a) On receipt of such a complaint their management shall be informed in writing and ask for the explanation by the chairman local unit.

b) If the explanation given in stipulated period is satisfactory the local unit Chairman can drop the matter.

c) If the explanation is not satisfactory or if no reply received from the concerned with the given the matter shall be referred to the President along with the complaint, other documents and his remarks on the complaints.

d) The President after studying the matter shall ask for an explanation from the concerned giving a time limit of 15 days from the receipt of the letter.

e) If the reply is not received in time or if the reply is not satisfactory the President shall

1) Warn

2) Suspend the membership for a period not extending the next

SGB.

KERALA PRIVATE HOSPITALS' ASSOCIATION

- 3) Refer the matter to the next SGB, with his recommendations.
 - f) The SGB shall discuss the matter and may extend or revoke the suspension already by the president.
 - g) If the President has recommended for termination of the membership the SGB can discuss and give its verdict with two thirds votes of members attending and vote.
 - h) The SGB can terminate the membership subject to ratification by the GB.
 - i) The decision of the GB shall be final.
2. In case of a representative of a hospital members the Local Unit Chairman can initiate the proceedings and the hospital management shall have to withdraw the representative if action taken on him by the Association.
 3. In the case Associate member the Local Unit Chairman shall ask the member for an explanation and proceed further as in the case of a Hospital member.

C. Disciplinary Action against the Office Bearers

1. If the Complaints against the Local Unit Chairman shall be filed before the President who in turn ask for explanation and may:
 - a) Drop
 - b) Warn
 - c) Suspend or
 - d) Refer the matter to the SGB
3. Any complaint against the state officer bearers other than the President shall be filled before the President and shall act as in the above case after getting the explanation.
- 4 a) Any complaints against the President shall be filed before the Gen: Secretary who shall place it in the next SGB Meeting.
 - b) The SGB meeting shall be chaired by the Sr.Vice-President during the session taking up the matter for decision.
 - c) The President shall have the opportunity to explain his stand in the SGB.

KERALA PRIVATE HOSPITALS' ASSOCIATION

d) The SGB if find fault with the President can impeach the President with a 2/3 of the votes or ask to step down for period of one month by which time a special general body meeting convened for discussing the matter.

e) The general body can remove the President with a 2/3 majority of the members present and voting and elect a new President for the rest of the term or can drop the issue.

5. Complaint against the President and secretary together can be filed before the Sr.Vice President who shall bring the matter before the SGB and proceed as in the space of President.

6. The decision of the Special General Body shall be final and binding.

The Bylaw approved by the meeting held on 24th August 1997 at Thrissur and Amended on 5th February 2006 and 24th Aug.2008

Dr.P.K Mohammed Rasheed
Thangal
(President)

Adv.Hussain koya
(Hon.Gen. Secretary)