

ANDHRA PRADESH MEDICAL PRACTITIONERS REGISTRATION ACT, 1968

23 of 1968

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An Act to consolidate and amend the law relating to the registration of medical practitioners of modern scientific medicine in the State of Andhra Pradesh and to provide for matters connected therewith. Be it enacted by the Legislature of the State of Andhra Pradesh in the Nineteenth Year of the Republic of India as follows:

CHAPTER 1 **Preliminary**

1. Short title extent, and commencement :-

(1) This Act may be called the Andhra Pradesh Medical Practitioners Registration Act, 1968.

(2) It extends to the whole of the State of Andhra Pradesh.

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

2. Definitions :-

In this Act, unless the context otherwise requires

(a) Andhra Area means the territories of the State of Andhra Pradesh other than the Telangana area;

(b) approved institution means a hospital, asylum, infirmary, dispensary, lying in hospital, health center or other such institution in which the methods of treatment approved by the Council are carried on;

(c) Council means the Andhra Pradesh Medical Council established under Section 3;

(d) Government means the State Government

(e) Medical college means the College approved by a university in the State imparting education for the full University course in modern scientific medicine in all its branches excluding veterinary medicine and veterinary surgery;

(f) notification means a notification published in the Andhra Pradesh Gazette;

(g) prescribed means prescribed by rules made under this Act;

(h) register means the register maintained under Section 15.

(i) registered practitioner means a practitioner of the modern scientific medicine whose name is for the time being borne on the register;

(j) State means the State of Andhra Pradesh;

(k) Telangana area means the territories specified in sub section (1) of Section 3 of the State Reorganisation Act, 1956.

CHAPTER 2

Constitution and Composition of the Council

3. Constitution and composition of the Council :-

(1) As soon as may be, after the commencement of this Act, the Government shall, by notification, establish a Council called Andhra Pradesh Medical Council which shall be a body corporate having perpetual succession and a common seal and shall by its name, sue

and be sued.

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

(a) two members to be elected in the prescribed manner by the members of the executive council of the University of Health Sciences in the State from amongst the persons holding any degree in modern medicine."

(b) seven members to be elected in the prescribed manner by the registered practitioners from amongst themselves;

(c) four members to be nominated by the Government of whom two shall be from amongst such members of the teaching staff of the medical colleges in the State as are registered practitioners;

(d) the Director of Medical Education, the Director of Health and Family Welfare and any other officer performing any of the functions of either of the said Directors to be nominated by the Government, ex officio."

(3) No person shall be eligible for election or nomination under sub section (2) unless he has been ordinarily resident in the State for not less than five years immediately before the date of election or nomination, as the case may be.

(4) In making nominations under clause (c) of sub section (2), the Government shall have due regard to the claims of women, of the members of the scheduled castes, of medical missions of practitioners in the service of recognised philanthropic institution and of other groups of practitioners whose representatives have not been elected under clause (a) or clause (b) of sub section (2).

(5) No person shall be a member of the Council in more than one of the categories specified in sub section (2).

4. Term of office of elected and nominated members :-

An elected or nominated member of the Council shall hold office for term of five years from the date of his election or nomination and shall be eligible for re election or re nomination, as the case may be.

5. Election of Chairman and Vice Chairman :-

(1) The Council shall elect in the prescribed manner from amongst its members, a Chairman who shall unless he ceases to be a member, of the Council earlier, hold office for a period of two years

from the date of his election as Chairman and shall be eligible for re election:

Provided that for a period of two years from the date of the first constitution of the Council under this Act, *[one of the ex-officio members referred to in clause (d) of sub section (2) of Section 3 nominated by the Government] shall be the Chairman of the council.

(2) The Council shall elect in the prescribed manner, from amongst its members, a Vice Chairman who shall, unless he ceases to be a member of the Council earlier, hold office for a period of one year from the date of his election and shall be eligible for re election.

(3) When the office of the Chairman is vacant or in the absence of the Chairman from any meeting, the Vice Chairman shall perform the functions of the Chairman.

(4) In the absence of the Chairman and the Vice Chairman a meeting of the Council may be presided over by a member elected by the majority of the members present at the meeting.

6. Disqualifications for becoming members :-

A person shall be disqualified to become a member of the Council, if such person on the date of his election or nomination to the Council

(a) was sentenced by a criminal court for an offence involving moral turpitude, such sentence not having been reversed or the offence pardoned and a period of five years has not elapsed from the date of the expiration of such sentence;

(b) is of unsound mind and stands so declared by a competent court, a deaf, mute or a leper;

(c) is an applicant to be adjudicated as an insolvent or an un discharged insolvent;

(d) is interested in a subsisting contract made with, or any work being done for, the Council except as a share holder, other than a director, in a company, or except as may be prescribed ; or

(e) is an officer or servant of the Council.

7. Cessation of membership :-

An elected or nominated member of the Council shall cease to hold office if he

(a) is or becomes subject to any of the disqualifications specified in Section 6;

(b) absents himself without excuse sufficient in the opinion of the Council, from three consecutive meetings of the Council;

(c) is absent out of India for six consecutive months without excuse sufficient in the opinion of the Council;

(d) ceases to be a registered practitioner;

(e) ceases to hold the office by virtue of which he has been elected or nominated as a member of the Council under Section 3.

8. Resignation of Chairman, Vice Chairman or members :-

The Chairman may resign his office by giving notice in writing to the Council and the Vice Chairman or any member of the Council may resign his office by giving notice in writing to the Chairman. Except in a case where the person resigning delivers the notice of resignation personally to the Registrar, the Registrar shall, on receipt of a notice of resignation, obtain information in writing from the person concerned as to its genuineness. A resignation delivered personally or confirmed as aforesaid shall take effect on and from the date on which the notice was received.

9. Filling of casual vacancy :-

Any vacancy occurring in the office of an elected or nominated member of the Council before the expiration of his term shall be filled by election or nomination, as the case may be, of another person in the manner provided in Section 3 and the person so elected or nominated shall hold office for the residue of the term of his predecessor.

10. Meetings of the Council :-

(1) Except as otherwise provided in this Act, no business shall be transacted at a meeting of the Council unless at least seven members are present. All questions that may come before the Council shall be decided by a majority of the members present and voting. In the case of equality of votes, the member presiding at the meeting shall have and exercise a second or casting vote.

(2) The Council shall, for the disposal of the business, meet as often as is necessary but not less than twice in each year after giving such notice to the members, as may be prescribed.

CHAPTER 3

Executive Committee and its Powers

11. Executive Committee :-

(1) There shall be an Executive Committee of the Council consisting of the Chairman and Vice Chairman, ex-officio , and three other members who shall be elected every year by the Council from among its members at its first meeting held in that year.

(2)

(a) Every member of the Executive Committee so elected shall hold office as such until the next annual election.

(b) If any casual vacancy occurs before such election, the Executive Committee shall fill that vacancy by electing a member; Provided that if before the vacancy is so filled, a meeting of the Council has been called, the vacancy shall be filled by the Council by electing a member of the Council.

(c) A member of the executive committee elected to fill a casual vacancy shall hold office as such only until the next annual election.

(3) The Chairman and the Vice Chairman of the Council shall be the Chairman and the Vice Chairman respectively of the Executive Committee.

(4) The Council may delegate any of its powers and duties to the Executive Committee subject to such conditions as it deems fit to impose.

(5) The Council may cancel any delegation made under sub section (4).

(6) No business shall be transacted at a meeting of the Executive Committee unless at least three members thereof are present.

(7) All questions that may come before the Executive Committee shall be decided by a majority of the members present and voting. In the case of equality of votes, the Chairman, Vice Chairman or any member presiding at the meeting shall have and exercise a second or casting vote.

CHAPTER 4

Special Committee and their Functions

12. Special committee and their functions :-

(1) The Council may, from time to time, appoint one or more special committees, each consisting of:

(a) not less than three members of the Council who shall be elected by the Council.

(b) Two such other persons not being members of the Council as the Council may nominate.

(2) Every special committee shall meet at such time and place as may be provided in the regulations.

(3) Every special committee shall elect its Chairman from amongst its members.

(4) The Council may, refer to any such committee for enquiry and report any matter relating to any of the purposes of this Act, or, delegate to it any of its functions by resolution, subject to such conditions as it deems fit to impose and may cancel any such delegation.

(5) The Council may, at any time, dissolve or subject to the provisions of sub section (1), alter the constitution of, any such committee.

CHAPTER 5

Officers of the Council

13. Registrar and other Officers :-

(1) The Council shall appoint a Registrar who shall act as Secretary of the Council and who shall also act as Treasurer, unless the Council appoints another person as Treasurer.

(2) The Registrar shall be responsible for the due performance of the functions imposed on him and on the Council, under the Indian Medical Council Act, 1956.

(3) The Council may also appoint such other officers and servants as it may deem necessary for the purposes of this Act.

(4) All persons appointed under this section shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

14. Medical Register :-

The Council shall cause to be maintained the prescribed manner a register of medical practitioners, which shall contain the names of

the medical practitioners, arranged in the alphabetical order and publish it in the Andhra Pradesh Gazette. It shall be the duty of the Registrar to keep the register correct and from time to time, to revise the register and publish it in the prescribed manner. Such register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872.

CHAPTER 6

Registration of Medical Practitioners

15. Registration of Medical Practitioners :-

(1) Every person who holds any of the medical qualifications included in the Schedules to the Indian Medical Council Act, 1956, may apply to the Registrar giving a correct description of his qualifications, with the dates on which they were granted, and present his degree, diploma or licence along with such fee as may be prescribed for being registered under this Act. The Registrar shall, if satisfied that the applicant is entitled to be registered, enter his name in the register.

Provided that any person whose name has been registered under any law for the time being in force any other part of India relating to the registration of medical practitioners shall be required to pay such registration fee as may be prescribed if the law aforesaid provides for registration of persons registered under this Act without the payment of any fee or on payment of a fee not exceeding the prescribed fee.

(2) Any person who immediately before the date of commencement of this Act was a registered practitioner under the Andhra Pradesh (Andhra Area) Medical Registration Act, 1914 or the Andhra Pradesh (Telangana Area) Medical Registration Act, 1948 F, and who is qualified for registration under the Indian Medical Council Act, 1956, shall be deemed to have been registered under the provisions of this Act on that date and his name shall be entered in the register maintained under this Act.

(3) Upon entry in the register of a name under this section the Registrar shall issue a certificate of registration in the prescribed form.

(4) The Council may refuse to permit the registration of any person, who was convicted of an offence involving a moral turpitude with imprisonment for a period of not less than six

months or with fine of not less than rupees five hundred and a period of five years has not elapsed from the date of such conviction, or who after due inquiry by the Council or a Committee thereof was found guilty by the Council or infamous conduct in any professional respect.

16. Notice of death :-

(1) Every Registrar of Births and Deaths on receiving notice of the death of a registered practitioner, shall forthwith transmit to the Registrar appointed under this Act, a certificate under his own hand and seal of such death giving the time and place thereof.

(2) On receipt of such certificate or other reliable information regarding such death, the Registrar appointed under this Act, shall remove the name of the deceased practitioner from the register.

17. Cancellation or alteration of entry made in the register :-

(1) The Council may, if it thinks fit, after giving notice to the person concerned and inquiring into his objections, if any, order that any entry in the register which is proved to the satisfaction of the Council to have been fraudulently or incorrectly made or brought about, be cancelled or altered.

(2) The Council may direct the removal, permanently or for a specified period, from the register the name of any registered practitioner for the same reasons for which registration may be refused by the Council under sub section (4) of Section 15 and the provisions thereof shall apply to any inquiry under this section:

Provided that the name of a registered practitioner shall not be removed from the register on the ground of his association, in any professional respect, with a registered practitioner of indigenous medicine such as Ayurvedic, Homoeopathic, Unani and Sidda.

Explanation:- For the purpose of this proviso, the expression registered practitioner of indigenous medicine shall mean a practitioner qualified for registration under any law for the time being in force relating to the registration of practitioners of indigenous medicine .

(3) Nothing in sub section (2) shall relieve a registered practitioner of any obligation or code of ethics which may be imposed on registered practitioners generally by the Council.

(4) Any registered practitioner may make an application to the Council for deleting his name from the register and the Council may, on such application and in accordance with such rules as may be made, direct such deletion. Any such practitioner may apply for fresh registration under Section 15.

(5) A person whose name has been removed or deleted from the register under this section shall forth with surrender his certificate of registration to the Registrar, and the name so removed or deleted shall be published in the Andhra Pradesh Gazette.

18. Issue of duplicate certificate of registration :-

Where it is shown to the satisfaction of the Registrar that a certificate of registration has been lost, destroyed, mutilated or defaced, the Registrar may, on payment of the prescribed fee, issue a duplicate certificate in the prescribed form.

CHAPTER 7

Medical Practitioners Registration Fund

19. Medical practitioners Registration Fund :-

(1) All monies received by the Council shall constitute, a fund called the Medical Practitioners, Registration Fund and shall be applied for such purposes and in such manner as may be prescribed.

(2) All monies received by the Council shall be lodged in any bank approved by the Government.

(3) All orders or cheques shall be signed by the Registrar.

20. Privileges or registered practitioners :-

Notwithstanding anything to the contrary in any other law for the time being in force:

(i) no person other than a registered practitioner shall, without the previous sanction of the Government be competent to hold any appointment as physician, surgeon or other medical officer in any approved institution which is supported wholly or partly out of the funds of the State or the fund of a local authority.

(ii) no person other than a registered practitioner shall, with effect from such date as may be specified by the Government by notification in this behalf, practise the modern scientific medicine or hold himself out, whether directly or by implication as practising or as being prepared to so practise;

(iii) no certificate required by law to be given a medical practitioner shall be valid unless signed by a registered practitioner.

CHAPTER 8

Penalties

21. Penalty for falsely claiming to be registered :-

Whoever falsely represents himself to be a registered practitioner shall, whether any person is actually deceived by such representation or not, be punishable with fine which may extend to five hundred rupees.

22. Penalty for contravention of provisions of clause (ii) of Section 20 :-

Whoever contravenes the provisions of clause (ii) of Section 20 shall be punishable on first conviction with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both, and on any subsequent conviction with imprisonment which may extend to one thousand rupees or with both.

23. Failure to surrender certificate of registration :-

If any person whose name has been removed or deleted from the register under Section 17 fails without sufficient cause to surrender his certificate of registration within the prescribed time, he shall be punishable with fine which may extend to fifty rupees per month of such failure and in the case of a continuing offence, with an additional fine which may extend to ten rupees for every day during which such offence continues after conviction for the first such offence.

24. Jurisdiction of magistrate :-

No Court inferior to that of a magistrate of the first class shall try any offence punishable under this Act

CHAPTER 9

Appeals

25. Appeal from the decision of the Council :-

An appeal shall lie to the Government from a decision of the Council under Section 15 or Section 17. Such appeal shall be preferred within three months from the date of the decision of the Council.

26. Procedure in inquiries and appeals :-

(1) An inquiry under Section 15 or Section 17 may be held by the Council or by Committee which may be appointed by the Council as

provided in sub section (1) of Section 12. The Council or the committee, as the case may be, may at its discretion hold such inquiry in camera. Where the inquiry is held by the Committee, it shall make a report to the Council which shall pass such orders as it deems fit.

(2) In holding inquiries under this Act the Council or its Committee shall have the same powers as are vested in the civil courts under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:

- (a) enforcing the attendance of any person and examining him on oath;
- (b) compelling the production of documents.
- (c) issuing of commissions for the examination of witnesses.

27. Appeal from order of Registrar :-

An appeal shall lie to the Council from an order of the Registrar under Section 15. Such appeal shall be preferred within three months from the date of the order.

CHAPTER 10

Miscellaneous

28. Control by Government :-

If, at any time, it appears to the Government, that the Council has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Act, or has failed to perform any of the duties imposed upon it by or under this Act, the Government may communicate the particulars of such failure, excess or abuse to the Council and require the Council to remedy it: and if the Council fails to remedy such default, excess or abuse within such time as may be fixed by the Government in this behalf, the Government may for the purpose of remedying such default, excess or abuse cause any of the powers and duties of the Council to be exercised and performed by such person or agency and for such period as they may think fit.

29. Bar of jurisdiction :-

No suit, prosecution or other legal proceeding shall lie against the Government, the Council, the Executive Committee or any other Committee or the Registrar in respect of an act done in the exercise of any power conferred by or under this Act.

30. Protection of Acts done in good faith :-

No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is, in good faith done or intended to be done under this Act, or under the rules or regulations made thereunder.

31. Power to make rules :-

(1) The Government may, by notification make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this section shall, immediately after it is made be laid before each House of the State Legislature if it is in session and if it is not in session in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall from the date on which the modification or annulment is notified have effect only in such modified form or shall stand annulled as the case may be so however such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

32. Power of council to make regulations :-

(1) The Council may with the previous approval of the Government make regulations for all or any of the following matters, namely:

(i) for the conduct of elections to the Executive Committee and other Committees;

(ii) for the convening of meetings of the Council, the Executive Committee and other Committees;

(iii) for the conduct of business at such meetings;

(iv) for the appointment, and the conditions of service of the Registrar and other officers and servants appointed under Section 13;

(v) the conditions subject to which the Council may delegate its powers and duties to any Special Committee;

(vi) any other matter which is to be provided for in the regulations, or may be necessary for carrying out the purposes of this Act.

(2) All regulations made under sub section (1) shall be published in the Andhra Pradesh Gazette.

(3) The Government may, by order, modify or cancel any regulation made under sub section (1).

33. Acts of council, etc., not to be invalidated by vacancy, etc :-

No act or proceeding of the Council, the Executive Committee or a Special Committee shall be deemed to be invalid by reason only of any defect in the constitution of such Council, Executive Committee or Special Committee or merely on the ground that the Chairman, the Vice Chairman or any member of the Council, the member of the Executive Committee or the member of a Special Committee as the case may be was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity in his election or nomination or by reason of such act or proceeding having been done or conducted during the period of any vacancy in the Office of the Chairman, the Vice Chairman or any member of the Council, the member of the Executive Committee or the member of a Special Committee.

34. Allowances to members :-

There shall be paid to the members of the Council, the members of the Executive Committee or the members of a Special Committee for attending a meeting of the Council, the Executive Committee, or the Special Committee, as the case may be, such allowances as may be prescribed.

35. Repeals on Savings :-

The Andhra Pradesh (Andhra Area) Medical Registration Act, 1914 and the Andhra Pradesh (Telangana Area) Medical Registration Act, 1348 F., are hereby repealed:

Provided that

(i) such repeal shall not affect anything done or any action taken under the Acts so repealed, before the commencement of this Act;

(ii) notwithstanding such repeal, until a Council is constituted in accordance with the provisions of this Act

(a) the Medical Council constituted for the Andhra Area or the Telangana Area under the relevant repealed Act and functioning immediately before the commencement of this Act, shall continue

to function for the area for which it was constituted as if it were a Council constituted under the provisions of this Act and any vacancy occurring in the said Medical Council shall be filled in such manner as the Government may think fit;

(b) the Executive Committee and other Committees of a Medical Council as constituted immediately before the commencement of this Act shall be deemed to be the Executive Committee and other Committees constituted under this Act;

(iii) on the constitution of the Council under the provisions of this Act, the Medical Councils functioning by virtue of clause (ii) shall stand dissolved and their assets and liabilities shall devolve on the Council so constituted.

36. Extension and amendment of Central Act 7 of 1916 to the Telangana Area :-

(1) The Indian Medical Degrees Act, 1916, as in force in the Andhra Area at the commencement of this Act, is hereby extended to the Telangana area.

(2) In the said Act

(i) in Section 2, after the words "all the territories" the words "comprised in the State of Andhra Pradesh and all the other territories" shall be substituted.

(ii) for sub clause (i) of clause (b) of sub section (1) of Section 6 A as inserted by Section 3 of the Indian Medical Degrees Andhra Pradesh (Andhra Area) Amendment Act, 1940, the following sub clause shall be substituted, namely: "(i) is recognised by any law for the time being in force in the States; or"