

Andhra Pradesh Para Medical Board Act, 2006

38 of 2006

[25 September 2006]

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Andhra Pradesh Para Medical Board Act, 2006

38 of 2006

[25 September 2006]

PREAMBLE

AN ACT TO PROVIDE FOR THE CONSTITUTION OF THE ANDHRA PRADESH PARA MEDICAL BOARD FOR THE REGISTRATION OF PARA MEDICAL TECHNICIANS AND FOR THE REGISTRATION OF INSTITUTIONS IMPARTING TRAINING TO SUCH TECHNICIANS IN THE STATE OF ANDHRA PRADESH AND PRESCRIBING THEIR QUALIFICATIONS AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO:

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-seventh 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 Para Medical Board Act, 2006.

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

(3) It shall be deemed to have come into force with effect from the 1st August, 2006.

2. Definitions :-

In this Act, unless the context otherwise requires,

(a) "Board" means the Andhra Pradesh Para Medical Board constituted under section 3;

(b) "Equivalent qualification" means a qualification recognized as equivalent by any law for the time being in force in the State or any qualification declared as such and notified by the Government as equivalent qualification;

(c) "Executive Committee" means the Executive Committee of the Board constituted under section 12;

(d) "Government" means the State Government of Andhra Pradesh;

(e) "hospital" means any premises having facilities for treatment of the sick and used for their reception or stay;

(f) "Medical laboratory" means, an establishment where,

Microbiological, Pathological or Biochemical investigations, examinations, analysis; or the preparation of cultures, vaccines,

sera or other biological products are usually carried on in connection with the diagnosis or treatment of any disease;

(g) "Medical Laboratory Technician" means a person who has acquired a degree or a diploma in Medical Laboratory Science from a recognized institution or having the qualification recognized as equivalent qualification;

(h) "Para medical course" means courses for the award of any degree, diploma or certificate as notified by Government from time to time.

(i) "Para medical Technician" or "Para medical Professional" means persons as may be specified and notified by the Government as Para medical Technicians/ Para medical Professionals from time to time;

(j) "President" means the President of the Board;

(k) "Prescribed" means prescribed by rules made under this Act;

(l) "Recognized institution" means an institution recognized under section 24; and imparting training to anyone or more than one paramedical courses as notified by the Government from time to time under this Act;

(m) "Recognized qualification" means in relation to medical laboratory technicians, the Bachelors degree or Masters degree in Laboratory Technology awarded by any University in the State or an equivalent qualification or diploma in Laboratory Technology/or an equivalent qualification;

(n) "Register" means register maintained under section 15;

(o) "Regulations" means regulations made by the Board with the

approval of Government under this Act;

(p) "Secretary" means the Secretary of the Board appointed under section 14;

(q) "State" means the State of Andhra Pradesh;

(r) "Radiographic Technician" means a person qualified for taking X-ray films from any recognized institution or having the qualification recognized as equivalent qualification.

CHAPTER 2 ANDHRA PRADESH PARA MEDICAL BOARD

3. Constitution of the Andhra Pradesh Para Medical Board :-

(1) The Government may, by notification constitute a body to be known as the Andhra Pradesh Para Medical Board to exercise the powers conferred on and to perform functions assigned to it under the Act.

(2) The Board shall be a body corporate having perpetual succession and a common seal, with power, subject to the provisions of this Act and rules made there under, to acquire, hold and dispose of property and to enter into contracts and shall in the said name sue and be sued.

(3) The headquarters of the Board shall be at Hyderabad.

4. Composition of the Board :-

The Board shall consist of the following members, namely:

I. Ex-officio Members

(i) The Principal Secretary to Government in H.M.&F.W. Department shall be the ex-officio President of the Board;

(ii) The Principal Secretary to Government in Finance Department or an officer not below the rank of Deputy Secretary to Government nominated by the Principal Secretary shall be member;

(iii) Vice-Chancellor, Dr. N.T.R. University of Health Sciences, Vijayawada shall be the Vice-President of the Board;

(iv) The Director of Medical Education, Andhra Pradesh Hyderabad shall be the Member - Convener of the Board;

(v) The Director of Health, Andhra Pradesh Hyderabad.- Member;

(vi) Commissioner, Andhra Pradesh Vaidya Vidhana Parishad, Hyderabad - Member;

(vii) The Secretary to the Board shall be Member-Secretary of the Board.

II. Nominated Members

Five members to be nominated by the Government of whom,

(i) three members nominated from among the Principals or Heads of Departments of the concerned Government Para medical Institutions, of whom one each representing Osmania University, Andhra University and S.V. University Areas;

(ii) one member nominated from the Management of the Private Para Medical Institutions;

(iii) one eminent Medical Educationist in Modern Medicine nominated.

5. Disqualifications for members :-

A person shall not be qualified for being chosen or nominated as, and for being, a member of the Board, if,

(i) he has not attained the age of majority; or

(ii) he is an un-discharged insolvent; or he is of unsound mind and stands so declared by a competent Court; or

(iii) he has been punished by the Board in any manner for infamous conduct in the profession; or

(iv) he has been dismissed from service under any Government or any institution; or

(v) his name has been removed from the register maintained under this Act and has not been reinstated or

(vi) he has been convicted of any offence involving moral turpitude.

6. Term of office of members :-

(1) The term of office of the members of the Board, other than the ex-officio members shall be three years from the date on which he assumes office.

(2) An outgoing member shall be eligible for re nomination, if otherwise qualified.

7. Casual Vacancies :-

(1) Any casual vacancy arising in the office of a nominated member

of the Board by reason of his death, resignation, removal or disability or otherwise, before the expiry of his term of office, shall be filled up in the manner as may be prescribed within a period not exceeding six months.

(2) Any person nominated under sub-section (1) shall hold office for the residue period of the term of the member in whose vacancy he has been nominated.

8. Cessation of membership :-

A member other than an ex-officio member of the Board shall be deemed to have vacated his office,

(i) on his resignation;

(ii) on his absence, from three consecutive meetings of the Board without intimation indicating the reason for such absence, sufficient in the opinion of the Board;

(iii) on his becoming subject to any of the disqualifications under section 5;

(iv) on his ceasing to be a member of the Association or category from which he has been chosen or nominated, as the case may be.

9. Resignation of membership :-

A member other than Ex-officio member may at any time resign his office by giving notice in writing to the President and such resignation shall take effect from the date on which it is accepted by the President.

10. Validity of proceedings :-

No act done or proceedings taken by the Board shall be invalidated merely on the ground

(a) of any vacancy or defect in the constitution of the Board; or

(b) of any defect or irregularity in such act or proceeding not affecting the merits of the case.

11. Meetings of the Board :-

The meetings of the Board, the proceedings for the conduct of business, and such other matters shall be as provided by regulations made by the Board in this behalf.

CHAPTER 3 CONSTITUTION OF EXECUTIVE COMMITTEE

12. Constitution of Executive Committee :-

(1) The Board may constitute an Executive Committee and such other Committees from among its members as may be necessary for performing such functions in the manner as may be provided by regulations.

(2) The Executive Committee shall consist of the President and Vice-President, who shall be members ex-officio, and five members chosen by the Board from among themselves one of whom shall be a representative of the Association of Managements.

(3) The Executive Committee shall exercise and discharge such powers and duties of the Board as may confer or impose upon it by any regulations, which may be made in this behalf.

13. Payment of fees and allowances :-

The President, the Vice-President and other members of the Board shall be paid such sitting fees and allowances or travelling allowance for their attendance in connection with the meetings of the Board or of any Committee thereof, as may be prescribed.

14. Secretary, other officers and servants of the Board :-

(1) The Government may, by notification in the Gazette, appoint a Secretary who shall act as Secretary to the Board and to the Committees appointed under this Act.

(2) Subject to the general superintendence and control by the Board, the Secretary shall be responsible for the performance of the day-to-day affairs of the Board and such other functions as may be assigned to him by the Board, from time to time.

(3) The Secretary shall receive such salary and allowances, as may be fixed by Government from time to time, from the funds of the Board.

(4) The method of appointment and other terms and conditions of service of the Secretary shall be such, as may be prescribed:

Provided that Government may appoint an officer/ Retired Officer not below the rank of Joint Secretary to Government as Secretary of the Board.

(5) The Board may, with the previous approval of the Government, appoint such other officers and employees, as it may deem necessary, for assisting it in the administration.

(6) The method of appointment, salary and allowances, discipline and other terms and conditions of service of officers and other employees appointed by the Board shall be provided in the regulations.

15. Maintenance of registers :-

(1) There shall be maintained separate registers for Medical Laboratory Technicians, Ophthalmic Assistants, ECG Technicians, EEG Technicians / EMG Technicians and Radiographic Technicians and such other Para medical Technicians declared as such by the Government.

(2) The register shall be maintained in such manner (manual and electronic) and in such form and shall contain such particulars as may be prescribed.

(3) The Secretary shall keep the registers in accordance with the provisions of this Act and the rules and regulations framed there under.

(4) The registers shall be deemed to be public document within the meaning of section 74 of the Indian Evidence Act, 1872 (Central Act 1 of 1872).

16. Dissolution of the Board :-

(1) If at any time it appears to the Government that the Board has failed to exercise or has exceeded or abused any or the powers conferred on it by or under this Act or has failed to perform any of the duties imposed on it by or under this Act, the Government may, if they consider that such failure, excessive exercise or abuse of power is of a serious character, notify, the particulars thereof to the Board and if the Board fails to remedy such defects, excessive exercise or abuse of powers within such time limit as the Government may fix in this behalf, the Government may dissolve the Board and cause all or any of the powers and duties of the Board to be exercised and performed by such persons and for such period as they may think fit and thereupon the funds and property of the Board shall vest in the Government for the purposes of this Act, until a new Board is constituted as provided under section 3.

(2) Where the Government have dissolved a Board under sub-section (1) they shall take steps for the constitution of a new Board under section 3 within six months from the date of such dissolution and on the constitution of such Board the property and funds referred to in sub-section (1) shall revest in that Board.

CHAPTER 4 POWERS AND FUNCTIONS OF THE BOARD

17. Powers and functions of the Board :-

Subject to the provisions of the Act and such conditions as may be prescribed, the Board shall exercise the following powers and perform the following duties, namely:

(a) to fix the criteria for the establishment of para medical institutions;

(b) to recognize para medical institutions;

(c) to grant temporary recognition to any institution established before the commencement of this Act;

(d) withdrawal of recognition granted to Para Medical Institutions under this Act;

(e) maintenance of register under this Act;

(f) remove the names of persons under section 22;

(g) restoration of the names removed from the register under section 23;

(h) recognition of qualification for the purpose of this Act;

(i) framing of regulation;

(j) delegation of its powers to the Executive Committee;

(k) conduct inspection of para medical institutions;

(l) fixing of fees to be levied under this Act;

Provided that the fee leviable for recognition of institutions and registration of individuals shall be such amount to meet the expenses of the Board and it shall not be a source of undue profit to the Board;

(m) maintenance of the fund of the Board; and

(n) to formulate uniform syllabi, course content, curricula and method of examinations for both theory, practical and internal examinations, maintenance of records, its check up etc., all the para medical courses through out the State with the approval of the Para medical Board;

(o) to fix the educational qualifications to teaching staff for all Diploma / Certificate Courses;

(p) to conduct common examinations for both theory and practical for all the para medical courses in the State except those conducted by other statutory authorities;

(q) to award diplomas, certificates and other Academic distinctions under a common seal;

(r) to fix and collect the fees for theory and practical examinations;

(s) to review periodically the para medical courses, the syllabi, educational standards for admissions and to take appropriate follow up measures including recommendations for dispensing of outdated courses, updating of courses or introduction of new courses with reference to emerging areas of manpower requirements;

(t) to prescribe such standards, facilities, syllabi, entry criteria etc., as may be deemed necessary to maintain proper standards in the para medical courses;

(u) to fix the examination centres in the State;

(v) to take disciplinary action against the staff of the Board indulging in malpractices in the form of leakage of question papers, alteration of marks or any other such irregularities in connection with conduct of examinations;

(w) to derecognise an institution if the institution found indulging in malpractices with reference to the process of the examination including the internal assessment marks, irregularities in attendance etc.,

(x) do such other acts and things, as may be notified.

18. Power to make Bye- laws :-

(1) The Board shall be competent to make Bye- laws from time to time in consistence with the aims and objectives of the Board pertaining to examination system.

(2) The Bye-laws so made shall provide any person passing the para medical examination and holding a certificate granted by the Board shall be eligible for Government and Private sector employment,

(i) to set educational standards of the staff, equipment, accommodation, training and other facilities in any para medical institution.

(ii) any other matter which is to be or may be provided under this Act and in respect of which is not provided under this Act and in respect of which no rules have been made.

(3) It shall be competent for the Para Medical Board to cancel the

permission or recognition given to institutions if on enquiry found that the Para Medical Institute is not functioning properly and unbecoming of an organization in conduct of that Institute in imparting proper education in para medical courses. Such institution has got a right of appeal to the Government within thirty days from the date of communicating the orders derecognising Institute and the decision of the Government is final.

CHAPTER 5 REGISTRATION OF PARA MEDICAL TECHNICIANS

19. Eligibility for registration :-

(1) Every Para Medical Technician holding appointment under the Government on the date of commencement of this Act, shall be eligible for registration under this Act.

(2) Every person who, within the period of one year from the date of commencement of this Act, or within such other longer period, as may be notified by the Government, proves that he had been in regular practice as a Para Medical Technician / Professional for a period of not less than two years preceding the date of coming into force of this Act and passes the examination conducted for the purpose by the Board shall be eligible for registration under this Act.

(3) No person shall be eligible for registration under sub-section (1) or sub-section (2), if he is subject to any of the disqualifications under sub-sections (1) to (6) of section 5.

20. Registration :-

(1) Every person qualified for registration under sub-section (1) of section 19 shall apply for registration within three months from the date of commencement of this Act or within such extended time as may be fixed by the Government, by notification in the Gazette.

(2) Every person eligible for registration under sub section (2) of section 19 shall apply for registration within three months from the date on which he became eligible for registration as provided for in the said sub-section.

(3) An application for registration under this Act shall be in the

prescribed form and shall be accompanied by such fee as may be prescribed.

(4) Every Para Medical Technician who applies to the Secretary for registration in respect of any additional recognized qualification shall pay a fee, as may be prescribed.

(5) An application for registration shall be addressed to the Secretary and if the Secretary is satisfied that the applicant is entitled to have his name entered on the register, he shall enter thereon the name of the applicant and issue to him a certificate in such form as may be prescribed.

(6) Any person whose application for registration is rejected by the Secretary, may, within three months from the date of such rejection, file an appeal to the Board and the decision of the Board thereon shall be final.

21. Renewal of Registration :-

(1) Every registration made under section 20 shall be valid for five years and will have to be renewed before the end of the fifth year.

(2) Where the renewal is not made before the due date, the Secretary shall remove the name of the defaulter from the register:

Provided that a name so removed may be restored to the register on payment of the renewal fee, together with such fine, as may be prescribed.

(3) On payment of the renewal fee and the fine, if any the Secretary shall, in the manner prescribed, issue a Certificate of Registration to the person concerned and where the name of the person has been removed from the register under sub-section (2) he shall re-enter his name in the register.

22. Removal from the Register :-

(1) Subject to the provisions of this section, where the Board is satisfied after giving the person concerned a reasonable opportunity of being heard and after making such further enquiry as it may think fit to make, it may order that the name of that person shall be removed from the register if,

(a) his name has been entered in the register by error, or on account of misrepresentation or suppression of any material fact, or

(b) he has been convicted of any offence under this Act or has been guilty of the infamous conduct in the profession which, in the opinion of the Board, render him unfit to be on the rolls of the register.

(c) it has been established that the certificate, Diploma has been obtained through a fraudulent method or false certificate.

(2) an order under sub-section (1) may direct that any person whose name is ordered to be removed from register shall be ineligible for registration under this Act either permanently or for such period as may be specified;

(3) A person aggrieved by an order under sub section (1) may, within thirty days from the date of order appeal to the Government and the decision of the Government shall be final;

(4) A person whose name has been removed from the register under this section shall forthwith surrender his Certificate of Registration to the Secretary.

23. Restoration to the Register :-

The Board may at any time, for reasons to be recorded in writing, order that the name of a person removed from the register under sub-section (1) of section 22 shall be restored on payment of such fee, as may be prescribed.

CHAPTER 6 RECOGNITION OF PARAMEDICAL EDUCATIONAL AND TRAINING INSTITUTIONS

24. Recognition of Institutions :-

(1) Subject to the provisions contained in section 24, no person shall establish a para medical institution or conduct any paramedical course for preparing students to acquire any recognized qualification, without the prior recognition by the Board.

(2) A person may apply for the recognition of a para medical institution shall be made to the Secretary of the Board in such form and shall be accompanied by such fee, as may be prescribed.

(3) On receipt of the application made under sub section (2), the Secretary to the Board shall conduct such enquiry in such manner as may be prescribed and shall, by order grant recognition or reject the application for recognition in such manner as may be prescribed.

(4) The educational and training institutions conforming to the standards fixed by the Board by regulations made under this Act, alone shall be given recognition under this Act.

(5) Notwithstanding anything contained in sub section (1), all institutions conducting para medical courses as on the date of commencement of this Act shall apply for recognition to the Board within three months from the date of commencement of this Act. If the institution applying for recognition does not conform to the standards fixed by the Board in this regard, temporary recognition may be granted to the institution subject to the condition that the facilities in accordance with the standards fixed by the Board shall be provided within a period of one year from the date of grant of temporary recognition.

(6) If the institution does not provide the facilities in accordance with the standards fixed by the Board, within the period specified therein the temporary recognition granted under sub-section(5) shall be withdrawn forth with.

25. Withdrawal of recognition :-

Where, on the basis of a report of a Committee appointed by the Board in this behalf, it is satisfied that an institution recognized under this Act,-

(a) has failed to comply with conditions of recognition; or

(b) there exists any of the grounds which would have entitled to refuse the application for recognition the Board may by order withdraw such recognition, provided that, before such withdrawal of recognition, the Board shall give an opportunity to the person managing that institution for making his representation.

26. Recognition of qualification :-

(1) The Board on representation or otherwise may recognize any Degree, Diploma or Certificate awarded by any University, Board or Institution established under any law for the time being in force to be recognized qualification for the purposes of this Act.

(2) Where a qualification is recognized under sub section (1), the Government shall, by notification in the gazette, declare the same as equivalent qualification for the purposes of this Act.

27. Inspection of institutions :-

(1) The Board may appoint either on regular or ad-hoc basis such number of officers as it may deem necessary, to inspect any institution for the purposes of granting recognition under this Act.

(2) The officers referred to in sub-section (1) shall also be empowered to conduct periodical inspections of the recognized institutions to ensure that the required standards are being maintained by them.

(3) The Secretary or any officer authorised by the Board may enter into the premises of any recognized institutions to make any inquiry or inspection which is authorized by the provisions of this Act or of any rule or regulation or order made thereunder.

(4) The Manager and employees of a recognized institution and its employees shall be bound to offer to the officers of the Board such access at all reasonable times, to the premises of such institution and to all documents and materials as may in the opinion of such officers be necessary to enable them to discharge their duties under this section.

CHAPTER 7 FINANCE

28. Fund of the Board :-

(1) All fees received, all income such as rent and profits derived from properties and funds vested in the Board, all grants and loans received if any from the Government, all endowments and donations received from any source whatsoever, all other miscellaneous receipts of the Board and all remittances received in connection with the affairs of the Board, shall form the fund of the Board, which shall be utilised for the purposes, laid down in this Act and in the rules, regulations and orders made there under.

(2) The Fund of the Board shall be deposited in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (Central Act 2 of 1934) or in the Government Treasury as may be decided by the Board.

(3) The custody of the Fund, the payment of moneys therein, the withdrawal of moneys there from and all other ancillary matters shall be regulated by such rules as may be prescribed in that

behalf.

29. Annual Accounts and Audits :-

(1) The annual report and accounts of the Board shall be approved by it and shall be got audited before the end of September of the next year :

Provided that the accounts of receipts and expenses of the fee levied and collected shall be duly certified by the Board in the annual report.

(2) The Audit may be done by any Chartered Auditor appointed by the Board from a panel approved by Government and the Board shall bear the cost of the audit.

(3) The accounts of the Board as certified by the auditor together with the audit report there on shall be forwarded annually to the Government.

(4) The Government shall cause the accounts of Board together with the audit report thereon forwarded to them under sub-section (3) to be laid annually before the Legislative Assembly.

CHAPTER 8 GENERAL PROVISIONS

30. Persons not registered under this Act not to practice :-

(1) No person other than a person registered under this Act shall practice as a Medical Laboratory Technician, Ophthalmic Assistant, E.C.G Technician, E.E.G Technician, E.M.G Technician, Radiographic Technician or such other Technicians declared by the Government as Para Medical Technicians from time to time.

(2) Any person who acts in contravention of this section shall on conviction be punishable,-

(a) in the case of a first offence with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees; and

(b) in the case of a second or subsequent offence, with imprisonment for a term which may extend to one year, but which shall not be less than three months and with fine which shall not be less than two thousand rupees, but which may extend to five thousand rupees.

31. Offences by Hospitals, Institutions etc. :-

(1) No dispensary, hospital, infirmary, Lying-in- Hospital, sanitorium, operation theatre, nursing home, blood bank, medical laboratory or other similar institution shall employ any person as a Para Medical Technician unless such person is a Para Medical Technician registered under this Act.

(2) Whoever contravenes the provisions of sub section (1) shall be punishable with fine which may extend to five thousand rupees.

32. Prohibition against unauthorized conferment of degree etc. :-

(1) Save as provided by this Act or the rules made there under, no person shall confer, grant or issue or hold himself out as entitled to confer, grant or issue any diploma, certificate or other document stating or implying that the holder, grantee or recipient thereof is qualified to practice as a Para Medical Technician.

(2) Whoever contravenes the provisions of sub section (1) shall, on conviction, be punishable with fine which may extend to five thousand rupees and if the person so contravenes is an Association, every member of such Association who knowingly or willfully authorizes or permits the contravention shall, on conviction, be

punishable with fine which may extend to one thousand rupees.

33. Penalty for unauthorized use of titles :-

(1) No person shall add to his name any title, letters or abbreviations, which imply that he holds a degree or diploma license or certificate as his qualification to practice as a Para Medical Technician, unless,-

(a) he has actually received such degree or diploma or license or certificate; and,

(b) such degree or diploma, license or certificate is recognized by any law for the time being in force in the State, or has been conferred or granted or issued by an authority appointed under this Act.

(2) Whoever contravenes the provisions of sub section (1) shall on conviction be punishable, in the case of first offence, with fine which may extend to one thousand rupees and in the case of a second or subsequent offences, with fine which may extend to two thousand rupees.

34. Trial of offenses :-

(1) All offences under this Act are triable by a Judicial Magistrate of First Class.

(2) Notwithstanding anything contained in sub section (1), no court shall take cognizance of an offence punishable under this Act except with the previous sanction of the Board or of an officer authorised by the Board in this behalf.

35. Members of Board, Officers etc., to be public Servants :-

Every member of the Board, the Secretary, all officers and servants appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

36. Bar of Jurisdiction of Civil Courts :-

No act done or action taken, in exercise of any of the powers conferred by or under this Act, by the Government or the Board or the Executive Committee or the Secretary shall be called in question in any Civil Court.

37. Protection of actions taken in good faith :-

No suit, prosecution or other legal proceedings shall lie against the Government or the Board or its member or officer or other person in respect of anything which is in good faith done or intended to be done under this Act or the rules issued there under.

38. Nomination of the first Board :-

(1) Notwithstanding anything contained in this Act, the first Board shall be nominated by the Government for a period of three years from the date of nomination or till the constitution of the Board in accordance with the provisions of this Act, whichever is earlier.

(2) The first Board shall take all steps for the preparation of the register, recognition of the institutions.

39. Compounding of offences :-

The Board or the Secretary may, compound any offence punishable under this Act before their cognizance by the Court, on payment of a sum which may not be less than the minimum of the fine stipulated for such offence but may extend to the maximum of the fine stipulated for such offence by way of composition of the offence :

Provided that no such compounding shall be permitted in the case of a second or subsequent offence.

40. Power to take evidence on oath etc :-

The Board or the Secretary exercising powers under this Act shall for the purposes of such functioning have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), while trying a suit, in respect of the following matters, namely:

- (a) Enforcing the attendance of any person and examining him on oath ;
- (b) Requiring the discovery and production of documents;
- (c) Receiving evidence on affidavit;
- (d) Issuing notices for the examination of witnesses;
- (e) Such other matters as may be prescribed.

41. Directions by Government :-

- (1) The Government may, after consultation with the Board, give to the Board general directions to be followed by the Board.
- (2) In the exercise of its powers and performance of its duties under this Act, the Board shall not depart from any general directions issued under sub-section (1), except with the previous permission of the Government.

42. Power to remove difficulties :-

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, do anything not inconsistent with such provisions, which appear to them to be necessary or expedient for the purpose of removing the difficulty.
- (2) No order under sub-section (1) shall be made after the

expiration of a period of two years from the commencement of this Act.

43. Power to make regulations :-

(1) The Board may, with the previous approval of the Government, make regulations, not inconsistent with this Act or the rules made there under, for all or any of the following matters namely :

(i) the time and place at which the Board and the executive committee shall hold its meeting and the manner in which such meeting shall be convened and held ;

(ii) the courses and period of study and of practical training to be undertaken, the subjects of examination and standards of recognized qualifications ;

(iii) the recognition of any Institution for the purpose of such training and the granting of Degree, Diploma etc., to candidates passing the examinations ;

(iv) minimum criteria to be fulfilled for admission to these courses and the procedure to be followed in the selection of candidates ;

(v) the standards of staff, equipment, accommodation, training and other facilities for education in the Institution ;

(vi) the conduct of professional examinations, qualifications of examiners and the conditions of admission to such examinations ;

(vii) the standards of professional conduct and etiquette and code of ethics to be observed by Para Medical Technicians ;

(viii) the procedure and conditions for recognition of qualifications.

(2) All regulations made under this section shall be published in the Gazette.

(3) The Board may, with the previous approval of the Government by notification in the Gazette, at any time, modify, amend or cancel any such Regulations.

44. Power to make rules :-

(1) The Government may by notification in the Gazette, make rules to carry out all or any of the purposes of this Act, not inconsistent with any of the provisions contained therein.

(2) In particular and without prejudice to the generality of the foregoing power, Government may make rules providing for,

(a) the fees and other allowances payable to the President, Vice-President and other members of the Board under section 4;

(b) the method of appointment, qualifications, salary allowances and other conditions of service of the Secretary;

(c) the form of the registers and the particulars to be entered therein under section 17 ;

(d) the forms of applications and the fees to be paid under section 20 ;

(e) the form of the certificate to be issued under sub section (5) of section 20 and the particulars which it shall contain ;

(f) the payment of renewal fee and fine under section 21 ;

(g) the fee to be levied under section 23 ;

(h) the custody of the fund of the Board and of the ancillary matters under section 28 ;

(i) any other matter which has to be or may be prescribed by rules made under this Act ;

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule, or decides that the rule shall not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however that any such modification or amendment shall be without prejudice to the validity of anything previously done under this Act.

45. Repeal of Ordinance No. 7 of 2006 :-

The Andhra Pradesh Para Medical Board Ordinance, 2006 is hereby repealed.