



TELANGANA STATE MEDICAL COUNCIL

**Telangana State Medical Council Adaptation Notification issued in GOMS.No.68,
HM&FW (C1) Dept, Dt:03-08-2015 of Government of Telangana**

ANDHRA PRADESH MEDICAL PRACTITIONERS REGISTRATION ACT, 1968 (ACT NO.23 OF 1968)

AMENDED ACT NO. 28 OF 1986

AND

AMENDED ACT NO. 10 OF 2013

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.

CHAPTER – I

PRELIMINARY

**SHORT TITLE,
EXTENT AND
COMMENCEMENT**

1.(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. 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 centre 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;

(cc) "CME" means a continued medical education programme or recognised medical conference or seminar or workshop as may be approved or conducted by the Council in the State headquarters or regional headquarters or district head quarters or teaching hospitals or medical colleges or any institution run by the Andhra Pradesh Vaidya Vidhana Parishad",

The Principal Act was amended as Act No. 28/1986 and came into force on

1-4-1990

The Principal Act was further amended as Act No.10/2013, received the assent of the Governor on the 5th July, 2013 and the said assent is published on 9th July, 2013 in the Andhra Pradesh Gazette No.10, Part-IV(B) Extra ordinary and came into force on 9th July, 2013 by a Notification published in Andhra Pradesh Gazette (Extraordinary) dated. 30th July, 2013.

Clause (cc) was inserted by Act No. 10/2013(w.e.f. 09.07.2013).

(d) 'Government' means the State Government;

(dd) "Junior Resident" means a candidate after completion of rotating internship and posted for rural medical service in any ' Public Health Centre or Community Health centre' either independently or under the supervision of a Senior Medical Officer in rural area or tribal area";

(e) ' Medical College' means a 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 rules made under this Act;

(gg) " Public Health Centre" means a primary health centre, community health centre or any such other Government institution in which the methods of treatment approved by the Council within the meaning of clause(f) of section 2 of Indian Medical Council Act, 1956 are carried on and such institution situated in rural area or tribal area, but excluding an institution situated in any municipal or other urban area",

(h) 'Register' means the register maintained under Section15;

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

(ii) 'Rural Medical Service' means service rendered in any 'public health centre' or 'community health centre' either independently or under the supervision of a Senior Medical Officer in rural area or tribal area",

(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 Reorganization Act, 1956.

Clauses (dd), (gg), (ii) were inserted by Act No. 10/2013 (w.e.f. 09-07-2013)

**CHAPTER-II
CONSTITUTION AND COMPOSITION OF THE COUNCIL**

Constitution and composition of the Council 3 (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:-

Two members to be elected in the prescribed manner by the members of Executive Council of the University of Health Sciences in the State from amongst the persons holding any degree in modern medicine;

Thirteen members to be elected in the prescribed manner by the registered practitioners from amongst themselves;

Six 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.

The Director of Medical Education, The Director of Health and Family Welfare, *The Commissioner, Andhra Pradesh Vaidya Vidhana Parishad and Vice-Chancellor, Dr. NTR University of Health Sciences, AP* and any other officer to be nominated by the Government.

(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 institutions and of other groups of practitioners whose representatives have not been elected under Clause (a) of 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).

In clause (b) of Sub-section (2) of Section-3 the words "*thirteen members*" were substituted for the words "seven members" by Act No. 10 of 2013.

In clause (c) of Sub-section (2) of Section-3 the words "*Six members*" were substituted for the words "four members" by Act No. 10 of 2013.

In clause (d) of Sub-section (2) of Section-3, *The Commissioner, Andhra Pradesh Vaidya Vidhana Parishad and Vice-Chancellor, Dr. NTR University of Health Sciences, AP* were added by Act No. 10 of 2013. For the sentence any other officer performing any of the functions of either of the said Directors to be nominated by the Government Ex-officio, the sentence any other officer to be nominated by the Government, ex-officio is substituted by Act No. 10 of 2013.

4. An elected or nominated member of the Council shall hold office for a 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.

Term of Office
of elected and
nominated
members

5. (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:

Election of
Chairman
and Vice-
Chairman

Provided that for a period of two years from the date of the first constitution of the Council

Under this Act, the "one of the ex-officio members referred to in clause (d) of subsection (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.

Disqualifications for becoming members 6. 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.

Cessation of membership 7. An elected or nominated member of the Council shall cease to hold office if he –
is or becomes subject to any of the disqualifications specified in section 6;

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

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

ceases to be a registered practitioner.

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. 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

Resignation of Chairman, Vice Chairman

receipt of a notice of resignation, obtain confirmation 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. 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.

Filling of council vacancy.

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 III

EXECUTIVE COMMITTEE AND ITS POWERS

Executi

(1) There shall be an Executive Committee of the Council consisting of the Chairman and Vice-Chairman, Ex-officio, and three 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.

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.

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

The Chairman and the Vice-Chairman of the Council shall be the Chairman and the Vice-Chairman respectively of the Executive Committee.

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

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

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

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 IV

SPECIAL COMMITTEES AND THEIR FUNCTIONS

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

Not less than three members of the Council who shall be elected by the Council.

Special committees and their functions

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.

Every special committee shall elect its Chairman from amongst its members.

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.

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

CHAPTER V OFFICERS OF THE COUNCIL

Registrar 13. (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.

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.

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

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

**Medical
Register**

14. The Council shall cause to be maintained in 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 public document within the meaning of the Indian Evidence Act, 1872.

CHAPTER VI REGISTRATION OF MEDICAL PRACTITIONER

15. (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 license 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 in 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.

“ provided further that an applicant for registration from such date as any be notified by the Government in this behalf , shall produce proper evidence to the effect that he

**Registr
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or she has completed one year of Rural Medical Service in the manner prescribed thereof.

Explanation-1:- For the purpose of Sub-Section (1) of this section, an applicant for registration means, a person who holds recognised medical qualification and underwent such practical training in any approved institution in the State.

Explanation-2:- The condition laid down in second proviso to Sub-Section-(1) of this section shall also apply to the persons who have not under gone Rural Medical Service outside the State of Andhra Pradesh.

(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, 1348 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 o such conviction, or who after due inquiry by the Council or a Committee thereof was found guilty by the Council of infamous conduct in any professional respect.

"15A. (1) A citizen of India possessing a medical qualification granted by a medical institution outside India included in Part-II of the Third Schedule to Indian Medical Count', Act, 1956, who is required to undergo practical training in an approved institution shall be entitled to be registered provisionally in the Andhra Pradesh Medical Register and shall be entitled to practice medicine in any approved institution for the purpose of such training and not for other purpose.

(2) Every person who holds any of the Medical Qualifications included in the FIRST Schedule to the Indian Medical Council Act, 1956 may apply to the Registrar giving correct description of his qualification with the date on which the same was granted and present his pass certificate along with such fee as may be prescribed by the Council in this behalf, shall be entitled for the grant of Provisional Medical registration, for the purpose of enabling him to be engaged in employment in a resident medical capacity in any approved institution or in the Medical Service of the Armed Forces of the Union.

(3) The names of all persons provisionally registered under sub-section (1) or sub-section (2) in the Andhra Pradesh Medical Register shall be entered therein separately from the names of other persons registered therein.

The second proviso to Section-15 was inserted by Act No.10 of 2013 (w.e.f. 09-07-2013).

Section-15A inserted by Act No.10 of 2013 (w.e.f. 09-07-2013), inconsonance with the provisions contained in Central Act, 102 of 1956.

(4) A person registered provisionally as aforesaid who has completed practical training referred to in subsection (1) or who has been engaged for the prescribed period in employment in a resident medical capacity in any approved institution or in the Medical Service of the Armed Forces of the Union, as the case may be, subject to the conditions laid down in Second Proviso to sub-section (1) of section 15 shall be entitled for registration in the Andhra Pradesh Medical Register under section 15.

Insertion
of
sections
15A,
15AA,
15B, 15C
and 15D

(5) The Registrar shall, if satisfied that the applicant is entitled to be registered provisionally under sub-section (1) or sub-section (2) enter his name in the Register and also issue a certificate in the form prescribed in this behalf.

(6) The Provisional Registration granted under sub-section (1) or sub-section (2) shall be valid for a period of one year from the date of its issuance:

Provided that any person who is unable to complete the practical training within the validity period of such provisional registration may get the same revalidated for the required period, but not exceeding for a period of one year.

15AA. (1) Every person who has passed MBBS and completed practical training otherwise called internship of one year and posted for rural medical service, on production of proper evidence to that effect, may apply to the Registrar giving a correct description of his qualification with date on which the same was granted and with the date on which he or she has completed practical training as prescribed under sub-section (3) of section 13 of Indian Medical Council Act, 1956 or who has been engaged in employment in a resident medical capacity in any approved institution for the specified period and present his degree or provisional degree and a certificate of completion of practical training along with such fee as may be prescribed in this behalf shall be entitled for Renewal of Provisional Registration granted under sub-section (1) or sub-section (2) of section 15-A above. The Registrar shall, if satisfied that the applicant is entitled to be registered, enter his name in the register maintained for this purpose.

(2) A person who renewed his provisional registration as aforesaid and who has completed rural medical service for a period as may be prescribed by the Government in this behalf shall be entitled for registration in the Andhra Pradesh Medical register maintained under section 15.

15B. If any person whose name is entered in the Andhra Pradesh Medical Register obtains any title, or P.G. Diploma or Degree or a Higher Speciality, which is a recognized medical qualification, he or she shall, on application made in this behalf in the prescribed manner, shall be entitled to have an entry stating such other qualification made against his or her name in the Medical Register either in substitution for or in addition to any entry previously made by paying fee prescribed by the Council:

Provided that an applicant for registration of additional qualification, from such date as may be notified by the Government in this behalf, shall produce proper evidence to the effect that he or she rendered one year service as senior resident in Public Sector Hospitals established and run by the Government viz., Community Health Centers, Area Hospitals, District Hospitals, Teaching and Super Speciality Hospitals and Government Medical Colleges as the case may be in the State.

15C. (1) Subject to provisions contained in section 15(1) above, every medical practitioner shall once in every five years renew his or her registration by paying prescribed fee to the Council.

For renewal of registration such applicant shall produce evidence to the effect that he or she participated or attended a minimum of such hours, as may be prescribed in this behalf, over a period preceding five years in any recognized Medical Conference or Seminar or Workshop or Continued Medical Education Programme approved in this behalf.

The Medical Practitioner who fails to renew his or her registration under sub-section (1) and in the manner prescribed under sub-section (2), shall cease to be a registered practitioner within the meaning of section 2 (i) of the Act and the Registrar shall remove the name of such practitioner from the 'Register' maintained under section 15:

Provided that the Registrar may grant fresh registration in such cases on payment of fee as prescribed in this behalf and on an application prescribed thereto.

Sections 15AA, 15B and 15C inserted by Act No.10 of 2013 (w.e.f. 09-07-2013).

Section 15B came into force w.e.f. 02-08-2013 by a Notification published in Andhra Pradesh Gazette Part-I extraordinary dated: 2nd Aug 2013.

15D. (1) Any Medical Practitioner from other Country in the world or from other State in India who visits Andhra Pradesh for the purpose of demonstration of skill or conducting surgeries or procedures or workshop for the purposes of teaching, research or charitable work who has not registered his or her name in Medical Council of India shall apply to the Registrar for the purpose of Temporary Permission for undertaking the aforesaid professional activities:

Provided that medical practice by such persons shall be,

(a) permitted only if they are enrolled as medical practitioners in accordance with the law regulating the registration of medical practitioners for the time being in force in that Country or in that State

(b) limited to the institution to which they are attached for the time being for the purposes of teaching, research or charitable work.

(c) limited to the period specified in this behalf by the Council by general or special order.

(2) Any institution or administrator or head of the unit of the concerned specialty shall give correct description of qualifications of foreign visiting doctors with dates on which they were granted and present such degree or diploma or license along with such fee prescribed by the Council.

Notice
of
death

16. (1) Every Registrar of Births and Death on receiving notice of the death of 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.

Cancellation
Or alteration
of entry
made in
the register

17. (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, Homeopathic, 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'.**

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

Sections 15D inserted by Act No.10 of 2013 (w.e.f. 09-07-2013).

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.

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

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

Issue of duplicate certificate of registration.

CHAPTER VII
MEDICAL PRACTITIONERS REGISTRATION FUND

Medical Practitioners Registration -

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

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

All orders or cheques shall be signed by the Registrar.

Privileges of registered practitioners.

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

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.

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 practicing or as being prepared to so practise.

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

(iv) The Government shall permit the Council to constitute two or three member committees for the purpose of visiting or inspecting any hospital or nursing home or institutions or places where alleged unethical practices are being taken place and where un-qualified persons or quacks or doctors who do not belong to modern system of scientific medicine practicing modern medicine and prescribing drugs of modern medicine. Such committee shall be formed by Chairman of the Council with the members of all categories except ex-officio members of the Council;

(v) The Government shall also permit the Council to constitute such committees as specified in Clause (iv) above to visit or inspect institutions or hospitals or places or nursing homes where the names of the doctors are removed from the register for their unethical acts but alleged to be continuing to practice without surrendering the certificate of registration without sufficient cause within the prescribed time”.

Penalty for falsely claiming to be registered. Penalty for contravention of provisions of clause (ii) of section 20.

Clauses (iv) and (v) inserted by Act No.10 of 2013 (w.e.f. 09-07-2013).

CHAPTER VIII PENALTIES

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.

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 six months or with fine which may extend to one thousand rupees or with both.

If any person whose name has been removed or deleted from the register under section 17 fails without sufficient cause to surrender his certificate or 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.

Failure to surrender certificate

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

Jurisdiction of Magistrate

CHAPTER IX APPEALS

25. 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 the Council.

Procedure in inquiries and appeals.

26. (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.

Appeal from the decision

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

Appeal from order of Registrar.

27. 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 X MISCELLANEOUS

Control
by
Government

28. 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.

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.

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.

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

Power
to make
rules.

(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.

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

Power
of
council
to
make
regulations.

for the conduct of elections to the Executive Committee and other Committees :
for the convening of meetings of the Council, the Executive Committee and other Committees;
for the conduct of business at such meetings;
for the appointment, and the conditions of service of the Registrar and other officers and servants appointed under section 13;
the conditions subject to which the Council may delegate its powers and duties to any Special Committee;
any other matter which is to be provided for in the regulations, or may be necessary for carrying out the purposes of this Act.

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

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

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

33. 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. 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.

Allowances to members

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

Repeals and savings

Provided that -

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

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

the Medical Council constituted for the Andhra area or the Telangana area under the relevant repealed Act and functioning immediately before that 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;

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.

Extension and amendment of Central

36. (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 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.

for sub-clause (i) of clause (b) of subsection (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".