

ANDHRA PRADESH MEDICAL COUNCIL (CONDUCT OF ELECTION) RULES, 1978

(G.O.Ms.No. 131 Medical and Health (K1), 1st February, 1978.)

In exercise of the powers conferred by sub-section (1) of Section 31 of the Andhra Pradesh Medical Practitioners Registration Act, 1968 (A.P.Act 23 of 1968), the Governor of Andhra Pradesh hereby makes the following Rules for the Andhra Pradesh Medical Council (Conduct of Elections).

CHAPTER I

Preliminary

1. **Short title, application and commencement:**— (1) These rules may be called the Andhra Pradesh Medical Council (Conduct of Election) Rules 1978.

(2) They extend to the whole of the State of Andhra Pradesh.

(3) They shall come into force at once.

2. **Definitions:**— In the rules, unless the context otherwise requires—

(a) 'Act' means the Andhra Pradesh Medical Practitioner Registration Act, 1968.

(b) 'Chairman' means the Chairman of the Council

(c) 'Executive Committee' means the executive committee of the Council.

(d) 'Form' means a form appended to these rules.

(e) 'Registrar' means the Registrar appointed by the council under Section 13.

(f) 'Returning Officer' means Returning Officer appointed by the Government for the First election of the members of the Committee and the Registrar for the subsequent elections.

CHAPTER - II

3. **Procedure for election of Members of the Council:**— (a) The Returning Officer shall conduct the election of the Members of the Council.

(b) **Electoral Roll:**—The Medical Register, maintained under Section 15 of the Act, shall be electoral roll for the election and all the persons whose names are registered therein shall be eligible to vote and contest in the elections.

4. The Returning Officer shall address to the Registrars of Universities in the State which have got medical faculty to elect one member who holds a recognised degree, diploma or licence in modern scientific medicine of that University to a member of the Council.

5. No person shall be eligible for election to the Council unless he has been ordinarily resident in the State for not less than five years immediately before the date of election.

6. **Notice of intended election and Poll, etc.:**—The Returning Officer shall, for the election of the members of the Council, notify in the Andhra Pradesh Gazette and in such other manner as he thinks fit, the date, time and place for—

(a) receipt of nomination paper and their scrutiny;

(b) despatch of voting papers to the electors;

(c) the poll; and

(d) the scrutiny and counting of votes.

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7. Nomination paper:— (1) Every person desiring to contest election shall submit a nomination paper in Form-II. No Registered Medical Practitioner shall be eligible to stand for election to the Council unless he resides or carries on the business or profession of medicine in the State.

- (2) Every nomination paper shall be signed by two electors as proposer and seconder and sent by post or otherwise so as to reach the Returning Officer on or before a date fixed by him which shall be not less than four weeks before the date appointed for the poll.

Provided that no elector shall sign more nomination papers than there are seats to be filled up.

Provided further that if more than the prescribed number of nomination papers are signed by the same elector, the prescribed number of nomination papers first received by the Returning Officer shall, if otherwise in order, be held to be valid and if more than the prescribed number of nominations signed by the same electors are received later all such nomination papers shall be held to be invalid.

- (3) On receipt of each nomination paper, the Returning Officer shall forthwith endorse thereon the date and hour of receipt.
- (4) Nomination papers which are not received by the Returning Officer before the date and the time appointed in the behalf shall be rejected.

8. Payment of fees:— On or before the date appointed for the receipt of nomination papers, each candidate wishing to stand for election, shall pay to the Returning Officer a fee of Rs. 100(Rupees One hundred only) in cash, and no candidate shall be deemed to be duly nominated unless such fee has been paid.

- (2) The fee so paid shall be credited to the Council and shall not be refunded in any circumstances.

9. Scrutiny of nomination papers:— (1) On the date and at the time appointed by the Returning Officer for the scrutiny of nomination papers, the candidate and the proposer and seconder of each candidate may attend the Office of the Returning Officer, who shall allow them to examine the nomination papers of all the candidates which have been received by him.

- (2) The Returning Officer shall examine the nomination papers and decide all questions which may arise as to the validity of any nomination and his decision thereon shall be final.
- (3) Any candidate may withdraw his candidature by notice, in writing, signed by him and delivered to the Returning Officer, not later than twenty-one clear days, before the date appointed for the poll. A candidate who has withdrawn his candidature shall not be allowed to be renominated as a candidate for the same election.
- (4) The Returning Officer shall, on receiving a notice of withdrawal, cause it to be published in the Andhra Pradesh Gazette.

10. Publication of list of contesting candidates and declaration of result:— (1) If the number of candidates who stand duly nominated does not exceed the number of members to be elected, the Returning Officer shall after the expiry of the time for withdrawal of candidature, declare such candidate or candidates to have been duly elected.

- (2) If the number of such candidates exceeds the number of members to be elected, the Returning Officer shall forthwith publish their names and

addresses in the Andhra Pradesh Gazette and shall further cause their names to be entered in alphabetical order, in the voting papers in Form-IV.

- (3) If a poll becomes necessary, the Returning Officer, shall, two weeks before the date appointed therefor, send by post under certificate of posting to each elector a letter of intimation on Form-V together with a numbered declaration paper in Form-III, a voting paper in Form-IV, containing the names of the candidates in alphabetical order and bearing the Returning Officer's initials or facsimile signature, a voting paper cover addressed to him (Returning Officer and an outer cover also addressed to him.).
- (4) An elector who has not received the voting and other connected papers sent to him by post or who has lost them or in case the papers, before they are returned to the Returning Officer, have been inadvertently spoiled, may transmit a declaration to that effect signed by himself, with a request to the Returning Officer to send him fresh papers, and if the papers have been spoiled, the spoiled papers shall be returned to the Returning Officer who shall cancel them on receipt. In every case fresh papers are issued, a mark shall be placed against the number relating to the elector's name in the electoral roll to denote that fresh papers have been issued.
- (5) No election shall be invalid by reason of the fact that an elector has not received his voting paper, if a voting paper has been issued to him in accordance with these rules.

11. Recording of Votes:—Every elector desirous of recording his vote shall, after filling up the declaration paper and the voting paper according to the directions given in the letter of intimation, enclose the voting paper in the voting cover, stick up the cover, enclose the cover and the declaration paper in the outer envelope addressed to the Returning Officer, and send the outer envelope by registered post, at the elector's own cost, to the Returning Officer, so as to reach him not later than 5 p.m. on the day fixed for the poll. All envelopes received after that day and hour or received by unregistered post shall be rejected.

12. On receipt of the envelopes by registered post containing the declaration papers and the closed cover containing the voting paper, the Returning Officer shall endorse on the other envelope the date and hour of receipt.

13. Time and Place for opening of Voting Papers:—The Returning Officer shall open the outer envelopes immediately after 5 P.M., on the day fixed for the poll at the place at which the envelopes are addressed to him. Any candidate may be present in person or may send a representative duly authorised by him in writing, to attend at the time the outer envelopes are opened.

14. Rejection of Voting Papers:—(1) A Voting Paper cover shall be rejected by the Returning Officer if:

- (a) the outer envelope contains no declaration paper outside the voting paper cover; or
- (b) the declaration paper is not the one sent by the Returning Officer; or
- (c) the declaration paper is not signed by the elector; or
- (d) the voting paper is placed outside the Voting paper cover; or

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- (e) more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope.

Note:—In each case of rejection the word 'rejected' shall be endorsed on the voting paper and the declaration paper.

- (2) After satisfying himself that the electors have affixed their signatures on the declaration papers, the Returning Officer shall keep all the declaration papers in safe custody pending disposal under Rule 17.

15. Scrutiny and counting of Votes:— (1) The Returning Officer shall attend, for the purpose of scrutiny and counting of the votes, at the date, time and place appointed by him in that behalf.

- (2) All the Voting paper covers, other than those rejected under Rule 14, shall be opened and the voting papers taken out and mixed together. The Voting paper shall then be scrutinized and the valid votes counted.

A voting paper shall be invalid if:—

- (a) it does not bear the Returning Officer's initials; or (b) a voter signs his name or writes a word or makes any mark on by which it becomes recognisable as his voting paper; or
- (c) no vote is recorded thereon; or
- (d) the number of votes recorded thereon exceeds the number of vacancies to be filled; or
- (e) it is void for uncertainty of one or more votes exercised;

Provided that where more than one vote can be given on the same voting paper, if one of the marks is so placed as to render it doubtful to which candidate it is intended to apply, the vote concerned but not the whole voting paper, shall become invalid on that account.

- (3) Any candidate may be present in person or may send a representative duly authorised by him in writing to watch the process of counting.

- (4) The Returning Officer shall show the voting papers, if requested to do so, to the candidates or their authorised representatives, at the time of scrutiny and counting of votes.

- (5) If any objection is made to any voting paper on the ground that it does not comply with the specified requirements or to any rejection by the Returning Officer of a voting paper, it shall be decided at once by the Returning Officer whose decision shall be final.

- (6) The Returning Officer shall nominate such number of scrutineers not exceeding four as he thinks fit. In the case of elections held for the first time under the Act, the scrutineers shall be officers of the Government of the grade of Civil Surgeons and in the case of other elections, members of the Council.

16. Declaration of result:— (1) When the counting of votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates to whom the largest number of valid votes has been given to have been duly elected and shall forthwith inform each successful candidate by letter of his having been elected to the Council. If any candidate thus shown to be elected has withdrawn from the election or refuse to accept election, then in the place of that candidate one of the remaining candidates to whom the next largest number of votes had been given shall be held to have been elected and

so on for as many of the remaining candidates as there may be vacancies caused in this way.

- (2) If there is an equality of votes between any two or more candidates, the Returning Officer shall, after notice to the candidates concerned, decide by drawing lots which candidate or candidates, he shall declare to have been elected.

17. Disposal of election Papers:— Upon the completion of the counting and after the results have been declared, the Returning Officer shall seal up the voting papers and all other documents relating to the election and shall retain the same for a period of six months and the Council shall not destroy or cause to be destroyed the records even after six months without the previous concurrence of the Government.

18. Publication of results:— The Returning officer shall publish the results of the election in Andhra Pradesh Gazette.

[**18-A.** Pending preparation of the Medical Register in accordance with the provisions of Section 15 of the said Act, the members referred to in clause (b) of sub-section (2) of Section 3 of the said Act, shall be nominated by the Government instead of being elected as provided therein.]

19. (1) Before setting aside an election in appeal under section the Government shall give an opportunity to all the parties concerned to show cause why the election should not be set aside.

(2) A decision under Section 25 may be given on the enquiry and report of the person appointed by the Government in that behalf.

20. The decision of the Government on any question arising out of the interpretation of these rules shall be final.

FORM - I

[See Rules 3(b) and 4]

A:—List of persons qualified to vote under clause (a) of sub-section (2) of Section 3 of the Andhra Pradesh Medical Practitioners Registration Act, 1968.

Name (1)	Qualification (2)	Address (3)	Remarks (4)

B:—List of persons qualified to vote under clause (b) of sub-section (2) of Section 3 of the Andhra Pradesh Medical Practitioners Registration Act, 1968.

Name (1)	Qualification (2)	Address (3)	Remarks (4)

1. Ins. by G.O.Ms.No. 1139, dt. 20-11-1978.

FORM-II*[See Rule 7]***Nomination Paper.**

Election under Clause (a)/(b) of sub-section (2) of Section 3 of the Andhra Pradesh Medical Practitioners Act, 1968.

- (1) Name of Candidate.
- (2) Father's name.
- (3) Age
- (4) Nature of Qualification under Section 15.
- (5) Address.
- (6) Signature of proposer.
- (7) Signature of Seconder.

*Returning Officer.***INSTRUCTION**

Nomination papers which are not received by the Returning Officer before.....will be invalid.

FORM-III*[See Rule 10(3)]***Declaration Paper**

Election to the Andhra Pradesh Medical Council under Clauses (a) and (b) under sub-section (2) of Section 3 of the Andhra Pradesh Medical Registration Act, 1968.

Serial Number.

Elector's name.

Number on the electoral Roll, if any.

Elector's Declaration

I,.....(Name in full, and designation if any) declare that I am an elector for the election of a member to the Andhra Pradesh Medical Council by the Registered Medical Practitioners, under clause (a)/(b) of sub-section (2) of Section 3 of Andhra Pradesh Medical Practitioners Registration Act, 1968 and have signed no other voting paper at this election.

Station:

Signature.

Date:

FORM-IV*[See Rule 10(2)]***Voting Paper**

Election to the Andhra Pradesh Medical Council under Clause (a)/(b) of sub-section (2) of Section 3 of the Andhra Pradesh Practitioner's Registration Act, 1968.

Sl.No.	Name of the candidate, duly nominated.	Vote
(1).	(2)	(3)

Returning Officer.

INSTRUCTIONS

- (1) The number of vacancies to be filled is.....
- (2) Place a cross mark thus 'X' against the name of the candidate (or each of the candidates) for whom you wish to vote.
- (3) A voting paper will be invalid, if:
 - (a) It does not bear the Returning Officer's initials or facsimile signature; or
 - (b) A voter signs his name or writes a word or makes any mark on it, by which it becomes recognizable; or
 - (c) No vote is recorded thereon; or
 - (d) The number of votes recorded therein exceeds the number of vacancies to be filled or
 - (e) It is void for uncertainty or one or more votes exercised.

FORM V

[See Rule 10(3)]

Letter of Intimation

Sir/Madam,

The persons whose names are printed on the voting paper, sent herewith have been duly nominated as candidates for election to the Andhra Pradesh Medical Council. Should you desire to vote at the election, I have to request that you will-

- (a) fill up and sign the declaration paper;
 - (b) mark your vote in the column provided for the purpose in the voting paper, as directed on the voting paper;
 - (c) enclose the voting paper in the smaller cover, and stick it up; and
 - (d) enclose the smaller cover and the declaration paper in the outer envelope addressed to me and return the same to me by registered post so as to reach me not later than.....P.M. on theday of.....20.....
2. Voting paper will be rejected if:—
- (a) the outer envelope enclosing the voting paper is not sent by registered post and received not later than the hour for the closing of the poll; or
 - (b) the outer envelope contains no declaration paper outside the smaller cover; or
 - (c) the voting paper is not enclosed in the voting paper cover; or
 - (d) the declaration paper is not the one sent by the Returning Officer to the voter; or
 - (e) more than one declaration paper or cover containing voting paper have been enclosed in one and the same envelope; or
 - (f) the declaration is not in order; or
 - (g) the voting paper is invalid.
3. A voting paper will be invalid, if:—
- (a) it does not bear Returning Officer's initial or facsimile signature; or
 - (b) A voter signs his name, or writes any word or makes any mark by which it becomes recognizable; or

- (c) No vote is recorded thereon; or
- (d) The number of votes recorded therein exceeds the number of vacancies to be filled in; or
- (e) It is void for uncertainty of one or more votes exercised.

4. If a voter inadvertently spoils a ballot paper, he can return it to the Returning Officer, who will, if satisfied of such inadvertence, issue to him another voting paper.

5. The scrutiny and counting of votes will begin on.....

6. No person shall be present at the scrutiny except the Returning Officer, and such other persons as the Returning Officer may appoint to assist him, the candidates and not more than one representative of each candidate duly authorised by him in writing.

Office of the A.P. Medical Council,
Hyderabad, A.P.

Returning Officer.

ELECTION OF THE CHAIRMAN OF THE ANDHRA PRADESH MEDICAL COUNCIL RULES

In exercise of the powers conferred by sub-section (1) of Section 5 read with sub-section (1) of Section 31 of the Andhra Pradesh Medical Practitioners Registration Act, 1968 the Government of Andhra Pradesh makes the following rules for the election of the Chairman of the Andhra Pradesh Medical Council.

1. Term of Chairman :— (1) The Chairman shall hold office as such, unless he resigns or ceases to be a member of the Council for a term of two years from the date of his election.

(2) Subject to the provision of sub-rule(1) the Chairman shall be deemed to have vacated his office as such, on the expiry of his term as a member or on his otherwise ceasing to be member.

2. Procedure for the election:— (1) The election of the Chairman shall be held by the members of the Council by ballot at a meeting of the Council.

(2) The meeting shall be presided over:

- (a) by the Chairman;
- (b) If the Chairman intends to stand as a candidate at the election or if he is absent, by the Vice-Chairman; and
- (c) If the Chairman and Vice-Chairman both intend to stand as candidates at the election or both of them are absent, by a member of the Council, not intending to stand as a candidate at the election, chosen by the members of the meeting to preside for the occasion.

3. Procedure for nomination:— (1) A candidate for the Office of the Chairman, shall be proposed by one of the members of the Council and seconded by another.

(2) The names of all the candidates proposed and seconded shall be read out by the Chairman of the meeting.

4. Poll:— (1) If there is only one nominated candidate, there shall be no ballot and he shall be declared to have been elected.

- (2) If there are two or more candidates, the votes of the members of the Council present at the meeting shall be taken by ballot.

5. Procedure for giving voting papers:— Every member of the Council wishing to vote shall be supplied with a voting paper, initialled back by the Chairman of the meeting, on which the names of all the candidates shall be printed or typed in the following form.

NAMES

- 1.
- 2.
- 3.
- 4.

The voter shall then proceed to the place set apart for the purpose. Place a mark 'X' against the name of the candidate for whom he wishes to vote. He shall then fold up the voting paper so as to conceal his vote and show the initials of the Chairman of the meeting and deposit them open the box and count the votes in the presence of the members of the Council and declare the votes and also the result of the election in the presence of the members of the Council in accordance with the following instructions :

- (a) If there are only two candidates, the one who secures the larger number of votes shall be declared to have been elected. In the event of there being equality of votes between the two candidates, the Chairman of the meeting shall draw lots in the presence of the members of Council and the person whose name is first drawn shall be declared to have been elected.
- (b) If there are more than two candidates, the one who obtains the lowest votes shall be eliminated and the votes taken again. If there is an equality of votes among all the candidates or if two or more candidates, lowest on the list, have obtained equal number of votes, the Chairman of the meeting shall ascertain by casting lots in the presence of the members of the council, which of them shall be eliminated. The elimination shall be repeated until two candidates only are left, when votes shall be taken for the last time and the candidate who secures the larger number of votes shall be declared to have been elected. In the event of there being an equality of votes at the final stage between the two remaining candidates, the Chairman of the meeting shall draw lots in the presence of the members of the Council and the person whose name is first drawn shall be declared to have been elected.

6. Scrutiny of Voting Papers:— Any voting paper, which contains the signature of any member of the Council or on which the mark is placed against more than one name, shall become invalid.

7. Disposal and custody of voting papers:— Upon the completion of the counting and after the result has been declared by him, the Chairman of the meeting shall seal up the voting papers and all other documents relating to the election and hand them over to the Registrar, who shall retain the same for a period of six months and thereafter cause them to be destroyed.

8. Finality of decision:—The Government, may, of their own motion, or on objection made, declare any election held to be void on account of corrupt practice or any other sufficient cause and may call on the Council to make a fresh election. The decision of the Government under this rule shall be final.

THE ELECTION OF VICE-CHAIRMAN OF THE ANDHRA PRADESH MEDICAL COUNCIL

In exercise of the powers conferred by sub-section (2) of Section 5 read with sub-section (1) of Section 31 of the Andhra Pradesh Medical Practitioners Registration Act, 1968 (A.P. Act 23 of 1968), the Governor of Andhra Pradesh hereby makes the following rules for the election of Vice Chairman of the Andhra Pradesh Medical Council.

1. Election of Vice-Chairman:—The Vice-Chairman of the Council shall be elected by ballot at the first meeting of the Council in each calendar year. In the case of an equality in the number of votes polled for two or more members of the Council, the choice among such members shall be determined by lot.

2. Term of Vice-Chairman:—(1) The term of Vice-Chairman shall ordinarily continue till the first meeting of the Council in the succeeding year, when he will be eligible for re-election.

(2) If he vacates his office before the expiry of his term, a substitute shall be elected by ballot; but the Vice-Chairman thus elected shall hold office only until the first meeting referred to in Rule 2.

RULES FOR THE ELECTION OF MEMBERS OF THE EXECUTIVE COMMITTEE UNDER SUB-SECTION (1) OF SECTION 11 OF THE ANDHRA PRADESH MEDICAL PRACTITIONERS REGISTRATION ACT, 1968

1. Executive Committee:—The election of members of the Executive Committee of the Council shall be conducted by the Chairman of the Council or in his absence by the Vice-Chairman, and in the absence of both the Chairman and the Vice-Chairman, by the person presiding over the meeting of the Council.

2. Procedure for nomination:—Every candidate for election shall be duly proposed by a member of the Council and seconded by another. Every candidate shall at the time of his nomination, signify his consent, in writing, to serve on the Executive Committee, if elected.

3. Right of nomination:—Every member of the Council shall be entitled to propose or second as many candidates in terms of the number of seats to be filled in.

4. Declaration of election without poll:—If the number of candidates nominated does not exceed the number of members to be elected, the Chairman of the meeting shall declare all such candidates to have been duly elected.

5. Poll:—If the number of candidates nominated exceeds the number of members to be elected, the Chairman of the meeting shall hold an election in the following manner namely:—

(a) The names of the candidates nominated shall be conspicuously exhibited, in writing, on a black-board or in any other convenient manner so as to be visible to the members.

(b) Every member wishing to vote shall be supplied with a voting paper initialled by the Chairman of the meeting and containing the names of the candidates either typewritten or cyclostyled in English, in alphabetical order with some space between one name and another. The member shall then proceed to the place set apart for the purpose of voting and put the mark 'X' against the name of the candidate or candidates for whom he wishes to vote. He shall then fold up the voting paper so as to conceal his vote and after showing to the Chairman of the meeting and obtaining the Chairman's initials, deposit the same in a ballot box.

6. Declaration of result:—The Chairman of the meeting shall declare the candidates to have been duly elected (upto the number of members to be elected) to whom the majority of votes have been given.

7. Determination by lot:—If there is an equality of votes between two or more candidates, the choice of the member to be elected shall be determined by the Chairman of the meeting by lot.

8. Finality of decision:—If any dispute arises in connection with any election under these rules, the dispute shall be referred to the Government whose decision thereon shall be final.

RULES REGULATING THE PROCEDURE AT AN ENQUIRY HELD UNDER SECTIONS 15 & 17 OF THE ANDHRA PRADESH MEDICAL PRACTITIONERS REGISTRATION ACT, 1968

1. Preliminary Procedure:— Whenever information is received that a Medical Practitioner, who is an applicant for registration, or whose name has already been registered, has been guilty of conduct which *prima facie* constitutes infamous conduct, in his professional respect, the Registrar shall make an abstract of such information.

2. Where the information, in question is in the nature of a complaint by a person or body, charging a Medical Practitioner with infamous conduct in his professional respect, such complaint shall be made in writing addressed to the Registrar, setting forth the grounds of complaint and accompanied by one or more declarations as to the fact, of the case.

3. Every declaration must state the description and true place of abode of the declarant, and where the facts stated in a declaration are not within the means of personal knowledge of the declarant, the source of the information be fully stated.

4.(1) The abstract and, where a complaint has been lodged, the complaint, and all other documents bearing on the case, shall be submitted by the Registrar to the Chairman who may, if he thinks fit, instruct the Registrar to furnish the Medical Practitioner concerned with a copy of the complaint and other documents, and invite him by means of a registered letter, to submit any explanation he may have to offer. The documents, including any explanation submitted by the Practitioner to the Registrar, shall then be placed before the Council.

The Council may then;

- (a) Order that all further proceedings be stopped, or
- (b) appoint a Committee to consider the matter and submit a report to the Council as to whether proceedings should be instituted under Section 15 or 17 of the Act, or
- (c) direct that a regular enquiry be held by the Council or a Committee thereof appointed under Section 26 of the Act.

The Committee appointed to make a preliminary enquiry shall have power to cause further investigation to be made and take further evidence and also any legal advice or procure any legal assistance as it may think necessary.

- (2) If the Council consider that the case is one in which an enquiry under Sections 15 to 17 of the Act ought to be held, the Chairman shall direct the Registrar to take steps for the institution of any enquiry and for having the case heard and determined by the Council.

5. The Council or Committee thereof appointed under Section 26 of the Act shall observe the procedure laid down in the following rules.

6.. When the charge is brought by a complainant, they shall require the complaint to be reduced to writing and verified by oath or solemn affirmation of the complainant. The articles of charge and a list of documents and witnesses by which each charge is to be sustained shall then be prepared arjd the Registrar shall then issue a notice, in writing on behalf of the Council, addressed to the Medial Practitioner concerned. Such notice shall be accompanied by a copy of the articles of charge and list of witnesses and documents referred to above and shall inform the Medial Practitioner concerned the day on which and the hour at which the Council or Committee intended to deal with the case and call upon him to attend, in person, or by Council before the Council or Committee on that day and hour. The notice shall be in the Form appended to these rules, with such variations as may require. It shall be served on the Medical Fracutioner fifteen clear days before the beginning of the enquiry, and shall be accompanied by a copy of the provisions contained in Sections 15,17 and 26 of the Act and of the rules regulating the procedure for conducting any inquiry. Service of the notice may be made either by delivery to the Medical Practitioner in person or by registration acknowledgement due letter addressed to his usual residence.

7. In every case in which the Council resolve that an inquiry shall be instituted and notice of inquiry is issued accordingly, the complainant (if any) and the Medical Practitioner concerned shall, upon request in writing signed by the party or his counsel, be entitled to be supplied by the Registrar with a copy of any declaration, explanation, answer or other document given or sent to the Council by or on behalf of the other party, which such other party will be entitled on proper proof to use at the hearing as evidence in support of, or in answer to, the charge specified in the notice of inquiry.

8. Any answer, evidence, or statement forwarded or application made by the Medical Practitioner between the date of the issue of the notice and the day named for the hearing of the charge, shall be dealt with by the Chairman in such manner as he shall think fit.

9. Copies of all material documents which are laid before the Council or Committee as evidence in regard to the case, shall be made and furnished to each member of the Council or Committee, as the case may be; before the hearing of the case.

10. At the hearing of the case by the Council or Committee the complainant and also the Medical Practitioner concerned may, if they so desire, be represented or assisted by Counsel.

11. When the complainant appears personally or by Counsel, the order of procedure shall be as follows:—

- (1) The complainant shall exhibit the articles of charge to the Council or Committee, which shall be openly read.
- (2) The Medical Practitioner concerned shall then be called upon to plead "guilty" or "not guilty" to each of the charges, which plea shall forthwith be recorded with the articles of charge. If the Medical Practitioner refuses or without reasonable cause neglects to appear to answer the charge either in person or by Counsel, he shall be taken to have admitted the truth of the articles of charges.
- (3) The complainant may then address the Council or Committee in explanation of the articles of charge and of the evidence by which they are proved.
- (4) The oral and documentary evidence shall then be exhibited. The witnesses shall be examined by or on behalf of the complainant and may be cross-examined. No question should be asked in re-examination on any new matter without leave of the Council. The Council or Committee may put such questions as they think fit.
- (5) If, before the close of the case for the complainant, it shall appear necessary, the Council or Committee may, in their discretion, allow the complainant to exhibit evidence not included in the list furnished to the Medical Practitioner concerned or may themselves call for new evidence and in such case the Medical Practitioner concerned or may themselves call for new evidence and in such case the Medical Practitioner shall be entitled to have, if he demands it, and adjournment of the proceedings for three clear days before the exhibition of such new evidence exclusive of the day of adjournment and of the day to which the proceedings are adjourned.
- (6) When the case for the complainant is closed, the Medical Practitioner concerned shall be required to make his defence, orally or written as he shall prefer. If made in writing, it shall be openly read and a copy shall be given at the same time to the complainant.
- (7) The evidence for the defence shall then be exhibited, on oath witnesses examined who shall be liable for cross-examination and re-examination and to examination by the Council or committee in the same manner as the witnesses for the complainant.
- (8) The Council or Committee or some person appointed by them shall take notes in English of all the oral evidence, which shall be read aloud to each witness by whom the same was given, and if necessary, explain to him in the language in which it was given, and shall be recorded with the proceedings.
- (9) If the Medical Practitioner concerned makes only an oral defence and exhibits no evidence, the complainant shall be entitled to a general oral reply on the whole case, and may also exhibit evidence to contradict any evidence exhibited for the defence, in which case the Medical Practitioner concerned shall not be entitled to any adjournment of the proceedings, although such new evidence was not included in the list furnished to him.

- (10) When the Council or Committee shall be of opinion that the articles of charge, or any of them, are not drawn with sufficient clearness and precision, the Council or Committee may, in their discretion, require the same to be amended, and may thereupon on the application of the complainant or the Medical Practitioner concerned, adjourn the enquiry for such time as they may consider reasonable. The Counsel or Committee may also, if they think fit, adjourn the inquiry from time to time, on the application of either the complainant or the Medial Practitioner concerned, on the ground of sickness or unavoidable absence of any witness or such other cause as they may consider reasonable. When such application is made and refreshed, the Council or Committee shall record the application and their reasons for refusing to comply with it.
- (11) When there is no complainant or no complainant appears, the proceedings shall begin by the Registrar reading to the Council the notice of inquiry addressed to the Medical Practitioner concerned and the articles of charges stating the evidence by which the articles of charge are supported.
- (12) The Medical Practitioner shall then be called upon to plead "guilty" or "not guilty". The further proceedings shall be conducted in accordance with the procedure laid down in rule (11) above.
- (13) The Council or Committee may, at their discretion, hold the inquiry in camera.
- (14) (1) Upon the conclusion of the case, the Council or Committee will deliberate thereon in private and at the conclusion of the deliberations the Council or the Committee shall vote on the question whether the articles of charge are proved or not, and whether they show that the Medical Practitioner concerned has been guilty of infamous conduct in a professional respect or not.
(2) If the Council or Committee by a majority find the Medical Practitioner guilty of infamous conduct in a professional respect, the Chairman shall direct the Registrar not to register his name if he be an applicant for registration, or to erase his name altogether, or for a specified period from the register of Medical Practitioners if he is already a registered practitioner, except in cases where the Council or Committee consider that in view of extenuating circumstances, the Practitioner may be let off with a warning.
- (15) When the registration of the name of any Medical Practitioner is refused or when the name of any Registered Medical Practitioner is removed from the Register in accordance with the provisions of the preceding rules, the Register shall forthwith send notice of such removal to the Medial Practitioner concerned, and such notice shall be sent by a registered letter addressed to his last known address. The Registrar shall also send forthwith intimation of any such refusal or removal to the body or bodies from whom the Medical Practitioner received his qualification or qualifications, and shall request them not to admit him to any examination for any new qualification which is registerable in the register of registered practitioners without previous reference to the Council.

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FORM NOTICE

(See Rule 6)

Sir,

On behalf of the Andhra Pradesh Medical Council, I give you notice that information and evidence have been laid before the Council by which the complainant makes the following charge (or charges) against, you, namely (here set out the circumstance briefly), and that you have thereby been alleged to be guilty of infamous conduct in a professional respect.

And I am directed further to give you notice that on the date of 20..... a meeting of the Council will be held at O'clock in the to consider the above mentioned charge (or charges) against you and decide whether or not they should direct that your name shall not be registered/be removed from the register of registered practitioners pursuant to Sections 15 and 17 of the Act. You are invited and hereby required to attend, in person or by Counsel, before the Council at the above named place and time, to establish any denial or defence that you may have to make to the above mentioned charges and you are hereby informed that, if you do not attend as required, the Council may proceed to hear and decide upon the said charges in your absence.

Any reply or other communication or application which you may desire to make respecting the said charges or your defence thereto should be addressed to the Registrar of the Andhra Pradesh Medical Council and transmitted so as to reach him not less than three clear days before the day appointed for the hearing of the case.

Copies of the provisions contained in Sections 15, 17 and 26 of the Andhra Pradesh Medical Practitioners Registration, Act, 1968, and of the rules regulating the procedure for conducting any enquiry are enclosed herewith for your information.

A copy of the articles of the charge and of list of documents and witnesses by which each charge is to be sustained are attached.

In exercise of the powers conferred by sub-section (4) of Section 17 read with sub-section (1) of Section 31 of the Andhra Pradesh Medical Practitioners Registration Act, 1968 (A.P. Act 23 of 1968), the Governor of Andhra Pradesh hereby makes the following rules for the deletion of names of the registered practitioners from register.

1. Every application by a Registered Practitioner for the deletion of his name from the Medical Register, shall be accompanied by a declaration in the following Form:

FORM

"I hereby declare that I am not aware of any disciplinary proceedings against me on the ground of a defect of character or of infamous conduct in any professional respect, nor have I been convicted of any offence implying a defect of character."

2. On receiving such application the Registrar shall ascertain whether there is any objection to the deletion of the name by referring to the medical authorities who granted the applicant his qualifications, and if the applicant's name has been registered in the Medical Register of any other State Medical Council, also the authority who granted the registration.

3. After the replies from the authorities referred to in Rule 2 are received, or if no replies are received after allowing a reasonable time for the receipt of the replies, the application, shall, at the earliest opportunity, be placed before the Executive Committee of the Council. The recommendation of the Executive Committee shall be placed before the Council.

4. The Council shall consider the recommendation of the Executive Committee and pass a resolution either accepting or rejecting the application.

Provided that no application shall be disposed of during the pendency of any disciplinary proceedings against the applicant or if any disciplinary proceedings are contemplated against him, until such proceedings are completed and orders are passed thereon:

Provided further that if any application is made with a view to enable the applicant to pursue a course of conduct which would have brought him under the disciplinary jurisdiction of the Council, had the applicant's name continued to remain on the Medical Register it shall be rejected.

5. The Registrar shall carry out the decision of the Council and communicate the decision to the applicant by a letter addressed to the applicant's registered or last known address.

6. When the name of any Registered Practitioner has been deleted from the Medical Register under sub-section (4) of Section 17 of the Act, the Registrar shall notify such deletion to all the Medical Councils in India and the Register of each council will be requested on receiving this notification to delete forth with from his Medical Register the name of the Registered Practitioner, if he is registered in such Medical Register.

7. The Registrar may restore to the Medical Register subject to the provisions of Sections 14 and 15 of the Act the name of a practitioner which has been deleted under the provisions of sub-section (4) of Section 17 of the Act.

In exercise of the powers conferred by Section 34 read with sub-section (1) of Section 31 of the Andhra Pradesh Medical Practitioners Registration Act, 1968 (A.P. Act 23 of 1968), the Governor of Andhra Pradesh hereby makes the following rules for the payment of Allowances to the members of the Andhra Pradesh Medical Council.

1. For attending the meeting of the Council or Executive Committee, allowances shall be payable to members from the funds of the Council as set forth below:

- (a) Government servants should draw the traveling allowance to which they are entitled under the Andhra Pradesh Travelling Allowance Rules.
- (b) A member, who is not a Government servant, shall be allowed first class railway fare, halting allowance and the road mileage according to the rule applicable to non-Official Members of the first Class Government Committees. The halting allowance shall be admissible for any day on which he is required to halt on the business of Council or the Executive Committee at a place other than where his permanent residence is situated.

Note:— In the event of a member actually travelling throughout the 24 hours from one midnight to the next midnight, halting allowance would not be admissible. On the other hand should he halt even for less than 24 hours for a meeting he would be entitled to it.

2. The Official and non-official Members of the Council of the twin cities shall be eligible to a sitting fee of Rs. 25 per day including Chairman or Vice-chairman for attending the meeting of the Council or Executive Committee.

In exercise of the powers conferred by Section 14 read with sub -section (1) of Section 31 of the Andhra Pradesh Medical Practitioners Registration Act, 1968 (A.P. Act, 23 of 1968), the Governor of Andhra Pradesh hereby makes the following rules for the maintenance of the Medical Register, etc.

1. The Register of Medical Practitioners which is required to be kept under Section 14 of the Act shall be maintained by the Registrar appointed under Section 13 (1) of the Act.

2. The register shall be verified by the Registrar's signature.

3. Every year the Registrar shall in the month of April cause to be printed and published the register prescribed above and corrected upto the 31st December of preceding year. The Registrar shall keep an inter-leaved copy of such printed list wherein he shall make, during the year, any entry, alteration or erasure that may be necessary.

4. (1) Where the address of any practitioner is not known or is found to be incorrect, the Registrar shall write to the practitioner at his last known address and ask him to furnish his correct address. The Registrar may also make other endeavours to ascertain the correct address.

(2) If no information regarding the correct address is received from the practitioner or from any other authentic source, the word "Address unknown" shall be entered in the address column of the register against the name of the practitioner.

(3) Where authentic information is available that a practitioner is dead, the Registrar shall omit this name from the register.

5. At the end of the register printed as laid down in Rule 3 there shall be entered a statement showing (1) the total number of persons at the beginning of the year (2) the number of persons added by the registration during the year (3) the number restored to the register (4) the number erased from the register quoting the provision of the Act under which the name has been erased (5) the number removed by death and (6) the total number remaining at the end of the year.

6. Every person whose name has been entered in the Register shall be entitled to receive from the Registrar a Certificate of Registration in Form I appended to these rules on payment of Registration fee as levied by the Council. The Certificate shall set forth the full name of the person, his registered number, his address, the date and place of registration and the qualifications in respect of which it has been registered.

7. Every person who has obtained a Certificate of Registration from the Registrar in Form I appended to these rules, shall be entitled to receive a duplicate certificate in the same form on payment of a fee as prescribed by the Council. The word "Duplicate" shall be clearly shown across a duplicate certificate.

FORM - I

(See Rule 5)

Medical Registration Certificate

Certificate No.

Andhra Pradesh Medical Council

Office:

Dated:

Name	Father's name	Qualifications	Date and place of registration	Address	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

It is hereby certified that this is a true copy of the entry of the above specified name in the Medical Register.

Registrar,
Registrar's Seal

Notice

Every registered Medical Practitioner should be careful to send the Registrar immediate notice of any change in his address, and also to answer all inquiries that may be sent to him by the Registrar in regard thereto, in order that his correct address may be duly inserted in the Medical Register.

The last edition of the Medical Register alone is legal evidence of registration.

All persons registered under whatever Diploma or Diplomas are legally qualified for the practice of Medicine, Surgery and Midwifery.

In exercise of the powers conferred by sub-section (1) of Section 19 read with sub-section (1) of Section 31 of the Andhra Pradesh Medical Practitioners Registration Act 1968, (A.P. Act 23 of 1968), the Governor of Andhra Pradesh hereby makes the following Rules for the Medical Practitioners Registration Fund.

1. All money payable to the Council shall be received by the Registrar who may retain in his hand a sum not exceeding Rs. 100 and shall remit any amount in excess of that maximum to the State Bank of India, where an account in the name of the Council shall be opened.

2. All Cheques for payment of sums from the State Bank of India, shall be signed by the Chairman (or Vice-chairman) and the Registrar.

3. Payment of sums not exceeding Rs. 200/- may be made by the Registrar and of sums exceeding Rs. 200 but not exceeding Rs. 500/- by the Chairman. Payment of sums in excess of Rs. 500/- shall be made with the sanction of the Council.

4. The Registrar shall maintain a General Cash Book and shall enter therein all sums received or spent by him or by order of the Chairman immediately after the receipt of payment of the money.

5. The annual accounts shall be made up by the Registrar.
6. An estimate of the revenue and expenditure of the Council for every year commencing on the 1st April, shall be laid before the Council at its meeting sufficiently in advance of the commencement of the Year or circulated to the Members in advance for favour of approval.
7. Such estimate shall provide for meeting the liabilities of the Council and for effectively carrying out its object. It shall include on its revenue side, besides all revenue ordinarily anticipated, and full fee received from registration or other sources.
8. The Council shall consider the estimate submitted to it and shall sanction the same either unaltered or subject to such alteration as it shall deem fit.
9. The Council may, at any time during the year for which an estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimate shall be considered and sanctioned by the council in the same manner as an annual estimate. Any expenditure that might be incurred by the Council which is not duly provided for in the estimate under Rule 6 under Section 19, or in the supplementary estimate contemplated in this rule, shall require the sanction and approval of the President.
10. A bill or other Vouchers presented as a claim for money shall be received and examined by the Registrar. If the claim be for a sum not exceeding Rs. 200 and the bill or other voucher is in order he shall pay it. If the claim be for a sum exceeding Rs. 200 but not exceeding Rs. 500 payment may be made by the Registrar after obtaining the sanction of the President. If the claim exceeds Rs. 500/-payment shall not be made until it has been examined and passed by the Council.
11. The Accounts of the Council shall be audited by the Auditors appointed by the Council.