

THE ARUNACHAL PRADESH MEDICAL COUNCIL ACT, 2004 1

(ACT NO.4 OF 2004)

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ACT

To provide for the constitution of Arunachal Pradesh Medical Council and for the registration of Medical practitioners in Arunachal Pradesh and for matters connected therewith.

BE it enacted by the Legislative Assembly of Arunachal Pradesh in the Fifty-fifty year of the Republic of India as follows:

PART – I

PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Arunachal Pradesh Medical Council Act, 2004.
- (2) It extends to the whole of State of Arunachal Pradesh.
- (3) It shall come into force on such date as the State Government may be notification in the official Gazette appoint.

Definition

2. (1) In this Act, unless the context otherwise requires:
 - (a) "College" means a Medical College established by law and affiliated to any University and recognized by Medical Council of India;
 - (b) "Expert" means an expert person in the field of Modern Scientific system of medicine appointed by the State Council;
 - (c) "Government" means the Government of Arunachal Pradesh;
 - (d) "Medicine" means the Modern Scientific system of Medicine and includes the Surgery and Obstetrics;
 - (e) "Member" means a member of the State Council;
 - (f) "Practitioner" means a person who practices Modern Scientific System of Medicine including Surgery and Obstetrics and is enrolled in State Register;

- (g) "Prescribed" means prescribed by regulations;
- (h) "President" means a President of the State Council;

1. Vide Notification No. LAW/LEGN-57/2003 of dated 23rd March'2004, published in the Arunachal Pradesh Gazette, Extraordinary No.56, Vol-XIII, dated 12th May'2004.

- (i) "Recognized Medical Qualification" means any of the Medical qualification included on the Schedules of the Indian Medical Council Act, 1956 (102 of 1956);
- (j) "Register" means the register maintained by the State of Modern Scientific System including its all branches, Arunachal Pradesh under the provisions of this Act, in respect of practitioners;
- (k) "Registrar" means the Registrar of the State Council appointed under section 5 of this Act;
- (l) "Regulation" means the regulations made under this Act;
- (m) "Rules" means rules made under this Act;
- (n) "State" means State of Arunachal Pradesh.
- (o) "State Council" means the Arunachal Pradesh Council of Modern Scientific System of Medicine including all its branches, Surgery and Obstetrics constituted under section 3;
- (p) "University" means any University in India;

PART – II

First State Council

3. (1) The Government shall, by notification in the official Gazette, constitute the First State Council consisting of the following members, namely:-

a) The State Government shall nominate for the first three years, senior most Physician or Surgeon or any specialist of Arunachal Pradesh Health Services as Secretary.

b) The Director of Health Services, Government of Arunachal Pradesh shall be the President and such other person as nominated by the Government shall be the Vice-President of the first State Council.

c) One nominee of Government of India, Ministry of Health and Family Welfare, possessing recognized Medical qualification and atleast twenty years professional experience as a member.

d) The term of the first State Council shall be for three years from the date of notification.

e) Term of the first Council, to enable the Government to constitute the state Council in accordance with the provision under Section 4.

Constitution of regulation State Council

4. (1) Before the expiry of three years of constitution of first nominated State Council, the State Government shall, by notification in the official Gazette, reconstitute for the purposes of this Act a State Council with the following members:-

a) Such number of members not exceeding four who possess recognized medical qualification and are enrolled on State Register, to be elected from amongst themselves by persons enrolled on State Register

b) Two persons possessing recognized medical qualification and enrolled on State Register shall be nominated by the State Government.

c) The Director of Health Services of State Government shall be the fifth member.

(2) The President of the reconstituted State Council, shall be one among the seven members elected or nominated under the sub-section (4), of this Section shall be nominated by State Government.

(3) Members of the reconstituted State Council shall elect the Vice-President amongst themselves in such manners as prescribed.

(4) The term of the President, Vice-President and members of the State Council either by election or nomination shall be five years from the date of Gazette notification or until successors shall have been duly elected or nominated whichever is longer.

(5) No person shall at the same time serve as a member in more than one capacity.

(6) The outgoing members shall be eligible for re-election or for re-nomination, but a person who holds, or who has held, office as President or Vice-President of State Council, shall be eligible for re-nomination/re-election as the case may be, to, that office, but only once.

Meeting of the Council Quorum etc.

(7) Unless otherwise prescribed 50% of the total number of the members of State Council shall form a quorum, and all the Acts of the State Council shall be decided by a majority of the members present and voting.

(8) A casual vacancy, previous to the expiry of the term, in the State Council due to the death, resignation of any member shall be filled up by way of election or nomination by the State Government for remaining term accordingly as specified under this Act.

(9) The State Council shall meet at least once in three months of every year at its office at such time as may be appointed by the Council.

(10) The office of the State Council shall be situated at Capital Complex.

Salaries and allowances

5. (1) A Registrar who shall act as a Secretary of Council and such other person as deems necessary shall be appointed by the State Council. The salary, pay and other allowances and other service conditions of the

Registrar and other employees of the State Council shall be such as may be prescribed by the State Council with the previous approval of State Government.

Remuneration and allowances of President and Vice President.

(2) The State Council shall fix the remuneration and allowances to be paid to its President, Vice-President and members with the previous sanction of State Government.

Funds for Council

6. The State Council shall receive 100% financial grant from the State Government to meet its expenses on pay and allowances and other service benefits of its Registrar and other employees and also for meeting the accommodation, Stationery, Equipment. Traveling/Dearness allowance and other allowances/expenses, but the state council's account shall be audited annually through the State Government authority.

7. No Act, proceeding of the State Council or any committee thereof shall be called in question on the ground merely on the existence of any vacant, or any defect in the constitution of the State Council.

Duties of the Registrar

8. (a) Subject to the other provisions of this Act, and subject to Orders of the State Council, is shall be the duty of registrar to keep and maintain the State Register.

State Register

(b) The Register shall be kept in such form as may be prescribed by the Council and in such other manner as may be prescribed, shall contain the name, address and qualifications of every registered practitioner together with the date on which such qualification were acquired.

(c) Every person who holds any of the medical qualifications included in the Schedules to the India 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 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 relation 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 payment of any fee or on payment of a fee not exceeding the prescribed fee.

(d) Any person who registered immediately before the date of commencement of this Act in other State Council shall require to register with Arunachal Pradesh Medical Council within reasonable time.

(e) The Registrar shall send three printed copies of the State Register to the Central Council after the first day of April of every calendar year also inform the Indian Medical Council without any delay of all additions, and to all other amendments, in the State Register made from time to time.

Punishment

(f) Any practitioner who commits professional misconduct shall be punished by the State Council in a manner as may be prescribed.

Functioning of State Council

9. (1) The State Council shall consider all applications as may be received by the Registrar from persons holding recognized medical qualifications for registration with State Council in the manner as may be prescribed.

(2) The Registrar of State Council shall award provisional registration to the students of either the Government or Private Medical Colleges in the State, for undertaking their compulsory internship training after passing final examination in the manner as may be prescribed.

Rights of practitioner

10. (1) No person, other than a practitioner of Modern Scientific System of medicine who possesses a recognized medical qualification and is enrolled on the Stat Register :-

(a) shall hold office as Physician or surgeon or any other office (by whatever designation called) in Government or in any institution maintained by local or other authority for treating the patients in Modern Scientific System of Medicine or for administration purposes.

(b) shall be entitle to sign or authenticate medical or fitness certificate or any other certificate required by any law to be signed or authenticated by a duly qualified medical practitioner.

Furnishing of Information to State Government by State Council

11. (1) The State Council shall furnish all such reports, copies of its minutes, abstracts of its accounts and other information to the State Government as the Government may require.

(2) The State Government may publish in such manner as it may deem fit, any report, copy, abstract or other information furnished to it under this section.

Legal Advisor to State Council.

12. For the purpose of advising the Council on questions of law, the State Council shall appoint any advocate for the purpose.

Bar of certain suits.

13. No suit, prosecution or other proceedings shall lie against the State Government, the State Council or an officer or servant of the State Government or of the State Council for anything which is in good faith done intended to be done under this Act.

Commission of Inquiry

14. (1) Whenever it appears of the State Government that the State Council is not complying with any of the provisions of this Act, the State Government may appoint a Commission of enquiry consisting of three persons, two of whom may be appointed by the State Government and out of the said two, one being a first

Class Judicial Magistrate and serving in the State and the third one by the State Council and shall submit to the State Government of the findings of such enquiry.

(2) The State Government on the basis of report of such commission shall direct the State Council to take suitable actions or remedial steps as may seem necessary.

PART – IV

Power to make rules

15. The Council may with the previous sanction of the State Government make rules by notification in the official Gazette to carry out the purpose of this Act, and without prejudice to the generality of this power such rules may provided for all or any the following matters.

- a) election of the Vice-President of the State Council.
- b) management of the property of the State Council and the maintenance and audit of its accounts;
- c) power and duties of the President and Vice-President.
- d) resignation of members of State Council.
- e) summoning and holding of the meeting of the State Council.
- f) conduct of business of State Council.
- g) the tenure of office and the powers and duties of the Registrar and other officers of the State Council.
- h) the particulars to be stated and the proof of the qualifications and the format of applications for registration under this Act.
- i) the fees to be paid on applications for registration and provisional registration, and
- j) any matter for which under this Act provision may be made by regulations.

16. Every rule made under this section shall be laid as soon as may be after it is made, before the State Assembly while it is in session

17. The State Council as and when necessary, shall invite an expert in the field for seeking necessary guidance and such an expert shall be paid remuneration, traveling and dearness allowances by the Council.

Establishment of Government and Private Medical College

18. (1) A society or a Trust lawfully registered under the relevant laws of the State may establish Medical College duly recognized by the Indian Medical Council after obtaining previous permission from the State Government.

(2) The Colleges so established shall be affiliated to such Universities as may be recognized by the University Grants Commission and the State Government.

(3) The State Government may, in the similar manner mentioned in sub-sections (1) and (2) establish Medical Colleges.

Power to remove difficulties

19. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, not inconsistent with the provisions of this Act, remove such difficulty

Provided that no such order shall be made after the expiry of the period of two years from the commencement of this Act.

(2) However, order made under this section shall be laid, as soon as may be, after it is made, before the State Assembly