

The Orissa Medical Registration Act, 1961

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Act 18 of 1961

- Published on 1 January 1961
- Commenced on 1 January 1961
- [This is the version of this document from 1 January 1961.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Medical Registration Act, 1961 Orissa Act No. 18 of 1961 Published vide Orissa Gazette Extraordinary/10.11.1961. For Statement of Objects and Reasons, see Orissa Gazette Extraordinary No. 624/2.9.1961; and for Report of the Select Committee, see ibid No. 656/25.9.1961. An Act to provide for the Registration of Medical Practitioners. Whereas it is expedient to provide for the registration of medical practitioners in the State of Orissa and for matters connected therewith; It is hereby enacted by the Legislature of the State of Orissa in the Twelfth Year of the Republic of India as follows :

1. Short title, extent and commencement.

(1) This Act may be called the Orissa Medical Registration Act, 1961. (2) It extends to the whole of the State of Orissa. (3) It shall come into force at once : Provided that Section [33] [Section 33 came into force on 1-12-1967.] shall come into force on such date as may be appointed in this behalf by the State Government.

2. Definitions.

- In this Act, unless the context otherwise requires- (i) "Council" means the Council established under Section 3; (ii) "Hospital" "Asylum", "Infirmaries", "Dispensaries", "Lying in hospitals" mean institutions where the methods of treatment carried on are approved by the Council established under this Act; (iii) "medicine" means the modern scientific medicine and includes surgery and obstetrics, but does not include Veterinary medicine or Veterinary surgery or the Homoeopathic, the Ayurvedic or the Unani system of medicine; and the expression "Medical" shall be construed accordingly; (iv) "register" means the register prepared and maintained under Section 18; (v) "Registrar" means a Registrar appointed under Section 17; (vi) "Registered Practitioner" means any person registered under the provisions of this Act; and (vii) "President" and "Vice-President" mean respectively the President and the Vice-President of the Council.

3. Establishment of Orissa Council of Medical Registration.

- A Council shall be established and called "the Orissa Council of Medical Registration" and such Council shall be a body corporate and have perpetual succession and a common seal and shall by the said name sue and be sued.

4. Constitution of the Council.

(1)The Council shall consist of the following members, namely : (a)one member to be elected by each of the Academic Councils of the Utkal University, the Berhampur University and the Sambalpur University from amongst the members of their respective Faculty of Medicine; (b)one member to be elected from amongst themselves by such members of the staff of each of the Medical Colleges of the State as are registered practitioners; (c)three members to be elected by the registered practitioners from amongst themselves : Provided that at least two of such members shall be persons not in the service of any Government; (d)four members to be nominated by the State Government. (2)If a person is elected as a member under more than one of the clauses of Sub-section (1), he shall within such period as may be prescribed by rules made in this behalf, inform the Registrar under which of the clauses he desires to be treated as elected and thereupon he shall be deemed to have been elected under that clause and the seat to which he was elected under any other clause shall be deemed to be vacant. Until he so informs the Registrar he shall not be entitled to act as a member, and in the event of his failure to inform the Registrar within the prescribed period every seat to which he was elected shall be deemed to be vacant. (3)In making nomination under Clause (d) Sub-section (1) the State Government shall have due regard to the claims of women, medical missions and other groups of practitioners, representatives of which have not been elected by the electorates referred to in Clauses (a) to (c) of the said subsection.

4A. [Steps for reconstitution of Council to be taken in advance [Inserted vide Orissa Act No. 15 of 1982.]

- The Council shall take all steps for the election and nomination of members for the constitution of the succeeding Council sufficiently in advance so that the members of such succeeding Council can assume office immediately after the expiration of the term of office of the members of the Council earlier mentioned : Provided that where the election and nomination of members of the succeeding Council cannot be completed before the expiration of the term as aforesaid, the powers and functions of the Council and its President shall be exercised and performed during the period intervening between the date of such expiration and the date of first meeting of the succeeding Council by such officer as may be authorised by the State Government in that behalf.]

5. Unregistered practitioner not to be a member.

- No person shall be eligible to be a member of the Council unless he is registered under this Act.

6. Disqualifications for being elected or nominated as a member.

- A person shall be disqualified for being elected or nominated a member of the Council, if he-(a)has been sentenced by any Court for any non-bailable offence, such sentence not having been subsequently reversed or quashed;(b)is an undischarged insolvent; or(c)is not a citizen of India either residing or carrying on his profession or employed in the State of Orissa :Provided that the disqualification under Clause (a) may be removed by the State Government by an order made in that behalf.

7. Term of office of members.

- [(1) The term of office of a member elected or nominated under Sub-section (1) of Section 4 or nominated under Section 8 shall commence from the date of publication of his name under Section 9 and shall, subject to the provisions of Sections 10 and 11, extend to a period of five years.]
[Substituted vide Orissa Act No. 15 of 1982.](2)Any member shall, if not disqualified for the reasons mentioned in Section 6, be eligible for re-election or re-nomination at the end of his term of office.

8. Nomination of members in default of election.

- If any of the electorate bodies referred to in Clauses (a), (b) and (c) of Sub-section (1) of Section 4 fails by such date as may be prescribed by rules made in that behalf, to elect a member, the State Government shall nominate a member in his place and any person so nominated shall be deemed to be a member as if he had been duly elected by such body.

9. Publication of names,of members.

- The name of every member elected or nominated under Sub-section (1) of Section 4 or Section 8 shall be published in the Gazette.

10. Cessation of membership.

- A member of the Council shall be deemed to have vacated his seat-(i)on sending his resignation in writing to the President or the Registrar; or(ii)on his absence without excuse, sufficient in the opinion of the Council, from three consecutive meetings of the Council; or(iii)on his absence out of India for six consecutive months ; or(iv)on his becoming disqualified for election or nomination as a member for any of the reasons mentioned in Sections 5 and 6; or(v)in case he was elected under Clause (a) or (b) of Sub-section (1) of Section 4, on his ceasing to be a member of the Faculty of Medicine of the University or to be a member of the Medical College, as the case may be, which he represents.

11. Vacancy not to invalidate proceedings and filling of vacancies.

(1) If any member dies, or ceases to be a member as provided in Section 10, the President shall forthwith report the fact of the vacancy to the State Government and the vacancy shall be filled, as soon as possible, by a fresh election or nomination, as the case may be, under Sub-section (1) of Section 4. (2) The person so elected or nominated shall hold office for the unexpired remainder of the term for which such member otherwise have continued in office. (3) No act or proceeding of the Council or of its members shall be deemed to be invalid by reason only of any vacancy in the membership.

12. Leave of absence of members.

- The Council may permit any member to absent himself from any meeting of the Council for any member to any period not exceeding six months.

13. President and Vice.

- President - (1) The members of the Council shall, at their first meeting after the publication referred to in Section 9, elect from amongst themselves a President and a Vice-President in such manner as may be prescribed by rules made in that behalf. (2) The aforesaid meeting shall be convened and conducted in such manner as may be prescribed by rules made in that behalf. (3) The President and the Vice-President may resign their office by addressing a letter of resignation to the Council and the President respectively, which shall be placed before the Council at its next meeting and such resignation shall take effect from the date on which it is accepted by the Council. (4) The President or the Vice-President shall be deemed to have vacated his office if he ceases to be a member of the Council. (5) As often as the office of the President or the Vice-President becomes vacant by reason of death, resignation or otherwise, the Council shall elect another member to be the President or Vice-President, as the case may be, in such manner as may be prescribed by rules made in that behalf. (6) The President and the Vice-President shall perform such functions as may be prescribed by rules made in that behalf.

14. Executive Committee.

(1) There shall be an Executive Committee of the Council which shall perform such functions as may be delegated to it by the Council. (2) The Executive Committee shall consist of the President and the Vice-President and three other members to be elected by the Council. (3) The President and the Vice-President of the Council shall be the President and the Vice-President respectively of the Executive Committee. (4) The term of office of an elected member of the Executive Committee shall be one year from the date of his election but subject to his being a member of the Council he shall be eligible for re-election to the Executive Committee. (5) No business shall be transacted at any meeting of the Executive Committee unless at least three members are present. (6) The Council may make regulations for the conduct of business of the Executive Committee.

15. Payment of fees and travelling expenses to members.

- There shall be paid to the members of the Council such fees for attendance at meetings of the Council or of any Special Committee or Executive Committee thereof and such reasonable travelling expenses for such attendances and for such journeys undertaken in the discharge of their duties under this Act, as may from time to time be allowed by the Council and approved by the State Government.

16. Meetings.

(1)The Council shall make regulations to regulate-(a)the time and place at which their meetings shall be held;(b)the issue of notices convening such meetings;(c)the conduct of business thereat ; and(d)the appointment, powers, duties and conduct of business of Special Committees :Provided that-(i)no business shall be transacted at any meeting of the Council unless at least five members are present ; and(ii)save as provided in Sections 20 and 27 all questions arising at any meeting of the Council shall be decided by the votes of the majority of the members present and voting and in case of an equality of votes by the casting vote of the member presiding at the meeting.(2)Until such time as the regulations referred to in Sub-section (1) have come into operation, it shall be lawful for the President to summon a meeting at such time and place as to him shall seem expedient, by letter addressed to each member.

17. Registrar and establishment for the Council.

(1)With the previous sanction of the State Government the Council-(a)shall appoint a Registrar;(b)shall pay to the Registrar and to the person, if any, appointed to act in his place, such salary and such allowances as the Council may determine; and(c)may appoint such other employees as they may consider necessary for carrying out the purposes of this Act, and shall pay them such salary and such allowance as they may determine.(2)The Registrar shall act as Secretary to the Council and shall have the right to speak in and otherwise take part in-the proceedings of the Council or any Committee thereof but shall not have the right to vote.(3)Every person appointed under Sub-section (1) shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code (45 of 1860).

18. Orders by Council for maintenance of register of registered practitioners.

(1)The Council shall, as soon as may be and from time to time as occasion may require, make orders for regulating the maintenance of a register of registered practitioner.(2)The register shall be kept in such form as may be prescribed by rules.

19. Maintenance of register by Registrar.

(1)The Registrar shall keep the register in accordance with the provisions of this Act and of any order may be the Council, and shall, from time to time, make all necessary alteration in the

registered addresses or appointments and the registered qualifications or titles of such practitioners and cause the name of any practitioner who has died, to be removed from the register.(2)In order to fulfil the duties imposed upon him by Sub-section (1) the Registrar may send through post a letter to any registered practitioner addressed to him according to his registered address or appointment enquiring whether such practitioner has ceased to practise or whether his residence or appointment has been changed; and if no answer to any such letter is received within a period of six months from its despatch the Registrar may remove the name of such registered practitioner from the register :Provided that any name removed under this sub-section may be reentered in the register under the direction of the Council.

20. Persons referred to in the Schedule entitled to be registered.

- Every person who possesses any of the qualifications referred to-in the Schedule shall, subject to the provisions hereinafter contained, and on payment of such fees as may be prescribed in this behalf by regulation, be entitled to have his name entered in the register :Provided that the Council may refuse to permit the registration of the name of any person-(a)who has been sentenced by any Court for any non-bailable offence, such sentence not having been subsequently reversed or quashed; or(b)whom the Council, after due enquiry, at which an opportunity has been given to him to be heard either in person or through an agent and which may, in the discretion of the President, be held in camera, has found guilty, by a majority of two-thirds of the members present and voting at the meeting of any infamous conduct in his profession:Provided that the disqualification under Clause (a) may be removed by the State Government by an order made in that behalf,

21. Information to be furnished to the Registrar with application for registration.

- Every person who applies to have his name entered in the register-(a)must satisfy the Registrar that he is possessed of some title or qualification referred to in the Schedule; and(b)must correctly inform the Registrar of the dates on which he obtained the titles or qualifications which entitle him to claim registration under this Act.

22. Annual renewal fee.

(1)Notwithstanding anything contained in Sections 20 and 21 every registered practitioner shall pay to the council such annual renewal fee as may be prescribed in this behalf by regulations for continuance of his name on the register.(2)If the renewal fee is not paid before the date to be appointed for the purpose by the Council the Registrar shall remove the name of the defaulter from the register:Provided that the name so removed may be re-entered in the register on payment of the renewal fee in such manner and subject to such conditions as may be prescribed in this behalf by regulations.

23. Entry of new qualifications in the register.

(1) If any person whose name is entered in the register obtains any medical qualification other than the qualification in respect of which he has been registered, he shall, on payment of such fee as may be prescribed in this behalf by regulations—(a) if such qualification be a qualification not included in the Schedule, be entitled to have such qualification entered against his name in the register either in substitution for or in addition to any entry previously made; (b) if such qualification be a qualification not included in the Schedule, be entitled to have such qualification entered against his name in the register as an additional qualification; provided such qualification is included in the list prepared under Sub-section (2). (2) The Council shall, from time to time, prepare a list of qualifications (not being qualifications included in the Schedule) which may be approved by them for the purpose of this section.

24. Amendment of Schedule.

(1) If at any time the Council is satisfied—(a) that any title granted or qualification certified by any University, Medical Corporation, examining body or other institution, is a sufficient guarantee that persons possessing such title or qualification possess the knowledge and skill requisite for the efficient practice of medicine, surgery and midwifery; or (b) that any title or qualification referred to in item 2 of the Schedule is not sufficient guarantee as aforesaid, they may make a report to that effect to the State Government who may, if they think fit, thereupon direct, by notification—(i) in the case of Clause (a) that the possession of such title or qualification shall, subject to the provisions hereinafter contained and on payment of such fees as may be prescribed in this behalf by regulations, entitle any person to have his name entered in the register; or (ii) in the case of Clause (b) that the possession of such title or qualification shall not entitle any person to have his name entered in the register. (2) On the issue of such notification such title or qualification shall be deemed in the case of Clause (a) of Sub-section (1) to be covered by, and in the case of Clause (b) thereof, to be excluded from the said item.

25. Provisional registration of candidates of Utkal University for clinical practice.

- If the courses of study to be undergone for obtaining a recognised medical qualification of the Utkal University include a period of training after a person has passed the qualifying examination and before such qualification is conferred on him, any such person shall, on application made by him and on payment of such fees as may be prescribed in this behalf by regulations, be entitled to have his name entered provisionally in the register in order to enable him to practice medicine in an approved institution for the period aforesaid.

26. Power of Council to call for certain information from authorities of Medical College or School included in the Schedule.

(1)The Council shall have power to call on the authorities of any examining body included in or desirous of being included in the Schedule-(a)to furnish such reports, returns or other information as the Council may require, to enable it to judge the standard of the examinations held by such body and of the efficiency of the instruction given in the Medical Colleges and Schools or Institutions where candidates for the examination by such body are trained; or(b)to provide facilities for enabling any member of the Council deputed by the Council in this behalf to be present at the examinations to be held by such examining body.(2)The Council shall have power to inspect any Medical College or School or institution where candidates for examination by such examining body are trained and may for this purpose appoint a Special Committee of not more than three members of the Council to inspect any such Medical College or School or institution and submit a report in regard thereto to the Council.

27. Powers of Council to direct removal of names from register and re-entry of names therein.

- The Council may direct-(a)that the name of any registered practitioner-(i)who has been sentenced by any Court for any non-bailable offence, such sentence not having been subsequently reversed or quashed ; or(ii)whom the Council after due enquiry conducted as provided in Clause (b) of Section 20, have found guilty by a majority of two-thirds of the members present and voting at the meeting, of an infamous conduct in his profession be removed from the register of registered practitioners or that the practitioner be warned; and(b)that any name so removed be afterwards re-entered in the register:Provided that the disqualification under Sub-clause (i) of Clause (a) may be removed by the State Government by an order made in that behalf.

28. Effect of removal of name from register.

(1)A registered practitioner whose name has been removed from the register under Clause (a) of Section 27 shall forthwith surrender his certificate of registration to the Registrar and the name so removed shall be published in the Gazette.(2)If the name of a registered practitioner removed under Clause (a) of Section 27 is afterwards re-entered in the register as provided in Clause (b) thereof, the fact of such re-entry shall be published in the Gazette and the certificate of registration shall be returned to the registered practitioner by whom it was surrendered.

29. Removal of fraudulent and incorrect entries.

- Any entry in the register which is proved to the satisfaction of the Council to have been fraudulently or incorrectly made, may be removed or corrected under an order in writing of the Council.

30. Appeal to the Council from decision of Registrar.

- If any person is aggrieved by any decision of the Registrar refusing to enter the name or any title or qualification of such person in the register, he may, at any time within three months from the date of

intimation of the same, appeal to the Council whose decision shall be final.

31. Appeal to the State Government from decision of Council.

(1)An appeal shall lie to the State Government from every decision of the Council under Section 20 or Section 27.(2)Every appeal under Sub-section (1) shall be preferred within three months from the date of such decision.

32. Notice of death and removal of name from the register.

(1)Every Registrar of Births and Deaths who receives notice of the death of any person whose name he knows to have been entered in the register, shall forthwith transmit by post to the Registrar a certificate of such death, signed by him and stating particulars of the time and place of death.(2)On receipt of such certificate or any other reliable information regarding such death, the Registrar shall remove the name of the deceased person from the register.

33. Penalty on unregistered person representing that he is registered.

- If any person whose name is not entered in the register, is found to practise medicine or uses in connection with his name or title any words or letters representing that his name is so entered he shall, whether any person is actually deceived by such representation or not, be punishable, on conviction by a Magistrate of the First Class, with fine which may extend to three hundred rupees.

34. Penalty for failure to surrender certificate of registration.

(1)If any registered practitioner whose name has been removed from the register under Clause (a) of Section 27 falls without sufficient cause to surrender his certificate of registration he shall be punishable with fine which may extend to .fifty rupees.(2)Cognizance of an offence punishable under this section shall not be taken except upon complaint made by an order of the Council.

35. Construction of references in Acts to Medical Practitioners.

- The expressions "legally qualified Medical Practitioner" or "duly qualified Medical Practitioners" and all other expressions importing a person recognised by law as a Medical Practitioner or a member of the Medical Profession as used in any Act which is in force in the State of Orissa shall be deemed to mean a Medical Practitioner registered under this Act; and no certificate required to be given by any Medical Practitioner or Medical Officer under any Act which is in force in the State of.Orissa, shall be valid unless such practitioner or officer is registered under this Act.

36. Unregistered persons not to hold certain appointment.

- Except with the special sanction of the State Government no person other than a Registered Practitioner shall be competent to hold any appointment as a Professor of Medical College or

School, or as Medical Officer of Health, or as a physician, surgeon, or other Medical Officer in any hospital, asylum, infirmary, dispensary or lying in hospital which is supported partially or entirely by public or local funds, or which is under the supervision of the State Government.(2)Any appointment made in contravention of Sub-section (1) shall be void and illegal.

37. Publication and use of Medical List.

(1)The Registrar shall, after the expiry of every period of three years on or before a date to be fixed in this behalf by the Council, cause to be printed and published a correct list of the names for the time being entered in the register setting forth-(a)all names entered in the register, arranged in alphabetical order, according to the surnames;(b)the registered address or appointment of each person whose name is entered in the register; and(c)the registered titles and qualifications of each such person represented by the abbreviations thereof and the year in which each such title was granted or each such qualification was obtained.(2)The Registrar shall, on the expiry of every year, other than the year in which a list is printed and published under Sub-section (1) on or before a date to be fixed in this behalf by the Council, cause to be printed and published a list supplementary thereto, containing additions and alterations in the register, since the publication of the list under Sub-section (1).(3)It shall be presumed that any person whose name is entered in the latest list printed and published under Sub-section (1) read with the latest list supplementary thereto, if any, printed and published under Subsection (2) is duly registered under this Act, and that any person whose name is not so entered is not registered under this Act :Provided that, in the case of any person whose name does not appear in the lists aforesaid, a certified copy signed by the Registrar, of the entry of the name of such person in the register of Registered Practitioners shall be sufficient evidence that such person is registered under this Act.

38. Disposal of fees.

- All fees received by the Council under this Act shall be applied for the purposes of this Act in accordance with such rules as may be made by the State Government.

39. Bar to suits and other legal proceedings.

- No suit or other legal proceedings shall lie in respect of any act done in the exercise of any power conferred by this Act on the State Government or the Council or any Committee of the Council or the Registrar.

40. Rules and regulations.

(1)The State Government may from time to time make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, the State Government may make rules-(a)prescribing the manner of election under Section 4;(b)prescribing the period under Sub-section (2) of Section 4;(c)prescribing the manner of election of the President or Vice-President referred to in Sub-section (1) of Section 13 and the manner of filling up vacancies

referred to in Sub-section (5) of that section and the functions to be performed by the President and the Vice-President;(d)prescribing the manner in which the first meeting of the Council referred to in Section 13 shall be convened and conducted;(e)to prescribe the form of the register of Registered Practitioners to be maintained under this Act;(f)to regulate the application of fees under Section 38; and(g)to regulate the procedure to be followed by the Council in conducting any enquiry under this Act and disposing of appeals from the decision of the Registrar;(3)In addition to the power conferred by Sub-section (6) of Section 14, Section 16 and Sub-section (1) of Section 23 the Council may, with the previous sanction of the State Government, make regulations-(a)to prescribe the fees chargeable in respect of any registration under this Act;(b)to regulate the keeping of accounts of such fees;(c)to regulate the management of contributory provident fund and gratuity for the employees of the Council;(d)to regulate the disposal of irrecoverable fees ; and(e)in respect of the conditions of service of its employees.(4)All such rules and regulations shall be published in the Gazette.

41. Repeal.

(1)The Orissa Medical Regulation, 1936 (Orissa Regulation No. 11 of 1936) is hereby repealed.(2)Notwithstanding the repeal as aforesaid-(a)the Council established under the said Regulation shall continue to function till and shall cease to exist with effect from the date of the first meeting of the Council established under this Act and thereupon all assets and liabilities of the earlier Council shall devolve upon the latter;(b)all acts begun whether pending or completed by the Orissa Council of Medical Registration established under the said Regulation by the date of the aforesaid first meeting, shall, in so far as they relate to the functions allotted to the Council under this Act be deemed to have begun of performed by the Council established under this Act and such acts may be carried on and completed by of under the authority of the Council so established; and(c)all Medical Practitioners registered under the aforesaid Regulation and continuing as such on the date of the repeal shall, for all purposes, be deemed to have been registered under this Act.The Schedule[See Section 20]Qualifications entitling registration under the Act

1. Qualifications specified in the First, Second or Third Schedule to the Indian Medical Council Act, 1956 (102 of 1956).

2. Qualifications specified in the under-mentioned list-

Name of the body or authority awarding qualifications	Description of the qualifications	Abbreviation of the qualifications for theregistration	
1	2	3	
(a)	State Medical Faculty of Bengal	Member of the State Medical Faculty, Bengal	M.M.F. (Bengal)
(b)	State Medical Faculty of Bengal	(1) Member of State Medical Faculty, West Bengal	M.M.F. (West Bengal)

	(2) Certificate of qualification by the State Medical Faculty under Article 6-C of the Statutes of the State Medical Faculty, West Bengal	Certificate under Article 6-C (West Bengal)
	(3) Certificate of qualification by the State Medical Faculty under Article 6-D or 6-E of the Statutes of the State Medical Faculty, West Bengal	Certificate under Article 6-D or 6-E (West Bengal)
(c)	College of Physicians and Surgeons, Bombay	Member of the College of Physicians and Surgeons, Bombay (Bombay) M.C.P.S.

3. Qualifications granted prior to 1916 by the State Government to a person trained in a Government Medical College or School in India or Burma, declaring him to be qualified to practise Medicine, Surgery and Midwifery, or to perform the duties of a Military Assistant Surgeon, Hospital Assistant or Sub-Assistant Surgeon, Abbreviations for registration L.M.P, M.A.S..H.A., C.H.A., S.A.S. or V.L.M.S. or diploma or certificate of the institutions.