

# The Punjab Medical Registration Act, 1916

HARYANA

India

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### Act 2 of 1916

- Published on 6 April 1916
- Commenced on 6 April 1916
- [This is the version of this document from 6 April 1916.]
- [Note: The original publication document is not available and this content could not be verified.]

The Punjab Medical Registration Act, 1916 Punjab Act No. 2 of 1916 Statement of Objects and Reasons. - It is felt that the time has come to protect the interests of the growing number of practitioners of Western medicine and their increasing clientele. The methods by which it is proposed to achieve this object are those which experience has shown to be effective in the United Kingdom and which have recently been adopted in Bombay, Bengal and Madras. These methods are the establishment of a Medical Council and the registration of practitioners. The Medical Council contemplated by the Bill is a body consisting of half of members nominated by Government and half of members elected by practitioners, with a nominated President. This Council would be responsible for the maintenance of the register of practitioners, and would have power subject to an appeal to the local Government, to remove the names of those who had been convicted of offences which showed them to be unworthy of recognition by the faculty, and also of those who had, after formal enquiry, been also be given power to satisfy itself as to the efficiency of the training given at institutions whose diplomas and degrees were recognised as qualifications entitling a man to registration, and would be able to recommended to Government that recognition should be withdrawn. These provisions would come into force at once, and the Local Government would also be empowered to declare by notification that no certificate required by law to be given by a medical practitioner or officer should be valid unless signed by a registered practitioner, and that, except with special sanction, no one but a registered practitioner, and that, except with special sanction, no one but a registered practitioner should hold any appointment as medical officer at any Government or aided hospital or as medical officer of health. The action of the Council would be subject to the control of the Local Government, and it would be made an offence punishable with fine for a person falsely to pretend that he was a registered practitioner. The Bill does not aim at giving any power of control over Hakims and Vaidys, and does not prohibit practice by unregistered practitioners. Published vide Punjab Government Gazette, 1915, Part V Page 184. Statement of objects and reasons, Haryana Act No. 17 of 1989. - Section 5 of the Punjab Medical Registration Act, 1916 deals with the Constitution of Medical Council. Provisions for nominating/electing the members for the said Council have become outmoded and obsolete on the following grounds :- (i) There is no registered Practitioner, in the Voter list, as defined in Section 5(1)(e) of the said Act. (ii) Provision of one member to be elected by all other Registered Practitioners under Section 5(1)(f) is

vague, because the Council has no registered Practitioner in its Voter list. The Council only registered a qualified MBBS or equivalent degree holder in allopathy. (iii) The words ..... "of whom one shall be a person recommended by the Chief Commissioner, Delhi", occurring in Section 5(1)(b) of the said Act, are also vague, because no such recommending authority exists now. It has become necessary to carry out amendment in the Act. Hence this Bill. Published by Haryana Government Gazette (Extra-ordinary), dated September 11, 1989 Page 1735. Received the assent of the Lieutenant-Governor of the Punjab on the 6th April, 1916, and that of the Governor-General on the 17th May, 1916, and was [first published in the Punjab Gazette of the 24th February, 1916.] [See Punjab Gazette, 1916, Part V, Pages 267-70.] An Act for the Registration of Medical Practitioners. Whereas it is expedient to provide for the registration of certain medical practitioners in [Punjab] [Substituted for the words 'East Punjab' [which had been inserted for the words 'the Punjab' by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948], by the Adaptation of Laws (Third Amendment) Order, 1951.]; It is hereby enacted as follows :-

## **1. Short title and extent.**

(1) This Act may be called the Punjab Medical Registration Act, 1916. (2) It extends to [Punjab.] [Substituted by Adaptation of Laws Order, 1950, for 'East Punjab', which had been substituted for 'the Punjab' by AO 1948.]

## **2. Commencement of Act.**

- The provisions of section 4 shall come into force on such [date as the State Government may notify in this behalf. The rest of this Act shall come into force at once.] [The provisions of section 4 came into force on the 1st January 1918, vide Punjab Gazette (Home Medical) Notification NO. 16493, dated the 27.8.1919.]

## **3. Definitions.**

- In this Act unless there is something repugnant in the subject or context- (1) "The British Medical Acts" means Statutes 21 and 22, Victoria; Chapter 90 (The Medical Act), and any Act amending the same. (2) "Council" means the Medical Council established by this Act; (3) "Prescribed" means prescribed by rule or bye-laws made under this Act; (4) "Registered practitioner" means any person registered under the provisions of this Act.

## **4. Privileges of registered practitioners.**

- Notwithstanding any thing to the contrary in any enactment, rule, bye-laws or any other provision of law - (1) no certificate required by any Act in force, or that may hereafter be passed, from a medical practitioner or officer shall be valid unless signed by a registered practitioner; (2) except with the special sanction of the [State Government no one other than a registered practitioner shall be competent to hold any appointment as physician, surgeon or other medical officer in any hospital, asylum, infirmary, dispensary or lying-in hospital not supported entirely by voluntary contributions

or as medical officer of health.] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.]

## **5. Constitution of Medical Council.**

(1)A Medical Council shall be established for Punjab, and shall consist of [eleven members] [Substituted for the word 'sixteen' (which had been substituted for the word 'thirteen' by Punjab Act 12 of 1926, Section 2) by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.] including a president and a vice-president to be appointed in the following manner :-(a)The president nominated by the State Government.(b)[ Three members nominated by the State Government. [Clause (b) and (c) Substituted vide Haryana Act No. 17 of 1989.](c)Three members elected by the registered practitioners who are Graduates in Medicine of any University in India.](2)The Vice-president shall be elected from among the members of the Council in the prescribed manner.

## **6. Qualifications of members.**

- No person shall be eligible to be a member of the Council unless he is a registered practitioner :Provided that in the case of first appointments made under this Act the persons electing the members under clause [(c)] [Substituted the brackets, letters, sign and word '(d), (e) and (f)' vide Haryana Act No. 17 of 1989.] of sub-section (1) of section 5 and the members appointed shall be persons who are qualified to be registered under clauses (a) and (b) of section 13.

## **7. Tenure of office of members.**

- The members of the Council shall hold office for a term of three years and shall eligible for re-appointment.

## **8. Cessation of membership.**

- A member of the Council shall be deemed to have vacated his seat -(1)on sending his resignation in writing to the president or registrar;(2)on his absence without excuse sufficient in the opinion of the Council from three consecutive meetings of the council;(3)on his absence out of India for six consecutive months;(4)on removal of his name from the register;(5)on his becoming insane or being declared an insolvent by any competent court;(6)on expiry of the term mentioned in section 7.

## **9. Filing up of vacancies.**

- When the seat of any member becomes vacant, the vacancy shall be filled up by election or nomination, as the case may be, in accordance with the provisions of section 5.

## **10. Registrar and other officers.**

(1)The Council shall appoint a registrar who shall act as Secretary of the Council and who shall also act as treasurer, unless the Council shall appoint another person as treasurer. Every person so appointed shall be removable at the pleasure of the Council.(2)The Council may also employ such other persons as it may deem necessary for the purposes of this Act.(3)All persons appointed or employed under this section shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV OF 1860).

## **11. Medical Register.**

- It shall be the duty of the registrar to open and maintain, in accordance with the provisions of this Act a register, to be called the Punjab Medical Register, and from time to time to revise the register and publish it in the prescribed manner. Such register shall be deemed to a public document within the meaning of the Indian Evidence Act, 1872 (1 to 1872).

## **12. Meeting of Council.**

- [No business shall be transacted at a meeting of the Council unless at least] [Substituted for word 'seven' by the Indian Independence, (Adaptation of Bengal and Punjab Acts) Order, 1948.] (GGO 40).six members are present.All questions, other than questions of order, which may come before the Council shall be decided in accordance with the votes of the majority of the members present and voting at the meeting. In the case of an equality of votes the member presiding at the meeting shall have a casting vote.Questions of order shall be decided by the member presiding at the meeting.

## **13. Persons who may be registered.**

- Every person who -(a)is for the time being registered or qualified to be registered under the British Medical Acts, or(b)is possessed of any of the qualifications described in the schedule; may apply to the registrar to be registered and on payment of the prescribed fee and on furnishing to the registrar proof of such registration or qualification shall be entitled to be registered, and thereupon, but subject always to the provisos hereinafter contained, the registrar shall register him in the Punjab Medical Register :Provided that any person already registered under any Medical Registration Act in force in any other State in India shall be exempt from the registration fee leviable under this clause :[Provided also, that the State Government may after consulting the Council permit the registration of (a) any person who shall furnish to the registrar proof that he is possessed of a medical degree, diploma or certificate of any University, medical college or school approved by the Council, other than those described in the schedule, and (b) any person who was actually practising medicine in] [The words 'or the North West Frontier Province', omitted by the India (Adaptation of Existing Indian Laws) Order, 1947, Para 4(i).] or the Delhi [State before the 25th day of September, 1915] [Inserted by section 2 of Punjab Act, I of 1928.] :Provided further, that the Council may refuse to permit the registration of any person who has been convicted of any such offence as implies in the

opinion of the Council a defect of character or who, after an inquiry at which opportunity has been given to the candidate to be heard in person or by pleader, has been held by the Council to have been guilty of infamous conduct in any professional respect. Provided further, that the registrar on receiving an application for entry in the register from any person in respect of whom he considers that the Council may wish to exercise the power of refusal conferred by the last foregoing proviso may refer the said application to the Council, and shall not make any entry in the register in respect of such person until the Council informs him that the entry is permitted.

#### **14. Entry of new titles and qualifications in register.**

- If any person whose name is entered in the register obtains any title or qualification other than the title or qualification in respect of which he has been registered he shall on payment of the prescribed fee be entitled to have an entry stating such other title or qualification made against his name in the register either in substitution for or in addition to any entry previously made.

#### **15. Appeal against the decision of registrar.**

- An appeal shall lie to the Council against any order of the registrar under Section 13 or Section 14. The said appeal shall be preferred within three months from the date of the order appealed against.

#### **16. Alteration of register by Council.**

(1) The Council may, if it sees fit, and after giving notice to the person concerned and inquiring into his objections, if any, order that any entry in the register which shall be proved to the satisfaction of the Council to have been fraudulently or incorrectly made or brought about, be cancelled or amended. (2) The council may direct the removal altogether or for a specified period from the register of the name of any registered practitioner who has been convicted of any such offence as implies in the opinion of the Council a defect of character or who, after an inquiry at which opportunity has been given to such registered practitioner to be heard in person or by pleader, has been held by the Council to have guilty of infamous conduct in any professional respect. The Council may also direct that any name so removed shall be restored.

#### **17. Procedure in inquiries and appeals.**

(1) The Council may at its discretion hold an inquiry under section 13 of section 16 in camera. (2) For the purpose of any such inquiry or of any appeal under section 15, the Council shall be deemed to be a court within the meaning of the Indian Evidence Act, 1872 and shall exercise all the powers of a Commissioner appointed under the [Public Servants' (Inquiry) Act, 1850; and such inquiries and appeals shall be conducted as far as may be, in accordance with the provisions of section 5 and sections 8 to 20 of the said Public Servants' (Inquiries) Act, 1850 (XXXVII of 1850).] [See Unrepealed Central Acts, Volume I.]

## **18. Appeal against the decision of Council.**

- An appeal shall lie to the [State Government] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] against every decision of the Council under section 13 or Section 16. Such appeal shall be preferred within three months from the date of the Council's decision.

## **19. Limitation of Jurisdiction of civil courts.**

- No act done in the exercise of any power conferred by this Act on the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government or the Council or the registrar shall be questioned in any civil court.

## **20. Power of State Government to alter schedule.**

- It shall be lawful for the [State] Government by notification in the [to alter the Schedule.] [Substituted for the words 'Punjab Gazette' by the Government of India (Adaptation of India Laws) Order, 1937.]

## **21. Power of Council to call for information regarding efficiency to teaching and to attend examinations.**

- The Council shall have power to request the governing body or authorities of any University, medical college or school, 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 of the efficiency of the instruction given therein in medicine and surgery and midwifery; and(b)to provide facilities to enable any member of the Council deputed by the Council in this behalf to be present at the examinations held by such University, college or school.If the said body or authorities refuse to comply with any such request the [State] Government may upon report by the Council remove such University, college or school from the schedule or refuse to include it in the schedule.

## **22. Control by**

[State Government.] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] - If at any time it shall appear to the [State Government] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] that the Council has neglected to exercise or has exceeded or abused any power conferred upon it under this Act or has neglected to perform any duty imposed upon it by this Act, the [State] Government may communicate the particulars of such neglect, excess or abuse to the Council; and, if the Council fails to remedy such neglect, excess or abuse within such time as may be fixed by the State Government in this behalf, the State Government may, for the purpose of remedying such neglect, excess or abuse, cause any of the powers and duties of the council to be exercised and performed by such agency and for such period as the State Government may think fit.

## **23. Penalty for falsely pretending to be a registered practitioner.**

- Every person who falsely pretends to be a registered practitioner shall, whether any person is actually deceived by such presence or not, be liable to be punished or conviction by a [Judicial Magistrate] [Substituted for the word 'magistrate' by Punjab Act 25 of 1964.] of the first class with fine that may extend to three hundred rupees.

## **24. Power to make rules and bye-laws.**

(1)The [State] Government may after previous publication make rules for the purpose of carrying out the provisions of this Act.In particular and without prejudice to the generality of the foregoing provision, the State Government may make rules -(i)for the election of members to the Council under section 5 and 6;(ii)for the election of the Vice President of the Council;(iii)to regulate the procedure at an inquiry held under section 13 or section 16;(iv)for the institution, hearing and disposal of appeals under section 15 or section 18;(v)for the compilation and publication of the register;(vi)to fix the amount of fees to be levied under this Act;(vii)for the disposal of fees received under this Act.(2)The Council may, with the previous sanction of the [State Government] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.], make bye-laws -(i)for the convening of meetings of the Council;(ii)for the conduct of business at the such meetings;(iii)for the appointment, control, pay and allowances of the establishment employed under section 10.

## **25.**

[Omitted by the Adaptation of Laws (Third Amendment) Order, 1951.]The Schedule(vide section 13)(1)The Degree of Doctor, Bachelor or Licentiate of Medicine, or Master, Bachelor or Licentiate of Surgery of the University of Madras, Bombay, Calcutta, Allahabad, [the Punjab or the Punjab in Pakistan the Universities of Sheffield, Bristol and Wales, the National University of Ireland and the Queen's University of Belfast.] [Substituted for 'the Punjab or East Punjab' by Adaptation of Laws (Third Amendment) Order, 1951. 'The Punjab or East Punjab' had been substituted for 'the Punjab' by GGO 40 of 1948.](2)The Degree of Doctor, Bachelor or Licentiate of Medicine, Master, Bachelor or Licentiate of Surgery or Master in Obstetrics of the Universities of Oxford, Cambridge, London, Durham, Manchester, Birmingham, Liverpool, Leeds, Edinburgh, Aberdeen, Glasgow, St. Andrews and Dublin, the Royal University of Ireland and the Universities of Adelaide, Malta, Melbourne, New Zealand, Sydney, Dalhousie, McGill and Laval.(3)The Degrees of Fellow, Member or Licentiate of the Royal Colleges of Physicians of London, Edinburgh and Ireland.(4)The Degree of Fellow, Member or Licentiate of the Royal Colleges of Surgeons of England, Edinburgh and Ireland.(5)The Degree of Fellow, Member or Licentiate of the College of Physicians and Surgeons of Bombay.(6)The Degree of Licentiate of the Apothecaries Society of London, Fellow and Licentiate of the Royal Faculty of Physicians and Surgeons of Glasgow, Licentiate of the Apothecaries Hall of Dublin, Licentiate of Medicine and surgery of the Medical College of Ceylon, the Nova Scotia Provincial Medical Board, and the Prince Edward Island Medical Council.(7)A diploma or Certificate [granted by a State Government] [Substituted for the word 'granted by a Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.] or the Government of Burma to any person trained in a Medical College or School declaring him to be qualified to practice medicine,

surgery and midwifery, or to perform the duties of a military assistant surgeon, hospital assistant or sub-assistant surgeon.(8)A Diploma or Certificate granted by the King Edward Hospital Medical School at Indore to any person declaring him to be qualified to practise medicine, surgery and midwifery, or to be qualified for the duties of a military assistant surgeon, hospital assistant or sub-assistant surgeon.