

# United Provinces Medical Act, 1917

UTTAR PRADESH

India

## United Provinces Medical Act, 1917

### Act 3 of 1917

- Published on 21 May 1917
- Commenced on 21 May 1917
- [This is the version of this document from 21 May 1917.]
- [Note: The original publication document is not available and this content could not be verified.]

United Provinces Medical Act, 1917(U. P. Act No. 3 of 1917)Last Updated 6th March, 2020For S. O. R. 888 Gazette 3, 1916, P. VII, p. 28.[Received the assent of the Lieutenant-Governor on the 21st May 1917 and of the Governor-General on the 19th July, 1917, and was [published] [See Gazette, 1917, Pt. VII, p.875.] under section 81 of the Government of India Act, 1915, on the 4th August, 1917.]An Act to provide for the Registration of certain Medical Practitioners in the United Provinces.Whereas it is expedient to provide for the registration of certain medical practitioners in the United Provinces:It is hereby enacted as follows : -Preliminary

### 1. Short title, extent and commencement.

(1)This Act may be called the United Provinces Medical Act, 1917.(2)[It shall extend to the whole of Uttar Pradesh.] [Substituted for sub-section (2) of see by the A. O. 1950.](3)[Sections 30] [Section 30 was brought into force from Jan 1, 1919, see not, no, 165/V-19, d. April, 2,1918 in Gaz., 1918, Pt. I, p. 289 and sec. 32 from Sept. 19, 1941, see not. no. N-161/V-601, dated September 19, 1941, in Gaz, 1941, Pt. I, p.442.] and 32 shall not come into force until a date to be appointed in this behalf by the [State Government] [Substituted by the A. O. 1950 for (Provincial Government), which had been Substituted by the A. O. 1937 for (L. G.).] by notification in the [Official Gazette.] [Substituted for 'Gazette' by A. O. 1937.]

### 2. Definitions.

- In this Act -(a)the expression "the Medical Acts" means the Medical Act, 1858, and the Acts amending the same;(b)the expression "the Council" means the Council" established under section 3; and(c)the expression "registered practitioner" means a person registered under the provisions of this Act.The Uttar Pradesh Medical Council

### 3. Establishment of the Uttar Pradesh Medical Council.

- A Council shall be established and called "[Uttar Pradesh] [Substituted by the A. O. 1950 for (the United Provinces).] Medical Council", 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 Council.

(1)The said Council shall consist of [thirteen] [The number of members has now risen to fifteen (vide Substituted s. 2 of this section.)] members appointed in the following manner; namely: -(a)a president to be nominated by the [[State Government] [Substituted by the A. O. 1950 for (Provincial Government) which had been Substituted by the A. O. 1937 for (L.G.)];(b)five members to be nominated by the [State Government] [Substituted by the A. O. 1950 for (Provincial Government) which had been Substituted by the A. O. 1937 for (L.G.)];(c)[ one member to be elected by the Executive Council of the Lucknow University;] [Clause (c) was deleted by section 2 (n of n. P, Act IV of 1931. and this cl. which was Inserted as cl. (d) by s. 2 (1) of U. P. Act V of 1922 was numbered as cl . (c) by s. :2 (2) of the former Ad.](d)One member to be elected by medical practitioners who -(i)are registered under the Medical Acts, or are doctors, bachelors or licentiates of medicine, or masters of obstetrics, or masters, bachelors or licentiates of surgery of the Universities of Calcutta, Bombay, Madras or Lahore ;(ii)are residing in [Uttar Pradesh] [Substituted by the A. O. 1950 for (the United Provinces).] and registered under this Act or, in the case of the first election, qualified to be so registered; and(iii)are in the [service of the [Government] [Substituted by the A. O. 1950 for (Crown).]]; (e)two members to be elected by medical practitioners who are not in the [service of the [Government] [Substituted by the A. O. 1950 for (Crown).]] but are otherwise qualified in the manner prescribed in clause (d);(f)one member to be elected by medical practitioners who, not being qualified in the manner, prescribed in sub-clause (i) of clause (d),-(i)are residing in [Uttar Pradesh] [Substituted by the A. O. 1950 for (the United Provinces).] and registered under this Act or, in the case of the first election, qualified to be so registered, and(ii)are in the [service of the [Government] [Substituted by the A. O. 1950 for (Crown).]].(g)[two members] [Substituted for 'one member' by section 2 (3) of U. P. Act IV of 1931.] to be elected "by medical practitioners who are not in the [service of the [Government] [Substituted by the A. O. 1950 for (Crown).]] but are otherwise qualified in the manner prescribed in clause (f);(h)one member to be elected by the medical graduates of the [Universities of Allahabad and Lucknow.] [Substituted for 'University of Allahabad' by s. 2 (2) of U. P. Act V of 1922.](2)Provided that upon the expiry Of five years from the commencement of this Act, two members instead of one shall be elected by the medical graduates of the [Universities of Allahabad and Lucknow] [Substituted for 'Allahabad University' by section 2 (3) of U. P. Act V of 1922.] and thereafter the said Council shall consist of [fifteen] [Substituted for 'fourteen' of U. P. Act V of 1922.] members instead of [fourteen] [Substituted for 'thirteen' of U. P. Act V of 1922.].

### 5. Nomination of members in default of election.

- If any electoral body referred to in section 4 does not, in the case of a vacancy referred to in section 10, within three months and, in any other case, by such date as may be prescribed by rule made in

that behalf under section 34(2) (a), elect a person to be a member of the Council, the [State Government] [Substituted by the A. O. 1950 for (Provincial Government) which had been Substituted by the A. O. 1937 for (L.G.).] shall nominate a member in his place, and a person so nominated shall be deemed to be a member as if he had been duly elected by such body.

## **6. Disqualifications for membership.**

(1)A person shall be disqualified for being elected or nominated a member of the Council if he -(a)is not registered under this Act;(b)has been sentenced by a criminal court to imprisonment, for an offence punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having subsequently been reversed or remitted, and such person's disqualification on account of such sentence not having been remitted by an order which the [State Government] [Substituted by the A. O. 1950 for (Provincial Government) which had been Substituted by the A. O. 1937 for (L.G.).] is hereby empowered to make, if it thinks fit, in this behalf;(c)is an undischarged insolvent; or(d)has been adjudged by a competent court to be of unsound mind.(2)Provided that, in the case of first elections held and first nominations made under this Act, clause (a) of sub-section (1) shall be read as if it were "is not qualified to be registered under this Act".

## **7. Publication of names of members.**

- The name of every person elected or nominated a member of the Council shall be published by the [State Government] [Substituted by the A. O. 1950 for (Provincial Government) which had been Substituted by the A. O. 1937 for (L.G.).] in the [Official Gazette] [Substituted for 'Gazette' by A. O. 1937.].

## **8. Leave of absence to members.**

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

## **9. Occurrence of casual vacancies.**

(1)A member of the Council shall be deemed to have vacated his seat who -(a)fails to accept office within one month of the date of his nomination or election, or(b)is absent without excuse sufficient in the opinion of the Council from the three consecutive meetings of the Council, or(c)is absent out of India for a period exceeding six consecutive months, or(d)becomes subject to any of the disabilities set forth in section 6.(2)On the occurrence of a vacancy referred to in sub-section (1), the president shall forthwith report the fact of such vacancy to the [State Government] [Substituted by the A. O. 1950 for (Provincial Government) which had been Substituted by the A. O. 1937 for (L.G.).].

## **10. Filling of casual vacancies.**

- If a member of the Council dies or resigns his membership, or ceases to be a member as provided in section 9 (1), the vacancy shall be filled within three months by a fresh election or nomination, as the case may be.

## **11. Terms of office of members.**

(1)The term of office of a member of the Council shall be three years from the date of his acceptance of office.(2)A person ceasing to be a member by reason of the expiration of his term of office shall, if not disqualified for any of the reasons mentioned in section 6, be eligible for re-election or re-nomination.

## **12. Quorum and voting.**

(1)No business shall be transacted at a meeting of the Council unless a quorum of six members be present.(2)Save as otherwise provided in section 26 (1) (b), all questions arising at a meeting shall be decided by the votes of the majority of the members present and voting, or, in the case of an equality of votes, by the casting vote of the president, or, in his absence, of the member presiding at the meeting.(3)No act or proceeding of the Council shall be deemed invalid merely by reason of a vacancy in the Council or of a defect in the election or nomination of a person acting as a member of the Council.

## **13. Regulations as to meetings.**

(1)Subject to the provision of this Act and of any rules made by the [State Government] [Substituted by the A. O. 1950 for (Provincial Government) which had been Substituted by the A. O. 1937 for (L.G.).] under this Act the Council may make regulations in respect of-(a)the times and places at which the meetings shall be held;(b)the issue of notices convening such meetings; and(c)the conduct of business thereat.(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.

## **14. Payment of expenses to members.**

- There shall be paid to the members of the Council such expenses as may from time to time be prescribed by regulation under section 34 (3) (a).

## **15. Appointment of registrar and other officers.**

(1)With the previous sanction of the [State Government] [Substituted by the A. O. 1950 for (Provincial Government) which had been Substituted by the A. O. 1937 for (L.G.).] the Council -(a)shall appoint a registrar(b)may grant leave to such registrar and appoint a person to act in his

place; and(c)shall pay to the registrar and to the person (if any) appointed to act in his place such salary and such allowances (if any) as the Council may determine.(2)The Council may appoint such other officers and such clerks and servants as it may consider necessary for the purposes of this Act, and shall pay them such salary and such allowances (if any) as the Council may determine.(3)The registrar shall act as secretary to the Council.(4)Every person appointed under sub-sections (1) and (2) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.The Register of Medical Practitioners

## **16. Orders by Council for maintenance of register.**

(1)The Council shall, as soon as conveniently may be after the commencement of this Act, and from time to time as occasion may require, make orders for regulating the maintenance of the register of medical practitioners.(2)The said register shall be kept in such form as may be prescribed by rule made under section 34 (2) (b).

## **17. Registrar's functions in respect of register.**

(1)The Registrar shall keep the register of medical practitioners in accordance with the provisions of this Act and of any orders made by the Council and shall from time to time make all necessary alterations in the registered addresses or appointments and the registered qualifications or titles, of the practitioners entered therein and erase the names of any practitioners who have died or have permanently ceased to practise in India.(2)To enable the Registrar to fulfill the duties imposed upon him by sub-section (1), he may send through the post a letter to any registered practitioner, addressed to him according to his registered address or appointment, to inquire whether he has erased 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 dispatch, the Registrar may erase the name of such registered practitioner from the register :Provided that any name erased under this sub-section may be re-entered in the register under the direction of the Council.

## **18. Persons entitled to be registered.**

(1)Every person 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 regulations made under section 34 (3) ( b), be entitled to have his name entered in the register, of medical practitioners.(2)Provided that the Registrar shall refer to the Council any application for entry in the register from a person in respect of whom he considers that the Council may wish to proceed under section 26 (1).(3)Provided also that the Registrar, if so directed by the Council, shall refuse to register the name of any person who holds a medical degree, diploma, or certificate granted in any foreign country or British colony which does not recognize the medical degrees, diplomas or certificates of the Universities or [State Government] [Substituted by the A.O 1950 for (Provincial Govt.) which had been Substituted by the A. O. 1937 for (L.G.).] of [India] [Substituted by the A. O. 1950 for (British India).].

## **19. Amendment of Schedule.**

- If the Council is satisfied -(a)that a title granted or qualification certified by a University, Medical Corporation, examining body or other institution is a sufficient guarantee that persons holding such title or qualification possess the knowledge and skill requisite for efficient practice of medicine, surgery and midwifery, or(b)that a title or qualification referred to in Article 3 of the Schedule is not a sufficient guarantee as aforesaid, it may make a report to that effect to the [State Government] [Substituted by the A.O 1950 for (Provincial Govt.) which had been Substituted by the A. O. 1937 for (L.G.).] which may, if it thinks fit, thereupon direct, by notification in the [official Gazette] [Substituted for 'Gazette' by the A. O. 1937]-(1)in case (a), that the possession of such title or qualification shall; subject to the provisions hereinafter contained, and on payment of such fee as may be prescribed in this behalf by regulation made under section 34 (3) (b), entitle a person to have his name entered in the register of medical practitioners, or(2)in case (b), that the possession of such title or qualification shall not entitle a person to have his name entered in the said register ; and the schedule shall thereupon be deemed to be altered accordingly.

## **20. Power of Council to call for information from medical college or school.**

- The Council shall have power to call on the governing body or authorities of a medical college or school other than a college or school affiliated to the University of Allahabad, [\*\*\*] [The word (Lahore) Omitted by the A. O. 1950.] Calcutta, Bombay, or Madras, 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, surgery, and midwifery; and(b)to provide facilities to enable a member of the Council deputed by the Council in this behalf to be present at the examinations held by such college or school.

## **21. Information required of applicant for registration.**

- Every person who applies to have his name entered in the register of medical practitioners-(a)must satisfy the Registrar that he is possessed of some title or qualification referred to in the schedule, as alerted by notifications (if any) issued under section 19; and(b)if he is registered under the Medical Acts, -(i)must correctly inform the Registrar of the date of such registration, and(ii)must furnish the Registrar with a correct statement of the titles or qualifications in respect of which he is so registered, and of the dates on which he obtained them, or(c)if he is not registered under the Medical Act, 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, and(d)give the Registrar any information which he reasonably may require for the purpose of discharging his duties under this Act.

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

- If a person whose name is entered in the register of medical practitioners obtains any title or qualification other than the title or qualification in respect of which he has been registered, he shall

on payment of such fee as may be prescribed in this behalf by regulation made under section 34 (3) (b), 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.

### **23. 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] [Substituted by. A. O. 1950 for (Provincial Government) which had been sub-section by the A. O. 1937 for (L.G.).] under section 34 (2) (c).

### **24. Appeal to Council from decision of Registrar.**

- If a person is dissatisfied with a decision of the Registrar, refusing to enter any title or qualification of such person in the register of medical practitioners, he may, at any time within three months from the date of such decision, appeal to the Council.

### **25. Erasure of fraudulent and incorrect entries.**

- Any entry in the register of medical practitioners, which is proved to the satisfaction of the Council to have been fraudulently or incorrectly made, may be erased under an order in writing of the Council, after notice has been given to the person concerned and his objections if any, have been considered.

### **26. Power of Council to prohibit entry in, or to direct removal from the register etc.**

(1)The Council may, upon reference from the Registrar or otherwise, prohibit the entry in, or order the removal from the register of the name of any medical practitioner -(a)who has been sentenced by a criminal court to imprisonment for an offence indicating in the opinion of the Council such a defect in character as would render the entry or continuance of his name in the register undesirable, or(b)whom the Council after inquiry (at which an opportunity has been given to him to be heard in his defence and to appear either in person or by counsel, vakil, pleader or attorney, and which may in the discretion of the Council be held, in camera) has found guilty by a majority of two-thirds of the members present and nothing at the meeting of infamous conduct in any [professional respect] [See. No . 329.d. /March 28, 1923 in Gaz. 1923. Pt.I. p. 366.].(2)Nothing in sub-section (1) shall be deemed to justify the exclusion or removal from the register of the name of any medical practitioner on the ground of his adoption of a theory of medicine and surgery not in accordance with the accepted view for the time being or of his association with a vaid, hakim, or homoeopath or an unregistered practitioner, so long as that unregistered practitioner -(a)is possessed of one of the qualifications specified in the schedule, and(b)is not a person whose name he has reason to believe, has been excluded or removed from the register by the Council under sub-section (1) or would be so excluded if application for registration thereof were made.(3)The Council may direct that the name

of any person against whom an order has been made under sub-section (1) shall be entered or re-entered as the case may be.

## **27. Appeal to State Government from decision of council.**

(1)An appeal shall lie to the [State Government]<sup>1</sup> from every decision of the Council under section 24 or 26.(2)Every appeal under sub-section (1) shall be preferred within three months from the date of such decision.

## **28. Bar to suits and other legal proceedings.**

- No suit or other legal proceeding shall lie in respect of an act done in the exercise of a power, conferred by this Act on the [State Government] [Substituted by the A.O. 1950 for (Provl. Govt.) which had been Substituted by the A. O. 1937 for (L. G.)] or the Council or the Registrar.

## **29. Notice of deaths and erasure of names from register.**

(1)Every Registrar of deaths who receives notice of the death of a person whose name he knows to be entered in the register of medical practitioners shall forthwith transmit by post to the Registrar of the Council 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 other reliable information regarding such death, the Registrar of the Council shall erase the name of the deceased person from the Register.

## **30. Penalty on unregistered person representing that he is registered.**

- If a person whose name is not entered in the register of medical practitioners falsely pretends that it is so entered or uses in connection with his name or the 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.

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

- For the purpose of any inquiry held under section 26, or of any appeal under section 24, the Council shall be deemed to be a court within the meaning of the Indian Evidence Act, 1872, and shall exercise the powers of a Commissioner appointed under the Public Servants (Inquiries) Act, 1850; and every such inquiry and appeal shall be conducted, as far as may be, in accordance with the provisions of section 5 and sections 8 to 10 of the said Public Servants (Inquiries) Act, 1850.

## **32. Reservation of certain appointments to registered practitioners.**

- Except with the general or special sanction of the [State Government] [Substituted by the A.O. 1950 for (Provl. Govt.) which had been Substituted by the A. O. 1937 for (L. G.)] or of any officer



authorized by it in this behalf, no person other than a registered practitioner shall be competent to hold an appointment as medical officer of health, or as physician, surgeon, or other medical officer in a hospital, asylum, infirmary, dispensary, or lying in hospital, not being an institution avowedly maintained for the purpose of medical treatment according to the homoeopathic, Ayurvedic or Unani system, which is supported partially or entirely by public or local funds. Annual Medical List

### **33. Publication of and presumption as to entries in Annual Medical List.**

(1)The Registrar shall, in every year, 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 of medical practitioners and 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, and the date on which each such title was granted or each such qualification was certified.(2)Every court shall presume that a person whose name is entered in the latest of such lists is duly registered under this Act and that a person whose name is not so entered is not registered under this Act:Provided that, in the case of a person whose name does not appear in such list, a certified Copy signed by the Registrar, of the entry of the name of such person in the register of medical practitioners shall be evidence that such person is registered under this Act. Rules and Regulations

### **34. Rules and Regulations.**

(1)The [State Government] [Substituted by the A.O. 1950 for (Provl. Govt.) which had been Substituted by the A. O. 1937 for (L. G.)] may, after previous publication from time to time make rules consistent with the Act to carry out the purposes of this Act.(2)In particular, and without prejudice to the generality of the foregoing power, the [State Government] [Substituted by the A.O. 1950 for (Provl. Govt.) which had been Substituted by the A. O. 1937 for (L. G.)] may make rules -(a)to regulate elections under this Act;(b)to prescribe the form of the register of medical practitioners to be maintained under this Act;(c)to regulate the application of fees;(d)to regulate the procedure to be followed by the Council in -(i)conducting any inquiry under section 26, and(ii)disposing of appeals from the decision of the Registrar preferred under section 24.(3)In addition to the power conferred by section 13 the Council may, with the previous sanction of the [State Government] [Substituted by the A.O. 1950 for (Provl. Govt.) which had been Substituted by the A. O. 1937 for (L. G.)], make regulations-(a)to prescribe the expenses payable to members of the Council ;(b)to prescribe the fees chargeable in respect of any registration under this Act; and(c)to regulate the keeping of accounts.(4)All such rules and regulations shall be published in the [Official Gazette] [Substituted for 'Gazette' by A. O. 1937].

### **35. Control of Council by State Government.**

- If at any time it shall appear to the [State Government] [Substituted by the A.O. 1950 for (Provl. Govt.) which had been Substituted by the A. O. 1937 for (L. G.)] that the Council has failed to exercise or has exceeded or abused a power conferred upon it under this Act or has failed to perform

a duty imposed upon it by this Act, the [State Government] [Substituted by the A.O. 1950 for (Provl. Govt.) which had been Substituted by the A. O. 1937 for (L. G.)] may, if it considers such failure, excess, or abuse to be of a serious character, notify the particulars thereof to the Council; and if the Council fails to remedy such default, excess or abuse within such time as may be fixed by the [State Government] [Substituted by the A.O. 1950 for (Provl. Govt.) which had been Substituted by the A. O. 1937 for (L. G.)] in this behalf, the [State Government] [Substituted by the A.O. 1950 for (Provl. Govt.) which had been Substituted by the A. O. 1937 for (L. G.)] may dissolve the Council and cause all or any of the powers and duties of the Council to be exercised and performed by such agency and for such period as it may think fit :Provided that it shall take steps as soon as may be convenient to constitute a new Council of the members prescribed in section 4.

### 36. Saving.

- No provisions of this Act shall affect a homoeopathic, Ayurvedic or Unani practitioner.

### 37.

[\* \* \*] [Section 37 omitted by A. O. 1950 which had been added by the A. O. 1937.]The  
SchedulePersons Who Are Entitled to Have Names Entered In the Register of Medical  
Practitioners(See Sections 18, 19, 20 and 21)

**1. [Every] [Substituted for Articles 1 and 2 by notification no. 3394/V -18, d. Sept. 22, 1943, which came into force from the same date. The remaining articles were accordingly renumbered.] person who holds a degree, diploma or licence which is included in Schedule I or II to the Indian Medical Council Act, as amended from time to time or granted by the Universities in India established by an Act of the Governor General in Council or of the Governor of any Province in India.**

**2. Every person who has been trained in a Government Medical College or School in India, [or Burma] [Inserted by the A. O. 1937.] and holds a diploma or certificate, granted by the Government [concerned] [Inserted by the A. O. 1937.], declaring him to be qualified-**

(a)to practise medicine, surgery and midwifery, or(b)to perform the duties of military assistant surgeon, hospital assistant or sub-assistant surgeon.

**3. Every person who has been granted a diploma by the State Medical Faculty in West Bengal or by the College of Physicians and Surgeons of Bombay or by the East Punjab State Medical Faculty, the Central Provinces Medical Examination Board, the U. P. State Board of Medical Examinations,**

**the Bihar and Orissa Medical Examination Board, the Burma Medical Examination Board or the Board of Examiners, Medical College; Madras declaring him to be qualified in like manner.**

**4. [B. M. B. S. of Lucknow University.] [Amended by Notification no. 4257-A/V-1700-61, dated June 6, 1961.]**