



The Punjab Medical Registration Act, 1916

Act 2 of 1916

Keyword(s):

The British Medical Act, Registered Practitioner, Doctor

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THE PUNJAB MEDICAL REGISTRATION ACT, 1916

PUNJAB ACT 2 OF 1916

[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].

| 1 | 2 | 3 | 4 |
|------|-----|---|---|
| Year | No. | Short title | Whether repealed or otherwise affected by legislation. |
| 1916 | 2 | The Punjab Medical Registration Act, 1916 | Amended by Punjab Act 12 of 1926 ¹ Amended, Punjab Act I of 1928 ² Amended, Government of India (Adaptation of Indian Laws), Order, 1937. Amended, the Indian Independence (Adaptation of Bengal and Punjab Acts), Order, 1948 (G.G.O. 40 of 1948) Amended, Adaptation of Laws Order, 1950. Amended, by the Adaptation of Laws (Third Amendment) Order of 1951. Extended to the territories which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union by Punjab Act 30 of 1958 ³ . Amended by Punjab Act 25 of 1964 ⁴ . Amended by Haryana Adaptation of Laws (States and Concurrent Subjects) under 1968 ⁷ . Amended by Haryana Act 17 of 1989 ⁸ . |

1. For Statement of Objects and Reasons, see *Punjab Gazette*, 1915, Part V, page 184, for Select Committee's report, see *ibid*, Part V, 1916, pages 7—13, for Debates in Council, see *ibid*, 1915, Part V, pages 210—14, and *ibid*, 1916, pages 155—76.
2. See *Punjab Gazette*, 1916, Part V, pages 267—70.
3. For Statement of Objects and Reasons see *East Punjab Government Gazette*, 1926, Part I, page 1002 and for Proceedings in Council see *Punjab Legislative Council Debates*, Volume IX, page 1590. This Act came into force on the 22nd of November, 1926, see *Punjab Gazette* notification No. 38186-H.—Medical, dated 22nd December, 1926.
4. For Statement of Objects and Reasons, see *Punjab Gazette*, 1928, Part I, page 2, and for Proceedings in Council, see *Punjab Legislative Council Debates*, Volume XI, pages 30-31.
5. For Statement of Objects and Reasons, see, *Punjab Government Gazette (Extraordinary)*, 1958 page 1494.
6. For Statement of Objects and Reasons see, *Punjab Government Gazette (Extraordinary)*, 1964 pages 935—937.
7. For Statement of Objects and Reasons, see *Haryana Gazette (Extraordinary)*, dated the 29th October, 1968.
8. For Statement of objects and reasons, see *Haryana Government Gazette (Extraordinary)* dated the page 1730, dated 8.9.1989.

THE SCHEDULE

PUNJAB ACT 2 OF 1916

An Act for the Registration of Medical Practitioners.

Preamble

WHEREAS it is expedient to provide for the registration of certain medical practitioners in ¹[Haryana,]. It is hereby enacted as follows :—

Short title.

1. (1) This Act may be called the Punjab Medical Registration Act, 1916.

Extent.

(2) It extends to ¹[Haryana].

Commencement of Act.

2. The provisions of section 4 shall come into force on such ²date as the ³[State] Government may notify in this behalf. The rest of this Act shall come into force at once.

Definitions.

3. 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 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.

Privileges of registered practitioners.

4. Notwithstanding anything to the contrary in any enactment, rule, bye-law 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 ;

1. Substituted for the word "Punjab" by the Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.

2. The provisions of section 4 came into force on the 1st January, 1918,—*vide Punjab Gazette* (Home-Medical) notification No. 16493, dated the 27th August, 1919.

3. Substituted for the word "Provincial" by the Adaptation of Laws Order 1950.

- (2) except with the special sanction of the ¹[State] Government no one other than a registered practitioner shall be competent to hold any appointment as physician, surgeon of 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.

5. (1) A Medical Council shall be established for ⁶[Haryana], and shall consist of ²[seven] members including a president and a vice-president to be appointed in the following manner :—

Constitution of
Medical Council.

(a) The president nominated by the ¹[State] Government.

³[(b) Three members nominated by the State Government.

(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. No person shall be eligible to be a member of the Council unless he is a registered practitioner :

Qualifications of
members.

Provided that in the case of first appointments made under this Act the persons electing the members under clause ⁴* * * ⁵[(c)] 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. The members of the Council shall hold office for a term of three years and shall be eligible for re-appointment.

Tenure of office
of members.

8. A member of the Council shall be deemed to have vacated his seat —

Cessation of
membership.

(1) on sending his resignation in writing to the president or registrar ;

(2) on his absence without excuse sufficient in the opinion of

1. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1968.
2. Substituted for the word "eleven" by Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.
3. Substituted for the old clause by Punjab Act 12 of 1926. section 2 and further substituted by Haryana Act 17 of 1989.
4. The brackets and letter "(c)" omitted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.
5. Substituted by Haryana Act 17 of 1989.
6. Substituted for the word "Punjab" by the Haryana Adaptation of Laws (State and Concurrent subjects) Order, 1968.

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.

Filling up of vacancies.

9. 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.

Registrar and other officers.

10. (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. 45 of 1860.

Medical register.

11. 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 ¹[Haryana Medical Register], and from time to time to revise the register and publish it in the prescribed manner. Such register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872. 1 of 1872.

Meeting of Council.

12. No business shall be transacted at a meeting of the Council unless at least ²[Four] 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

1. Substituted for the words "Punjab Medical Register" by Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.
2. Substituted for the word "six" by Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.

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. 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,

Persons who may be registered.

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 provision hereinafter contained, the registrar shall register him in the ¹[Haryana 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 ²[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 ³Punjab ⁴* * * * or the Delhi ¹[State] before the 25th day of September, 1915 :

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

1. Substituted for the words "Punjab Medical Register" by Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.
2. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
3. Substituted by Adaptation of Laws Order, 1950, for "East Punjab", which had been substituted for "the Punjab" by G.G.O. 40 of 1948.
4. Inserted by section 2 of Punjab Act, I of 1928.
5. The words "or the North West Frontier Province" omitted by the Indian (Adaptation of Existing Indian Laws) Order, 1947, para 4(i).

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.

Entry of new titles and qualifications in register.

14. 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.

Appeal against the decision of registrar.

15. 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.

Alteration of register by Council.

16. (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 been guilty of infamous conduct in any professional respect. The Council may also direct that any name so removed shall be restored.

Procedure in inquiries and appeals.

17. (1) The Council may at its discretion hold an inquiry under section 13 or 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'

1 of (Inquiry) Act, 1850; and such inquiries and appeals shall be
1872. conducted, as far as may be, in accordance with the provisions
of section 5 and sections 8 to 20 of the said Public Servants'
37 of (Inquiries) Act, 1850.
1850.

18. An appeal shall lie to the ²[State] Government 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.

Appeal against the decision of Council.

19. No act done in the exercise of any power conferred by this Act on the ²[State] Government or the Council or the registrar shall be questioned in any civil court.

Limitation of Jurisdiction of civil courts.

20. It shall be lawful for the ²[State] Government by notification in the ³[Official Gazette] to alter the Schedule.

Power of State Government to alter schedule.

21. 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—

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

(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 ²[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. If at any time it shall appear to the ²[State] Government 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 ¹[State] Government may communicate the

Control by State Government.

1. See India Code, Volume I.

2. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

3. Substituted for the words "Punjab Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937.

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 ¹[State] Government in this behalf, the ¹[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 ¹[State] Government may think fit.

Penalty for
falsely
pretending to be
a registered
practitioner.

23. Every person who falsely pretends to be a registered practitioner shall, whether any person is actually deceived by such pretence or not, be liable to be punished on conviction by a ²[Judicial Magistrate] of the first class with fine that may extend to three hundred rupees.

Power to make
rules and bye-
laws.

24. (1) The ¹[State] Government may after previous publication make rules for the purposes of carrying out the provisions of this Act.

In particular and without prejudice to the generality of the foregoing provision, the ¹[State] Government may make rules —

- (i) for the election of members to the Council under sections 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 ¹[State] Government, make bye-laws —

- (i) for the convening of meetings of the Council ;
- (ii) for the conduct of business at such meetings ;
- (iii) for the appointment, control, pay and allowances of the establishment employed under section 10.

¹ Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

² Substituted for the word "Magistrate" by Punjab Act 25 of 1964.

[25. * * * * *

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, ²[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.

(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, Edinburg, Aberdeen, Glasgow, St. Andrews and Dublin, the Royal University of Ireland and the Universities of Adelaide, Malta, Melbourne, New Zealand Sydney, Dalhousie, Me Gill and Leval.

(3) The Degree of Fellow, Member or Licentiate of the Royal Colleges of Physicians of London, Edinburg and Ireland.

(4) The Degree of Fellow, Member or Licentiate of the Royal Colleges of Surgeons of England, Edinburg 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.

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1. Section 25. Inserted by the Government of India (Adaptation of Indian Laws) Order, 1937, has been omitted by the Adaptation of Laws (Third Amendment) Order, 1951.
 2. 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 "the Punjab" by G.G.O. 40 of 1948.

(7) A Diploma or Certificate ¹[granted by a ²[State] Government or the Government of Burma] to any person trained in a Medical College or School 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.

(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.

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1. Substituted for the words "granted by a Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.
 2. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.