



## The Punjab Medical Registration Act, 1916

Act 2 of 1916

**Keyword(s):**

**The British Medical Acts, Registered Practitioner**

**DISCLAIMER:** This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

# THE PUNJAB MEDICAL REGISTRATION ACT, 1916

## ARRANGEMENT OF SECTIONS

### SECTIONS

1. Short title and extent.
  2. Commencement of Act.
  3. Definitions.
  4. Privileges of registered practitioners.
- 

1. This Act is applicable only in respect of merged areas by virtue of sec. 88 of the Punjab Reorganization Act, 1966.

2. 1st day of June, 1964,—*Vide* Punjab Government (Labour Department) Not. No. GSR-136/PA 12/64/S.2/64, dated the 1st June, 1964, published in Punjab Gazette, Extra., Legislative Supplement, Part III, dated the 1st June, 1964.

3. Subs. for the expression "Central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973.

## SECTIONS

5. Constitution of Medical Council.
6. Qualifications of members.
7. Tenure of office of Members.
8. Cessation of membership.
9. Filling up of vacancies.
10. Registrar and other officers.
11. Medical register.
12. Meetings of Council.
13. Persons who may be registered.
14. Entry of new titles and qualifications in register.
15. Appeal against the decision of registrar.
16. Alteration of register by Council.
17. Procedure in inquiries and appeals.
18. Appeal against the decision of Council.
19. Limitation of jurisdiction of civil courts.
20. Power of State Government to alter schedule.
21. Power of Council to call for information regarding efficiency of teaching and to attend examinations.
22. Control by State Government.
23. Penalty for falsely pretending to be a registered practitioner.
24. Power to make rules and bye-laws.
25. Repealed

## THE SCHEDULE

**THE PUNJAB MEDICAL REGISTRATION ACT, 1916**  
**(Punjab Act No. 2 of 1916)<sup>1</sup>**

(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 published in the Punjab Gazette of the 24th February, 1916, Part V, pages 267-270)

---

1. For Statement of Objects and Reasons, see Punjab Gazette, 1915 Part V, p. 184; for Select Committee's report see *ibid*, Part V, 1916, p. 7-13. The Act was extended to erstwhile Pepsu areas by Punjab Act No. 30 of 1958.

The Act is now in force only in merged areas by virtue of Sec. 88 of the Punjab Re-organisation Act, 1966.

Amended, repealed or otherwise affected by,—

- (i) Punjab Act No. XII of 1926<sup>1</sup>
- (ii) Punjab Act No. 1 of 1928.<sup>2</sup>
- (iii) Government of India (Adaptation of Indian Laws) Order, 1937.
- (iv) The Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.
- (v) Adaptation of Laws Order, 1950.
- (vi) Adaptation of Laws (Third Amendment) Order, 1951.
- (vii) Punjab Act No. 25 of 1964, published in Punjab Gazette (Extra.), Legislative Supplement, Part I, dated the 30th September, 1964.
- (viii) A.O. 1968, published in R.H.P., dated the 1st February, 1969, p. 158—161.
- (ix) A.O. 1973, published in R.H.P. Extra, dated the 20th January, 1973, p. 91—112.

An Act for the Registration of Medical Practitioners.

WHEREAS it is expedient to provide for the registration of certain medical practitioners in <sup>3</sup>Punjab ; It is hereby enacted as follows:—

1. (1) **Short title.**—This Act may be called the Punjab Medical Registration Act, 1916.

(2) **Extent.**—It extends to <sup>3</sup>[the territories specified in sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966].

2. **Commencement of Act.**—The provisions of section 4 shall come into force on such date<sup>4</sup> as the <sup>5</sup>[State Government] may notify in this behalf. The rest of this Act shall come into force at once.

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.

1. For Statement of Objects and Reasons, See East Punjab Gazette, 1926, Part I, P. 1002.

2. For Statement of Objects and Reasons, see Punjab Gazette, 1928, Part I, p. 2.

3. Subs. by A.O. 1968, for the word ‘Punjab’ which was subs. 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 Adaptation of Laws (Third Amendment) Order, 1951.

4. With effect from 1st January, 1918, vide Punjab Government Notification No 16493, dated the 27th August, 1919.

5. Subs. for the expression ‘Central Government’ (which was subs. for “State Government” by A.O. 1968) by A.O. 1973. The word “State” was subs. for the word “Provincial” by Adaptation of Laws Order, 1950.

- (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.

**14. Privileges of registered practitioners.**—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;
- (2) except with the special sanction of the <sup>2</sup>[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.

**5. Constitution of Medical Council.**—(1) A Medical Council shall be established for Punjab, and shall consist of <sup>3</sup>[eleven] members including a president and a vice-president to be appointed in the following manner:—

(a) The president nominated by the <sup>2</sup>[State Government].

<sup>4</sup>[(b) <sup>5</sup>[Four] members nominated by the <sup>2</sup>[State Government], of whom one shall be <sup>6</sup>[\*\*\*\*] a person recommended by the Chief Commissioner, Delhi.

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

2. Subs. for the expression "Central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973. The word "State" was subs. for the word 'Provincial' by Adaptation of Laws Order, 1950.

3. Subs. for the word "sixteen" (which had been subs. for the word "thirteen" by Punjab Act XII of 1926, sec. 2) by Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

4. Subs. for the old clause by Punjab Act No. XII of 1926, section 2.

5. Subs. for the word 'eight' by Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

6. The words "an independent medical practitioner practising in the Punjab, two shall be persons recommended by the Chief Commissioner, North Frontier province, and one shall be" omitted by Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

(c) <sup>1</sup>[\* \* \* \* \*]

(d) Three members elected by the registered practitioners who are Graduates or Licentiates in Medicine of <sup>2</sup>[any University in India].

(e) <sup>3</sup>[Two Members] elected by the registered practitioners who hold a diploma from a <sup>4</sup>[State Government] declaring them to be qualified to perform the duties of a Hospital Assistant or a Sub-Assistant Surgeon.

(f) One member elected by all other registered practitioners.

(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 clauses <sup>5</sup>[\*\*\*\*\*](d), (e) and (f) 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 be 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 ;

1. Omitted by the Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 (G. G. O. 40).

2. Subs. for the words " the University of the Punjab' by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 (G. G. O. 40).

3. Subs. for the words " one member" by Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 (G. G. O. 40).

4. Subs. for the expression "Central Government" which was subs. for "State Government" by A. O. 1968) by A. O. 1973 ; the word "State" was subs. for the word "Provincial" by Adaptation of Laws Order, 1950.

5. The brackets and letter " (c)" omitted by Indian Independence, (Adaptation of Bengal and Punjab Acts) Order, 1948.

(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. Filling 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 removeable 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.

**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 be a public document within the meaning of the Indian Evidence Act, 1872.

**12. Meeting of Council.**—No business shall be transacted at a meeting of the Council unless at least <sup>1</sup>(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

---

1. Subs. for the word "seven" by Indian Independence (Adaptation of Bengal and Punjab Acts), Order of 1948.

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 <sup>1</sup>[State] in India shall be exempt from the registration fee leviable under this clause :

Provided also, that the <sup>2</sup>[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 <sup>3</sup>[the territories specified in subsection (1) of section 5 of the Punjab Re-organisation Act, 1966] <sup>4</sup>[<sup>5</sup>(\*\*\*\*\* or the Delhi 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 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.

---

1. Subs. for the word "province" by Adaptation of Laws Order, 1950.

2. Subs. for the expression "Central Government" which was subs. for "State Government" by A.O. 1968) by A.O. 1973. The word "State" was subs. for the word 'Provincial' by Adaptation of Laws Order, 1950.

3. Subs. by A.O. 1968 (w. e.f. 1-11-1966) for the word "Punjab" which was subs. 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 Punjab Act I of 1928, section 2.

5. The words "or the North-West Frontier Province" omitted by the India (Adaptation of Existing Indian Laws) Order, 1947, para 4(i).