



The Punjab Medical Registration Act, 1916

Act 2 of 1916

Keyword(s):

The British Medical Acts, 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 ²first 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Year	No.	Short title	Whether repealed or otherwise affected by legislation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	<p>Amended by Punjab Act, 12 of 1926¹ and I of 1928¹</p> <p>Amended, Government of India (Adaptation of Indian Laws) Order, 1937</p> <p>Amended, The Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, (G. G. O. 40 of 1948)</p> <p>Amended Adaptation of Laws Order, 1950</p> <p>Amended by the Adaptation of Laws (Third Amendment) Order, of 1951</p> <p>Extended to Pepsu Territory by Punjab Act 30 of 1958⁵</p> <p>Amended by Punjab Act 25 of 1964⁶</p>

¹For 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.

²See *Punjab Gazette*, 1916, Part V, pages 267—70.

³For 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.

⁴For 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.

⁵For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1958, page 1494.

⁶For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1964, pages 935—37.

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 'Punjab ; 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 ²Punjab.

Commencement of Act.

2. The provisions of section 4 shall come into force on such ³date as the ⁴[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 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.

Privileges of registered practitioners.

4. Notwithstanding anything 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

¹Substituted 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.

²Substituted by Adaptation of Laws Order, 1950, for "East Punjab", which had been substituted for "the Punjab" by A.O. 1948.

³The 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.

⁴Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

- medical practitioner or officer shall be valid unless signed by a registered practitioner ;
- (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 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. (1) A Medical Council shall be established for Punjab, and shall consist of ²[eleven] 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) ⁴[Four] members nominated by the ¹[State] Government, of whom one shall * * * * a person recommended by the Chief Commissioner. Delhi.
* * * * *

(c) * * * * *

(d) Three members elected by the registered practitioners who are Graduates or Licentiates in Medicine of ⁷[any University in India].

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

²Substituted 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.

³Substituted for the old clause by Punjab Act 12 of 1926, section 2.

⁴Substituted for the word "eight" by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

⁵The words "an independent medical practitioner practising in the Punjab, two shall be persons recommended by the Chief Commissioner, North-West Frontier Province, and one shall be" were omitted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

⁶Omitted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order of 1948, (G.G.O. 40).

⁷Substituted for the words "the University of the Punjab" by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order of 1948 (G.G.O. 40).

(e) ¹[Two members] elected by the registered practitioners who hold a diploma from a ²[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.

Qualifications of members. 6. 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 * * * (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.

Tenure of office of members. 7. The members of the Council shall hold office for a term of three years and shall be eligible for re-appointment.

Cessation of membership. 8. 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.

¹Substituted for the words "one member" by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order of 1948 (G.G.O. 40).

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

³The brackets and letter "(c)" omitted by the Indian Independence, (Adaptation of Bengal and Punjab Acts) Order, 1948.

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.

Filling up of vacancies.

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.

Registrar and other officers.

(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.

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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 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.

Medical register.

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12. No business shall be transacted at a meeting of the Council unless at least ¹[six] members are present.

Meeting of Council.

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.

¹Substituted for the word "seven" by the Indian Independence (Adaptation of Bengal and Punjab Acts), Order of 1948 (G.G.O. 40).

Persons who
may be regis-
tered.

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,

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 ¹[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[* * * ⁵* * *] 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 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

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

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

³Substituted by Adaptation of Laws Order, 1950, for "East Punjab" which had been substituted for "the Punjab" by G.G.O. 40 of 1948.

⁴Inserted by section 2 of Punjab Act, I of 1928.

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

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. 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.

Entry of new titles and qualifications in register.

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.

Appeal against the decision of registrar.

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.

Alteration of register by Council.

(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.

17. (1) The Council may at its discretion hold an inquiry under section 13 or section 16 *in camera*.

Procedure in inquiries and appeals.

(2) For the purpose of any such inquiry or of any appeal under section 15, the Council shall be deemed

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1872.

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.

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of 1850

Appeal against
the decision of
Council.

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.

Limitation of
Jurisdiction of
civil courts.

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.

Power of State
Government to
alter schedule.

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

Power of
Council to call
for information
regarding effi-
ciency of teach-
ing and to attend
examinations.

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—

- (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.

Control by
State Govern-
ment.

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

¹See Unrepealed Central Acts, Volume I.

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

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

it under this Act or has neglected to perform any duty imposed upon it by this Act, the ¹[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 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.

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.

Penalty for falsely pretending to be a registered practitioner.

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

Power to make rules and bye-laws.

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;

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

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

- (iii) for the appointment, control, pay and allowances of the establishment employed under section 10.

¹[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, 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,

¹Section 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.

²Substituted 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 G.G.O. 40 of 1948.

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 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.

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

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