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U. B. VOIRA,
Secretary to Government, Punjab,
Lahore and P. Public Health Branches.

9418 CS-1317-28-7-60--CP and S. P. b, Chandigarh

[The Punjab] Medical Registration
Act, 1916

(Act 2 of 1916)

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Received the assent of the Lieutenant Governor of 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, dated the 24th February, 1916.

No.	Year	Short title	Whether repealed or otherwise affected by legislation
1	1916	The Punjab Medical Registration Act, 1916.	Amended by Punjab Act 12 of 1926. Amended by Punjab Act I of 1928. Amended by Adaptation of Laws Order, 1937. Amended by the Adaptation of Laws Order, 1948. Amended by the Adaptation of Laws (Third Amendment) Order, 1951. Extended to the territories which immediately before the 1st November, 1956, were comprised in the Patiala and East Punjab States Union by Punjab Act No. 30 of 1958. Amended by Punjab Act 25 of 1964.

1. For Statement of Objects and Reasons: see Punjab Gazette, 1915, Part V, page 144; for Report of the Select Committee, see *ibid.*, Part V, 1916, page 73; for Debates in Council, see *ibid.*, 1915, Part V, Pages 210-14, and *ibid.*, 1916, pages 155-76.

An Act for the Registration of Medical Practitioners

Whereas it is expedient to provide for the registration of certain medical practitioners in Punjab;

It is hereby enacted as follows :—

Haryana Amendment :

For "Punjab", substitute "Haryana".

NOTE

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 found guilty of infamous conduct in any professional respect. It would 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 recommend 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 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 Vaidas, and does not prohibit practice by unregistered practitioners." (Punjab Gazette, 1915, Part V, page 184.)

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

(2) Extent.—It extends to Punjab.

1. Substituted for the words "East Punjab" by the Adaptation of Laws (Third Amendment) Order, 1951.

2. Substituted by Haryana Adaptation of Laws Order 1968.

Haryana Amendment—

For "Punjab", substitute "Haryana".

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.

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 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 [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 [eleven] members including a president and a vice-president to be appointed in the following manner :—

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

1. Substituted by the Haryana Adaptation of Laws Order, 1968.
2. The provisions of section 4 came into force on the 1st January, 1918.—Punjab Gazette (Punjab—Medical) notification No. 14191, dated the 27th August, 1919.
3. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
4. Substituted for the word "Governor" (which had been substituted for the word "Minister" by Punjab Act, XII of 1926, section 2) by the Indian Independence (Adaptation of Laws and Punjab Act) Order, 1947.

(b) [Four] members nominated by the [State] Government of whom one shall be "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 [any University in India].

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

Haryana Amendment:

In sub-section (1) —

in opening paragraph for "eleven" substitute "seven";

in clause (b) for "four", substitute "two";

in clause (d) for "three", substitute "two";

in clause (e) for "two", substitute "one".

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 (d), (e)

1. Substituted for the old clause by Punjab Act, XII of 1926.
2. Substituted for the word "eight" by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.
3. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
4. The words "an independent medical practitioner practising in the Punjab, two shall be person 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.
5. Omitted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order of 1948. (G.O.D. 40).
6. Substituted for the words "the University of the Punjab" by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order of 1948. (G.O.D. 40).
7. Substituted for the words "one member" by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order of 1948. (G.O.D. 40).
8. Substituted by the Haryana Adaptation of Laws Order, 1948.
9. The brackets and letter "(c)" omitted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

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,
- (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 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 a register shall be deemed to be a public document within the meaning of the Indian Evidence Act, (1 of 1872) 1872.

Haryana Amendment:—

For "Punjab Medical Register", substitute "Haryana Medical Register".¹

12. Meetings of Council.—No business shall be transacted at a meeting of the Council unless at least 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.

Haryana Amendment:—

For "six", substitute "four".¹

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 Act, or
- (b) is possessed of any of the qualifications described in the schedule,

may apply to the registrar to be registered and 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 exempted 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.

1. Substituted by the Haryana Adaptation of Laws Order, 1948.
2. Substituted for the word "seven" by the Indian Independence (Adaptation of Heredit and Punjab Act), Order of 1948 (G.O. 40).
3. Substituted for the word "Punjab" by the Adaptation of Laws Order, 1950.
4. Substituted for the word "Punjab" by the Adaptation of Laws Order, 1950.

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 Punjab 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.

Haryana Amendment:—

For "Punjab Medical Register", substitute "Haryana Medical Register".

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.

1. Substituted by Adaptation of Laws Order, 1950, for "East Punjab" which had been substituted for "the Punjab" by G.O. 40 of 1948.
2. Inserted by section 2 of Punjab Act, 1 of 1928.
3. The words "or the North West Frontier Province", omitted by the India (Adaptation of Existing Indian Laws) Order, 1947, page 4(i).
4. Substituted by Haryana Adaptation of Laws Order, 1956.

- (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 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.

[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, [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 of 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.

1. Subs. for the word "Provincial" by the Adaptation of Laws Order, 1950.
2. 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.
3. 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 G. O. C. 40 of 1950.

[25.]

(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 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.

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.

HARYANA GOVT GA. EXTRA) OCT. 5, 1989
(ABVN. 13, 1989) 99

PART I

LEGISLATIVE DEPARTMENT
Notification

The 5th October, 1989

No. Leg. 18/89.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 26th September, 1989, and is hereby published for general information :—

Haryana Act No. 17 of 1989

THE PUNJAB MEDICAL REGISTRATION (HARYANA
AMENDMENT) ACT, 1989

AN

ACT

to amend the Punjab Medical Registration Act, 1916, in its application to the State of Haryana.

As it enacted by the Legislature of the State of Haryana in the Fortieth Year of the Republic of India as follows :—

1. This Act may be called the Punjab Medical Registration Short title,

(Haryana Amendment) Act, 1989,

2. In sub-section (1) of section 5 of the Punjab Medical Registration Act, 1916 (hereinafter called the principal Act), for clauses (b), (d), (e)

Amendment
of section 5
of Punjab
Act 2 of
1916.

and (f), the following clauses shall be substituted, namely :—

(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."

Amendment
of section 6
of Punjab
Act 2 of
1916.

3. In the principal Act, in section 6, in the proviso, for the brackets, letters, sign and word "(b), (c) and (f)", the brackets and letter "(c)" shall be substituted.

SURINDER SARUP,

Secretary to Government, Haryana,
Legislative Department.

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The Punjab Medical Registration (Haryana Amendment) Act, 1989
Received the assent of the Governor of Haryana on the 26th September, 1989, and was published in the Haryana Gazette, (Extra.), Legislative Supplement, Part I, dated October 5, 1989/Asvina 13, 1911.

Haryana Act No. 17 of 1989

An Act to amend the Punjab Medical Registration Act, 1916, in its application to the State of Haryana.

Be it enacted by the Legislature of the State of Haryana in the Fortieth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Punjab Medical Registration (Haryana Amendment) Act, 1989.

2. *Amendment of section 5 of Punjab Act 2 of 1916.*—In sub-section (i) of section 5 of the Punjab Medical Registration Act, 1916 (hereinafter called the principal Act), for clauses (b), (d), (e) and (f) the following clauses shall be substituted, namely :—

“(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.”

3. *Amendment of section 6 of Punjab Act 2 of 1916.*—In the principal Act, in section 6, in the proviso, for the brackets, letters, sign and word “(d), (e) and (f)”, the brackets and letter “(c)” shall be substituted.