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**MEDICAL
REGISTRATION
THE PUNJAB MEDICAL REGISTRATION ACT, 1916
PUNJAB ACT II OF 1916
Arrangement of Sections**

PREAMBLE.

SECTIONS:

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THE PUNJAB MEDICAL REGISTRATION ACT, 1916

PUNJAB ACT II 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 ²published 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Year	No.	Short title	Whether repealed or otherwise affected by legislation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	II	The Punjab Medical Registration Act, 1916 (Adaptation Indian)	Amended by Punjab Acts, XII of 1926 ³ and I of 1928 ⁴ Amended, Government of India 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 Orders, 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 Patiala and East Punjab States Union by Punjab Act No. 30 of 1958

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.

⁴For Statement of Objects and Reasons, see Punjab Gazette, 1928 Part I, page 2.

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An Act for the Registration of Medical Practitioners

Preamble.	WHEREAS it is expedient to provide for the registration of certain medical practitioners ¹ Punjab; It is hereby enacted as follows: -
Short Title.	1. (1) This Act may be called the Punjab Registration Act, 1916.
Medical	
Extent.	(2) It extends to ² Punjab.
Commencement	
Of Act.	2. The provisions of section 4 shall come into force on such ³ date 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-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;

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 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.

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(2) except with the special sanction of [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.

Constitution of
Medical Council

(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 : -

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

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

(c) ⁶* * * *

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

(e) ⁸[Two members elected by the registered practitioners who hold a diploma from a ¹[State] Government declaring them to be

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, XII of 1926, section 2) by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order 1948.

³Substituted for the old clause by Punjab Act, XII of 1926.

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 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.

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).

⁸Substituted for the words "one member" by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order of 1948 (G.G.O 40).

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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 ^{1*} * (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 7 members

The members of the Council shall hold office for a term of three years and shall be eligible for reappointment

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.

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.

¹The brackets and letter “ (c” omitted by the Indian Independence, (Adaptation of Bengal and Punjab Acts) October, 1948

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

of 1872

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

Meetings 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.

13. Every person who -

Persons who
may be regis-
tered

- (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.

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

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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 of 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 Registrar :

Provided that any person already registered under any Medical Registration Act in force in any other ¹[State] in India shall be exempted 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 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 application to the Council, and shall not make any entry in the register in respect of such a 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, page 4(i).

until the Council informs him that the entry is permitted.

14. If any person whose name is entered in the register obtain 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 convicted of any such offence as implies in the opinion of the Council a defect of character or who, after an enquiry 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 inquiry or of any appeal under section 15, the Council shall be deemed to be a court within the meaning of the Indian Evidence

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Act, 1872, and shall exercise all the power 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). 1 of 1872 XXXVII of 1850

Appeal against the decision of Council.

18. An appeal shall lie to the ¹[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.

Limiting jurisdiction civil courts

19. No act done in the exercise of any power conferred by this Act on the ¹[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 ¹[State] Government by notification in the ²[Official Gazette] to alter the Schedule.

Power of Council to call for information regarding efficiency of teaching 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 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 examination 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

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

²Substituted for the words "Punjab Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937

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or school from the schedule or refuse to include it in the schedule.

22. If at any time it shall appear to the ¹[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 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 magistrate of the first class with fine that may extend to three hundred rupees.

24. (1) The ¹[State] Government may after previous publication make rules for the purpose 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;

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

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- (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 the¹[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[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.

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 1958.

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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 Glassgow, 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.