

MEDICAL ACTS.

THE TAMILNADU MEDICAL REGISTRATION ACT.*

(ACT NO. IV OF 1914.)

(PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.)

(Received the assent of the Governor on the 6th April 1914 and that of the Governor-General on 27th April 1914: the assent of the Governor-General was just published in the Fort St. George Gazette of 12th May 1914.)

An Act for the Registration of Medical Practitioners.

Whereas it is expedient to provide for the registration of medical practitioners in the Presidency of Madras; It is hereby enacted as follows :-

Preamble.

1. (1) This Act may be called the Madras Medical Registration Act, 1914.

Short title.

(2) It extends to the whole of the †Presidency of Madras.

Extent.

2. †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.

Commence-
ment of Act.

3. In this Act, unless there is something repugnant in the subject or context-

Definitions

(1) "the British Medical Act" means statute 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) "Hospitals," "Asylums" "Infirmaries," "Dispensaries," "Lying-in Hospitals" mean institutions, the methods of treatment carried on in which are those which are approved by the Medical Council established by this Act;

(4) "prescribed" means prescribed by rules or by-laws made under this Act;

(5) "registered practitioner" means any person registered under the provisions of this Act.

4. Notwithstanding anything to the contrary in any enactment, rule, by-law or any other provision of law-

Privileges
of registered
practitioners.

(1) No certificate required by law to be given by a 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.

¹* As introduced by Act No. IV of 1914, and amended by Acts Nos. X of 1929, XIV of 1929, IX of 1932, XXI of 1935, XVI of 1938 and XX of 1941.

†Provisions of the Act have been extended to Banganapalle and Pudukkottai by notification, in the Fort St. George Gazette Extraordinary, dated 31st March 1939 - G.O. No. 1120, P.H., dated 29th March 1949.

‡The Provisions of section 4 came into force on the 1st June 1916 - vide G.O. No. 698, Public, dated 10th April 1916, notified in three consecutive issues of the Fort St. George Gazette, dated 11th, 18th and 25th April 1916.

¹ The words "Provincial Government" were substituted for the words "Governor in- Council" by the Adaptation order of 1837 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

5. (1) A Medical Council shall be established for the ¹ [State] of Madras, consisting of the following fifteen members, namely:-

(a) one member elected by the Senate of the University of Madras from among the members of the Faculty of Medicine of that University ;

(b) One member elected by the Senate of the Andhra University from among the members of the Faculty of Medicine of that University.

(c) one member elected from amongst themselves by such members of the staff of the Medical College at Madras, as are registered practitioners;

(d) one member elected from amongst themselves by such members of the staff of the medical college at Visakhapatnam, as are registered practitioners ;

(e) one member elected from amongst themselves by such members of the staff of the Stanley Medical College, Madras, as are registered practitioners ;

(f) seven members elected by the registered practitioners from amongst themselves; and

(g) three members nominated by the ²[State] Government.

(2) In making nominations under clause (g) of sub-section (1), the ²[State] Government shall have due regard to the claims of women of Medical missions, and of other groups of practitioners, representatives of whom have not been elected by the electorates referred to in clauses (a) to (f) of that sub-section.

(3) The President of the Council shall be elected by the members of the Council from amongst themselves in the prescribed manner :

Provided that for a period of four years from the date of the reconstitution of the Council under the Madras Medical Registration (Amendment) Act, 1938, the President shall be a person nominated by the ¹[State] Government and holding office during their pleasure, and where he is not already a member, shall ex-officio be a member of the Council in addition to the members specified in sub-section (1).

(4) The Vice-President shall be elected by the members of the Council from amongst themselves 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.

7. A member of the Council, other than a nominated President who is a member ex-officio, shall hold office for a term of five years from the date of his election or nomination, and shall be eligible for re-election or re-nomination.

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 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 This word was substituted for the word "Province" by the Adaptation Order, 1950.

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

(5) on his being declared an insolvent by any competent Court.

(6) on expiry of the term mentioned in section 7 ;

(7) in case he was elected under clause (a) or clause (b) of sub-section (1) of section 5, also on his ceasing to be a member of the Faculty of Medicine of the University concerned ; and

(8) incase he was elected under clause (c), clause (d), or clause (e) of sub-section (1) of section 5 and has ceased to be a member of the staff of the Medical College concerned, also on the expiry of three months from the date of such cessation or on the election of his successor, whichever occurs earlier.

9. When the seat of any member becomes vacant the vacancies shall be filled up by election or nomination as the case may be, in accordance with the provisions of section 5.

Filling up vacancies.

9-A (1) There shall be an Executive Committee of the Council, consisting of its president and Vice-President ex-officio, and three other members of the Council who shall be elected every year in the prescribed manner by the council at its first meeting held in that year.

Executive committee.

(2) (a) Every member of the Executive Committee so elected shall hold office as such until the next annual election ; and, if any casual vacancy occurs before such election, the Executive Committee shall fill that vacancy by electing a member of the Council :

Provided that if, before the vacancy is so filled, a meeting of the Council has been called for, the vacancy shall be filled by the Council by electing one of its members.

(b) A member of the Committee elected to fill a casual vacancy shall hold office as such only until the next annual election.

(3) The Council may, with the previous sanction of the '[State] Government, delegate any of its powers and duties to the Executive Committee.

(4) The '[State] Government shall have power to cancel any delegation made under sub-section (3).

(5) No business shall be transacted at a meeting of the Executive Committee unless at least three members thereof are present.

All questions which may come before the Executive Committee 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 President, Vice-President or any Councillor presiding at the meeting shall have a casting vote.

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.

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

11. It shall be the duty of the Registrar to keep a register of medical practitioners and from time to time to revise the register and publish it in the prescribed manner. The names of the medical practitioners shall be arranged in the alphabetical order, an asterisk being placed against the names of those who are entitled to vote at elections to the Medical Council of India under section 3 (1) (c) of the Indian Medical Council Act, 1933. Such register shall be deemed to be public document within the meaning of the Indian Evidence Act, 1872, and may be proved by a copy published in the ¹[Official Gazette].

Medical
Register.

12. Except as otherwise provided in this Act, no business shall be transacted at a meeting of the Council unless at least seven members are present.

Meetings of
Council.

All questions 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.

13. Subject to the provisions of section 14, every person who -

Persons who
may be
registered.

(a) is for the time being registered under the British Medical Act, or

(b) is possessed of any of the qualifications described in the schedule, shall be entitled to be registered on furnishing to the Registrar proof of such registration or qualification, whether or not such person practises or intends to practise the Allopathic or any other system of medicine.

Provided that the ²[State Government] may after consulting the Council permit the registration of 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.

Where such person, is, at the time of his registration under this proviso, employed in a hospital, asylum, infirmary, dispensary or lying-in-hospital managed by a Mission, the ¹[State] Government shall have power to direct that the registration shall be in force only so long as he continues to be employed in any such hospital, asylum, infirmary, dispensary or lying-in-hospital.

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.

14. (1) Every person who applies to be registered under this Act shall pay a registration fee of twenty rupees :

Registration
fee.

Provided that any person whose name has been registered under any Act for the registration of medical practitioners for the time being in force, in any other part of India shall be required to pay a registration fee of only five rupees if the Act aforesaid provides for the registration of person registered under this Act without the payment of any fee or on payment of a fee not exceeding five rupees.

¹ Those words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

² The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(2) Every registered practitioner who applies to the Registrar for registration under a new name or in respect of any additional qualification obtained subsequent to registration under this Act shall pay a fee of five rupees.

[14-A. (1) Notwithstanding anything contained in this Act, the Registrar may by order in writing amend the medical register by deleting there from the name of any person who by reason of the alteration of boundaries under the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959), has ceased to reside or practise in the State of Madras.

special provision for amending the medical register.

The Registrar may likewise amend the Medical Register by adding thereto the name of any person whose residence or place of practice has, by reason of the said alteration of boundaries, become part to the State of Madras :

Provided that the Registrar may, before passing an order make such inquiry as he deems necessary.

(2) Any person aggrieved by an order under sub-section (1) may appeal to such authority and within such time, as may be specified in this behalf by the State Government and such authority shall pass such order on the appeal as it thinks fit.

(3) An order of the Registrar under sub-section (1) or where an appeal has been preferred against it under sub-section (2), the order of the appellate authority shall be final.

(4) The provisions of this section shall cease to be in force from such date as the State Government may, by notification in the Official Gazette, appoint.]

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 due 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 for the same reasons for which registration may be refused by the Council under section 13 and the second proviso thereto shall apply, to any inquiry under this section. The Council may also direct that any name so removed shall be restored.

Provided that no medical practitioner shall be removed from the register on the ground of his association, in any professional respect, with a qualified practitioner of Indian Medicine such as Ayurvedic, Unani and Siddha or an unregistered practitioner if such unregistered practitioner _

(a) is possessed of any of the qualifications described in the Schedule, and proviso to section 13 or whose name the Council has removed from the register under this sub-section.

Explanation - The expression "qualified practitioner" shall, for the purpose of this proviso, mean a practitioner qualified under rules made by the [State Government] in this behalf.

(3) Nothing in sub-section (2) shall relieve a registered practitioner of any

obligations or code of ethics which may be imposed upon registered practitioners generally by the Council.

(4) Any registered practitioner may make an application to the Council for the deletion of his name from the medical register, and the Council may, on such application and subject to such rules as may be made by the ¹[State Government] direct such deletion. Any such practitioner may apply for fresh registration under section 13.

17. (1) An inquiry under section 13 or section 16 may be held by a Committee consisting of three members of the Council elected for the purpose by the Council. The Council or the Committee as the case may be, may at its discretion, hold such inquiry in camera. When the inquiry is held by a Committee, it shall make a report to the Council which shall pass orders under section 13 or section 16, as the case may be.

Procedure in inquiries and appeals.

(2) For the purpose of any such inquiry or of any appeal under section 15, the Council or any Committee thereof elected as aforesaid 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 (Inquiries) Act, 1950; and such inquiries and appeals shall be conducted as far may be, in accordance with the provisions of section 5 and sections 8 to 20 of the said Public Servants (Inquiries) Act, 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 or under this Act on the ²[State Government] or the Council or the Executive Committee or the Registrar, shall be questioned in any Civil Court.

Limiting 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.

Provided that no medical degree, diploma or certificate granted in any British Colony or foreign country which does not recognize the medical degrees, diplomas or certificates of ⁴[any Government or University in India] shall be included in the schedule.

21. The Council shall have power to call on 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 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.

¹ The Words "Provincial Government" were substituted for the words "Local Government," by the Adaptation Order of 1937 and the "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

⁴ These words were substituted for the words "a British Indian Government or University" by the Adaptation of Laws (Amendment) Order of 1950.

If the said body or authorities refuse to comply with any such demand, the '[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 '[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 this Act, the '[State Government] may notify the particulars of such neglect, excess or a abuse within such time as may be fixed by the '[State Government] in this behalf, the '[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 '[State Government] may think fit.

Control by State Government.

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 Presidency Magistrate or a 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 '[State Government] may, after previous publication, make rules for the purpose of carrying out the provisions of this Act.

Power to make rules and by-laws.

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

(i) for the election of members to the Council under section 5 ;

(ii) for the election and term of office of the President and Vice President of the Council ;

(ii-a) for the election of the members of the Executive Committee ;

(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) for the disposal of fees received under this Act.

(2) The Council may, with the previous sanction of the '[State Government] make by-laws -

(i) for the convening of meeting of the Council and of the Executive Committee ;

(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. [Deleted.]

¹ The words "Provincial Government" were substituted for the words "Governor in-Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

THE SCHEDULE

(As amended by G.O.No. 169, Local and Municipal (Medical), dated 16th December 1916; No.113, Local and Municipal (Medical), dated 22nd March 1918; Mis. No. 1968, P.H., dated 22nd December 1924; Mis.No.1566, P.H. dated 20th June 1929; Mis. No. 2329, P.H., date 12th November 1932; Mis.No.1496, P.H. dated 12th June 1934; Mis. No.2631, P.H., dated 13th November 1934 ; and G.O. Ms. No.2619, Health, dated 11th July 1953.)

1. The degree of Doctor, Bachelor and Licenciante of Medicine and Master, Bachelor and Licenciante of Surgery of the University of Madras, the Andhra University, the Osmania University and the Universities of Allahabad Bombay, Calcutta, Lahore, Lucknow Mysore and Rangoon.

2. A diploma or certificate granted by ²(any Government in India) the Government of Burma or the Government of Ceylon to any person trained in a Medical College or school declaring him to be qualified to practice Medicine, Surgery and Midwifery.

3. The diploma of Fellow, and Member and the Licenciante certificate granted by the State Medical Faculty of Bengal and the College of Physicians and Surgeons of Bombay.

4. A diploma granted by ³(the Government of Hyderabad) ⁴(or of Andhra Pradesh) to any person trained in the Hyderabad Medical School declaring him to be qualified to practise Medicine, Surgery and Midwifery.

5. The Diploma of Licensed Medical practitioner granted by His Highness the Maharaja of Mysore's Medical School or the University of Mysore.

² These words were substituted for the words "a British Indian Government" by the Adaptation of Law. (Amendment, Order of 1950.

³ Substituted for "His Exalted Highness the Nizam's Government" by the Adaptation of Laws (Amendment) Order, 1950.

⁴ Added by the Madras Adaptation of Laws Order, 1916.