

## **BENGAL MEDICAL ACT, 1914**

**6 of 1914**

**[27th May, 1914]**

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**SCHEDULE 1 :-**Qualifications entitling to registration under this Act

## **BENGAL MEDICAL ACT, 1914**

**6 of 1914**

**[27th May, 1914]**

An Act to provide for the registration of Medical practitioners in Bengal the sanction of the Governor General has been obtained, under section 5 of the Indian Councils Act, 1892, to the passing of this Act; It is hereby enacted as follows

### **1. Short title, local extent and commencement :-**

- (1) This Act may be called the Bengal Medical Act, 1914;
- (2) It extends to the whole of <sup>1</sup>[West Bengal]; and
- (3) It shall come into force on the day on which it is published in the <sup>2</sup>[Official Gazette] after having received the assent of the Governor General:

Provided that section 29, section 30 and section 31 shall not come into force until a date to be appointed in this behalf by the 6 [State Government] by notification in the <sup>2</sup> [Official Gazette].

1. Words subs. for the word "Bengal" by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.
2. Words subs. for the words "Calcutta Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937.

### **2. Definitions :-**

<sup>1</sup>[In this Act, unless there is anything repugnant in the subject or context, ] <sup>2</sup>\* \* \* \* \*

(b) the expression "the Council" means the Council established under section 3; <sup>3</sup>\* \*

<sup>4</sup>(bl) the expression "medicine" means modern scientific medicine and includes surgery and obstetrics, but does not include veterinary medicine or veterinary surgery or the Homoeopathic, the Ayurvedic or the Unani system of medicine; and the expression "medical" shall be construed accordingly;

(c) the expression "registered practitioner" means any person registered under the provisions of this Act;

<sup>4</sup>(d) the expressions 'President' and "Vice-President" mean respectively the President and the Vice-President of the Council; and

<sup>4</sup> (e) the expression "Registrar" means a Registrar appointed under section 14.

1. Words subs. for the words "In this Act " by W.B. Act 16 of 1954.
2. Clause (a) om. by W.B. Act 16 of 1954.
3. Word "and" om. by W.B. Act 16 of 1954.
4. Clauses (bl), (d) and (e) ins. by W.B. Act 16 of 1954.

### **3. Establishment of the West Bengal Medical Council :-**

A Council shall be established and called 12["the West Bengal Medical Council"]; and such Council shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue and be sued.

### **4. Constitution of the Council :-**

**1**

<sup>2</sup> (1) The Council shall consist of the following members, namely:

(a) three members to be nominated by the State Government;

(b) one member to be elected from amongst themselves by such members of the authorities of each of the Universities as are registered practitioners;

(c) two members to be elected from amongst themselves by the members of the Governing Body of the State Medical Faculty of West Bengal so long as that body continues to hold qualifying examinations in Medicine;

(d) the Director of Medical Education and ex officio Secretary, Department of Health and Family Welfare, Government of West Bengal, ex officio;

(e) the President, Indian Medical Association, West Bengal State

Branch, ex officio;

(f) the Dean of the Faculty Council for Post-Graduate Studies in Medicine of each University, ex officio;

(g) seven members, of whom at least one shall be from each of the Universities outside Calcutta, to be elected by the Principals, Professors, Associate Professors, Readers, Assistant Professors and Lecturers of Medical Colleges affiliated to the Universities from amongst themselves.

Explanation. "Calcutta" shall have the same meaning as in the Calcutta Municipal Corporation Act, 1980;

(h) nine members, of whom not less than five shall be graduates and not less than two shall be Licentiates in Medicine, to be elected by the registered practitioners from amongst themselves:

Provided that no registered practitioner shall be entitled to vote or stand as a candidate for election at an election of members under this clause unless he

(i) is a citizen of India; and

(ii) either resides or carries on his profession or is employed in West Bengal.

Explanation. For the purposes of this sub-section, "University" shall mean a University, constituted under an Act of the State Legislature, which awards degrees in the subject of medicine.

(2) If a person is elected as a member under more than one of the clauses of sub-section (1), he shall, within such period as may be prescribed by rule made in this behalf under section 33, inform the Registrar under which of the clauses he desires to be treated as elected and thereupon he shall be deemed to have been elected under that clause and the seat to which he was elected under any other clause shall be deemed to be vacant. Until he so informs the Registrar he shall not be entitled to act as a member; and in the event of his failure to inform the Registrar within the prescribed period, every seat to which he was elected shall be deemed to be vacant.

1. Sec. 4 subs. by W.B. Act 16 of 1954.

2. Sub-sec. (1) subs. by W.B Act 36 of 1989, which was earlier as under: "(1) The Council shall consist of the following members, namely: (a) four members to be nominated by the State

Government; (b) two members to be elected by and from among the members of the Faculty of Medicine of the University of Calcutta; (c) two members to be elected by and from among the members of the Governing Body of the State Medical Faculty of West Bengal so long as that body continues to hold qualifying examinations in medicine; (d) two members to be elected by and from among themselves by the Principals, Professors, Associate Professors, Assistant Professors, Lecturers and Readers in Medical Colleges affiliated to the University of Calcutta and Visiting Surgeons and Visiting Physicians having independent charge of beds in the hospitals attached to such colleges: Provided that no person shall be eligible for election under clause (b), clause (c) or clause (d) unless he has had at least five years' experience as a Principal, Professor, Associate Professor, Assistant Professor, Lecturer or Reader in Medical Colleges or Post-Graduate Medical Institutions affiliated to the University of Calcutta or as a Visiting Surgeon or Visiting Physician having independent charge of beds in the hospitals attached to such colleges or Institutions; (e) nine members to be elected by registered practitioners from among themselves: Provided that of the members to be elected under this clause, not less than four shall be either Graduates or Licentiates in medicine of the University of Calcutta: Provided further that no registered practitioner shall be entitled to vote or stand as a candidate for election at an election of members to be elected under this clause unless he (i) is a citizen of India; and (ii) either resides or carries on his profession or is employed in West Bengal."

#### **5. Nomination of members in default of election :-**

If any of the electoral bodies referred to in <sup>1</sup> [clauses (b) to (e) of sub-section (1) of section 4] does not, by such date as may be prescribed by rule made in that behalf under section 33, elect a person to be a member of the Council, the 16[State Government] shall nominate a member in his place : and any person so nominated shall be deemed to be a member as if he had been duly elected by such body.

1. Words, figures, letters and brackets subs. for the words, figure, letters and brackets "clauses (c) to (h) of section 4" by W.B. Act 16 of 1954.

#### **6. Disqualifications for being elected or nominated a member :-**

A person shall be disqualified for being elected or nominated a member of the Council if he

(a) is not registered under this Act; or

(b) has been sentenced by any Court for any non-bailable offence, such sentence not having been subsequently reversed or quashed,

and such person's disqualification on account of such sentence not having been removed by an order which the <sup>1</sup>[State Government] <sup>2</sup>[is] hereby empowered to make, if <sup>3</sup>[it thinks] fit, in this behalf;  
<sup>4</sup>\* \* \*

(c) is an undischarged insolvent; 20(or)

<sup>5</sup>(d) is not a citizen of India either residing or carrying on his profession or employed in West Bengal. <sup>6</sup> \* \* \* \* \*

1. Words "Provincial Government" first subs. for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, then again the word "State" subs. for the word "Provincial" by the Adaptation of Laws Order, 1950.

2. Word subs. for the word "are" by the Government of India (Adaptation of Indian Laws) Order, 1937.

3. Words subs. for the words "they think" by the Government of India (Adaptation of Indian Laws) Order, 1937.

4. Word "or" om. by W.B. Act 11 of 1950.

5. Clause (d) ins. by W.B. Act 11 of 1950.

6. Proviso rep. by Ben. Act 3 of 1928.

## **7. Publication of names of members :-**

The name of every member elected or nominated <sup>1</sup>[under sub-section (1) of section 4] or section 5 shall be published by the <sup>2</sup>[State Government] in the <sup>3</sup> [Official Gazette].

1. Words, figures and brackets subs. for the words and figure "under section 4" by W.B. Act 16 of 1954.

2. Words "Provincial Government" first subs. for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, then again the word "State" subs. for the word "Provincial" by the Adaptation of Laws Order, 1950.

3. Words subs. for the words "Calcutta Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937.

## **8. Leave of absence to members :-**

The Council may permit any member to absent himself from meetings of the Council for any period not exceeding six months.

## **9. Cessation of membership :-**

(1) A member of the Council shall be deemed to have vacated his seat

(a) on his absence without excuse sufficient in the opinion of the Council from three consecutive meetings of the Council, or

(b) on his absence out of India for any period exceeding six

consecutive months, or

(c) on his becoming disqualified for election or nomination as a member for any of the reasons mentioned in section 6, 25[or]

<sup>1</sup>(d) on his name being removed under clause (a) of section 25 from the register of registered practitioners, or

<sup>1</sup> (e) on his qualifying degree or diploma or certificate being revoked by the body which granted him such degree, diploma or certificate.

(2) On the occurrence of any vacancy referred to in sub-section (1), the President shall forthwith report the fact of such vacancy to the 27 [State Government].

1. Clauses (d) and (e) ins. by W.B. Act 16 of 1954.

#### **10. Filling of casual vacancies :-**

**28**

(1) When the office of a member of the Council becomes vacant by his resignation or death or under subsection (2) of section 4 or sub-section (1) of section 9,

(a) if such member was nominated under clause (a) of sub-section (1) of section 4, a new member shall be nominated by the State Government within two months of the vacancy;

(b) if such member was elected under clause (b), clause (c) 29[or clause(g)] of sub-section (1) of section 4, a new member shall be elected within two months of the vacancy in the manner provided in such clause;

(c) if such member was elected under 30[clause (h)] of sub-section (1) of section 4, the candidate who secured at the election the maximum number of votes among candidates excepting all members, who were elected under that clause, shall, if not disqualified under section 6, be deemed to have been elected in the place of such member:

Provided that

(i) where there are several candidate who secured such maximum number of votes, such one of them, as may be elected by lot in accordance with rule made in this behalf uader section 33, shall be deemed to have been elected; **31**\* \* \* \* \*

**32** (iii) if the candidate, who is elected or would otherwise have been deemed to have been elected under this clause, is dead or refuses to serve as a member of the Council, the candidate who secured the next highest number of votes shall be declared elected in the vacancy caused by such death or refusal.

Explanation. A candidate elected under this clause shall be deemed to have vacated his seat if he refuses in writing to serve as a member of this Council.

(2) The term of office of a member, nominated or elected or deemed to have been elected, under sub-section (1), shall commence on such date as may be notified in this behalf by the State Government in the Official Gazette and shall continue for so long as the member whose place he fills would have been entitled to hold office if the vacancy had not occurred.

(3) No act of the Council or of any Committee of the Council or of their members shall be deemed to be invalid by reason only that the number of members in the Council at the time of the performance of such act was less than the number provided by section 4.

28. Sec. 10 subs. by W.B. Act 16 of 1954.

31. Clause (ii) om. by W.B. Act 16 of 1954, which was as under: "(ii) if the member whose place becomes vacant was a Graduate or a Licentiate in medicine of the University of Calcutta, then in deciding which candidate secured such maximum number of votes, a candidate who is not a Graduate or a Licentiate in medicine of such University shall be excluded;"

32. Clause (iii) subs. by W.B. Act 36 of 1989, which was earlier as under: "(iii) if the candidate, who would otherwise have been deemed to have been elected under this clause, is dead or refuses to serve as a member, a bye-election shall be held in the manner provided in clause (e) of sub-section (1) of section 4 to fill the vacancy "

## **11. Term of office of members :-**

**1**(1)The term of office of a member of the Council nominated or elected under section 4 or nominated under section 5 shall commence on such date as may be notified in this behalf by the State Government in the Official Gazette.

**2** (2) Subject to the provisions of section 9 and section 10, the term of office of members shall be five years plus such period as may elapse between the period of five years aforementioned and



the date notified in the notification under sub-section (1) next following such period of five years.

(3) Any member shall, if not disqualified for any of the reasons mentioned in section 6, be eligible for re-election or re-nomination at the end of his term of office.

1. Sub-sec. (1) subs. by W.B. Act 16 of 1954.

2. Sub-sec. (2) subs. by W.B. Act 16 of 1954.

**11A. President :-**

**1**

(1) The members of the Council shall, at their first meeting after the notification referred to in sub-section (1) of section 11, recommend in such manner as may be prescribed by rule made in this behalf under section 33, the names of three persons for the purpose of this sub-section; and the State Government shall nominate one of such persons to be the President of the Council.

(2) The President, if he is not already a member of the Council, shall be a member of the Council in addition to the members referred to in section 4.

(3) The State Government shall publish the name of the President in the Official Gazette and his term of office shall commence from the date of such publication.

(4) The President shall hold office for a period of five years, or until his successor is nominated, whichever is longer.

(5) The President

(a) may at any time by writing under his hand addressed to the State Government resign his office,

(b) shall be deemed to vacate his office in all cases where a member is deemed to vacate his office under sub-section (1) of section 9.

(6) As often as the office of the President becomes vacant by his death or under sub-section (5), the Council shall at a special meeting to be called for the purpose within one month of the vacancy, recommend in such manner as may be prescribed by rule made in this behalf under section 33, the names of three persons for the purpose of this sub-section; and the State Government shall nominate another President from such persons.

(7) A President nominated to fill a vacancy, shall hold office for so long as the President whose place he fills would have been entitled to hold office if the vacancy had not occurred.

(8) The President shall perform such functions as may be prescribed by rule made in this behalf under section 33.

(9) Notwithstanding anything contained in the foregoing sub-sections, for a period of five years from the 15th day of January, 1955 and for such additional period as may expire until the nomination of a President under sub-section (1), the State Government shall appoint, as often as may be necessary, such person, as it thinks fit, to be the President. The provisions of sub-sections (2), (3), (4), (5), (7) and (8) shall apply to such President.

1. Secs. 11A, 11B and 11C ins. by W.B. Act 16 of 1954.

**11B. Vice-President :-**

**1**

(1) The members of the Council shall at their first meeting after the notification referred to in sub-section (1) of section 11, elect among themselves a Vice-President in such manner as may be prescribed by rule made in this behalf under section 33.

(2) A Vice-President

(a) may at any time by writing under his hand addressed to the State Government resign his office,

(b) shall be deemed to vacate his office if he ceases to be a member of the Council.

(3) As often as the office of the Vice-President becomes vacant by his death or under sub-section (2), the Council shall elect another member to be the Vice-President, in the manner prescribed by rule made in this behalf under section 33.

(4) The Vice-President shall perform such functions as may be prescribed by rule made in this behalf under section 33.

1. Secs. 11A, 11B and 11C ins. by W.B. Act 16 of 1954.

**11C. Executive Committee :-**

**1**

(1) The members of the Council shall constitute among themselves the Executive Committee to perform such functions as may be

delegated to it by the Council.

(2) The Executive Committee shall consist of the President and the Vice-President, ex-officio, and five other members elected by the Council.

(3) The President and the Vice-President of the Council shall be the President and the Vice-President, respectively, of the Executive Committee.

(4) The term of office of an elected member of the Executive Committee shall be two years from the date of his election but, subject to his being a member of the Council, he shall be eligible for re-election to the Executive Committee.

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

(6) The Council may make regulations under sub-section (3) of section 33 for the conduct of business of the Executive Committee.

1. Secs. 11A. 11B and 11C ins. by W.B. Act 16 of 1954.

## **12. Meetings :-**

(1) The Council shall make regulations to regulate

(a) the times and places at which their meetings shall be held,

(b) the issue of notices convening such meetings, <sup>1</sup>\* \*

(c) the conduct of business thereat <sup>2</sup>[, and

(d) the appointment, powers and duties and procedure of special committees including special committees appointed under sub-section (2) of section 19:]

Provided that

(i) no business shall be transacted at any meeting <sup>3</sup>[of the Council] unless a <sup>4</sup> [quorum of seven members] be present; and

(ii) save as provided in section 17 and section 25, all questions arising at any meeting <sup>39</sup>[of the Council] shall be decided by the votes of the majority of the members present and voting, or, in case of an equality of votes, by the casting vote of the President, or, in his absence, of the member presiding at the meeting.

(2) Until such time as the regulations referred to in sub-section (1)

have come into operation, it shall be lawful for the President to summon a meeting at such time and place as to him shall seem expedient, by letter addressed to each member.

1. Word "and" om. by Ben. Act 3 of 1928.
2. Word "and" with clause (d) ins. by Ben. Act 3 of 1928.
3. Words ins. by Ben. Act 3 of 1928.
4. Words subs. for the words "quorum of eight members" by W.B. Act 16 of 1954.

**13. Payment of fees and travelling expenses to members :-**

There shall be paid to the members of the Council such fees for attendance at meetings of the Council <sup>1</sup>[or of special committee] <sup>2</sup>[or of the executive committee], and such reasonable travelling expenses <sup>3</sup>[for such attendance and for journeys undertaken in the discharge of their duties under this Act], as may from time to time be allowed by the Council and approved by the <sup>4</sup> [State Government].

1. Words ins. by Ben. Act 3 of 1928.
2. Words ins. by W.B. Act 16 of 1954.
3. Words ins. by Ben. Act 3 of 1928.
4. Words "Provincial Government" first subs. for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, then again the word "State" subs. for the word "Provincial" by the Adaptation of Laws Order, 1950.

**14. Registrar and establishment for the Council :-**

(1) With the previous sanction of the <sup>1</sup> [State Government], the Council

(a) shall appoint a Registrar,

(b) may grant leave to such Registrar and appoint a person to act in his place, and

(c) shall pay to the Registrar and to the person (if any) appointed to act in his place such salary and such allowances (if any) as the Council may determine.

(2) The Council may appoint such other officers and such clerks and servants as they may consider necessary for the purposes of this Act, and shall pay them such salary and such allowances (if any) as the Council may determine.

(3) The Registrar shall act as Secretary to the Council.

(4) Every person appointed under sub-section (1) and sub-section (2) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

1. Words "Provincial Government" first subs. for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, then again the word "State" subs. for the word "Provincial" by the Adaptation of Laws Order, 1950.

**15. Orders by Council for maintenance of register of registered practitioners :-**

(1) The Council shall, as soon as conveniently may be after the commencement of this Act and from time to time as occasion may require, make orders for regulating the maintenance of a register of registered practitioners.

(2) The said register shall be kept in such form as may be prescribed by rule made under section 33.

**16. Maintenance of register by Registrar :-**

(1) The Registrar shall, keep the register of registered practitioners in accordance with the provisions of this Act and of any orders made by the Council, and shall from time to time make all necessary alterations in the registered addresses or appointments, and the registered qualifications 45\* \* \* \* \*, of such practitioners and erase the names of any practitioners who have died.

(2) To enable the Registrar to fulfil the duties imposed upon him by subsection (1), he may send through the post a letter to any registered practitioner, addressed to him according to his registered address or appointment, to inquire whether he has ceased to practise or whether his residence or appointment has been changed;' and if no answer to any such letter is received within a period of six months from its despatch, the Registrar may erase the name of such registered practitioner from the register:

Provided that any name erased under this sub-section may be re-entered in the register under the direction of the Council.

**17. Persons possessing any of the qualifications referred to in the schedule entitled to be registered :-**

<sup>1</sup>[Every person who possesses any of the qualifications referred to in the schedule] shall, subject to the provisions hereinafter contained, and on payment of such fee as may be prescribed in this

behalf by regulation made under section 33, be entitled to have his name entered in the register of registered practitioners:

Provided that the Council may refuse to permit the registration of the name of any person

(a) who has been sentenced by any Court for any non-bailable offence, such sentence not having been subsequently reversed or quashed, and such person's disqualification on account of such sentence not having been removed by an order which the <sup>2</sup>[State Government] <sup>3</sup>[is] hereby empowered to make, if <sup>4</sup> [it thinks] fit, in this behalf; or

(b) whom the Council, after due inquiry (at which an opportunity has been given to him to be heard in his defence and to appear either in person or by counsel, vakil, pleader or attorney, and which may, in the discretion of the President, be held in camera), have found guilty, by a majority of two-thirds of the members present and voting at the meeting, of infamous conduct in any professional respect.

1. Words subs. for the words "Every person referred to in the Schedule" by W.B. Act 16 of 1954.

2. Words "Provincial Government" first subs. for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, then again the word "State" subs. for the word "Provincial" by the Adaptation of Laws Order, 1950.

3. Word subs. for the word "are" by the Government of India (Adaptation of Indian Laws) Order, 1937.

4. Words subs. for the words "they think" by the Government of India (Adaptation of Indian Laws) Order, 1937.

### **18. Amendment of the schedule :-**

If the Council are satisfied

(a) that any <sup>1</sup>\* \* \* \* qualification certified by any University, <sup>2</sup>[within India] is a sufficient guarantee that persons possessing such <sup>3</sup>\* \* \* \* qualification possess the knowledge and skill requisite for the efficient practice of medicine <sup>4</sup>\* \* \* \*, or

(b) that any <sup>5</sup>[qualification referred to in Article 2] of the schedule is not a sufficient guarantee as aforesaid, they may make a report to that effect to the <sup>6</sup>[State Government], <sup>7</sup>[which] may, if <sup>8</sup>[it thinks] fit, thereupon direct, by notification in the <sup>9</sup>[Official Gazette],

(i) in case (a) that the possession of such <sup>3</sup>\* \* \* qualification shall, subject to the provisions hereinafter contained and on payment of such fee as may be prescribed in this behalf by regulation made under section 33, entitle any person to have his name entered in the register of registered practitioners, or

(ii) in case (b) that the possession of such <sup>3</sup> \* \* \* \* qualification shall not entitle any person to have his name entered in the said register; and the schedule shall thereupon be deemed to be altered accordingly.

1. Words "title granted or" om. by W.B. Act 16 of 1954.
2. Words ins. by W.B. Act 16 of 1954.
3. Words "title or" om. by W.B. Act 16 of 1954.
4. Words "surgery and midwifery" om. by W.B. Act 16 of 1954.
5. Words and figure subs. for the words and figure "title or qualification referred to in Article 3" by W.B. Act 16 of 1954.
6. Words "Provincial Government" first subs. for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, then again the word "State" subs. for the word "Provincial" by the Adaptation of Laws Order, 1950.
7. Word subs. for the word "who" by the Government of India (Adaptation of Indian Laws) Order, 1937.
8. Words subs. for the words "they think" by the Government of India (Adaptation of Indian Laws) Order, 1937.
9. Words subs. for the words "Calcutta Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937.

**19. Power to Council to call for certain information from authorities of any examining body included or wishing to be included in the schedule :-**

<sup>1</sup>(I) The Council shall have power to call on the <sup>2</sup>[authorities of any examining body] 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 them to judge of the <sup>3</sup>[standard of the examinations held by such body and of the efficiency of the instruction given in the Medical Colleges or Schools or Institutions

(b) to provide facilities to enable any member of the Council (deputed by the Council in this behalf) to be present at the examinations to be held by such <sup>4</sup>[examining body].

<sup>5</sup>(2) The Council shall have power to inspect any <sup>62</sup> [Medical College or School or Institution where candidates for examination by such examining body are trained] and may for this purpose

appoint a Special Committee of not less than three or more than five members of the Council to inspect any <sup>6</sup> [such Medical College or school or Institution] and submit a report in regard thereto to the Council.

1. Sec. 19 renumbered as sub-sec. (1) and sub-sec. (2) ins. by Ben. Act 3 of 1928.

2. Words subs. for the words "governing body or authorities of any Medical College or School" by W.B. Act 16 of 1954.

3. Words subs. for the words "efficiency of the institution given therein in medicine, surgery and midwifery" by W.B. Act 16 of 1954.

4. Words subs. for the words "College or School" by W.B. Act 16 of 1954.

5. Sec. 19 renumbered as sub-sec. (1) and sub-sec. (2) ins. by Ben. Act 3 of 1928.

6. Words subs. for the words "such Institution" by W.B. Act 16 of 1954.

## **20. Information to be furnished to Registrar with application for registration :-**

Every person who applies to have his name entered in the register of registered practitioners

(a) must satisfy the Registrar that he is possessed of some <sup>1</sup>\* \* \* \* \* qualification referred to in the schedule as altered by notifications (if any) issued under section 18; and

(b)<sup>2</sup> \* \* \* \* \*

(c) <sup>66</sup>\* \* \* \* \* must correctly inform the Registrar of the dates on which he obtained the <sup>64</sup>\* \* qualifications which entitle him to claim registration under this Act.

1. Words "title or" om. by W.B. Act 16 of 1954.

2. Clause (b) om. by W.B. Act 16 of 1954.

## **21. Entry of new qualifications in the register :-**

**1**

(1) If any person whose name is entered in the register of registered practitioners obtains any medical qualification other than the qualification in respect of which he has been registered, he shall on payment of such fee as may be prescribed by regulation made in this behalf under section 33,

(i) if such qualification be a qualification included in the schedule, be entitled to have such qualification entered against his name in



the register either in substitution for or in addition to any entry previously made;

(ii). if such qualification be a qualification not included in the schedule, be entitled to have such qualification entered against his name in the register as an additional qualification, provided such qualification is included in the list prepared under sub-section (3).

(2) The Council shall from time to time prepare a list of qualifications (not being qualifications included in the schedule) which may be approved by them for the purpose of this section.

1. Sec. 21 subs. by W.B. Act 16 of 1954.

## **22. Disposal of fees :-**

All fees received by the Council under this Act shall be applied for the purposes of this Act, in accordance with such rules as may be made by the <sup>1</sup> [State Government] under section 33.

1. Words "Provincial Government" first subs. for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, then again the word "State" subs. for the word "Provincial" by the Adaptation of Laws Order, 1950.

## **23. Appeal to Council from decision of Registrar :-**

If any person is dissatisfied with any decision of the Registrar, refusing to enter the name <sup>1</sup> \* \* \* or qualification of such person in the register of registered practitioners, he may at any time within three months from the date of such decision, appeal to the Council, whose decision shall be final.

1. Words "or any title" om. by W.B. Act 16 of 1954.

## **24. Erasure of fraudulent and incorrect entries :-**

Any entry in the register of registered practitioners which is proved to the satisfaction of the Council to have been fraudulently or incorrectly made, may be erased under an order in writing of the Council.

## **25. Power to Council to direct removal of names from register, and re-entry of names therein :-**

The Council may direct

(a) that the name of any registered practitioner

(i) who has been sentenced by any Court for any non-bailable offence, such sentence not having been subsequently reversed or quashed, and such person's disqualification on account of such

sentence not having been removed by an order which the 68[State Government] <sup>1</sup>[is] hereby empowered to make, if <sup>2</sup>[it thinks] fit, in this behalf; or

(ii) whom the Council, after due enquiry <sup>3</sup> [in the same manner as provided in clause (b) of section 17] have found guilty, by a majority of two-thirds of the members present and voting at the meeting, of infamous conduct in any professional respect, be removed from the register of registered practitioners 73[or that the practitioner be warned], and

(b) that any name so removed be afterwards re-entered in the register.

1. Word subs. for the word "are" by the Government of India (Adaptation of Indian Laws) Order, 1937.

2. Words subs. for the words "they think" by the Government of India (Adaptation of Indian Laws) Order, 1937.

3. Words, figures, letter and brackets subs. for the words "as provided in clause (b) of section 17" by W.B. Act 16 of 1954.

#### **25A. Effect of removal of name from register :-**

**1**

(1) A registered practitioner whose name has been removed from the register under clause

(a) of section 25 shall forthwith surrender his certificate of registration to the Registrar, and the name so removed shall be published in the Official Gazette.

(2) If the name of a registered practitioner removed under clause (a) of section 25 is afterwards re-entered in the register as provided in clause (b) of that section the fact of such re-entry shall be published in the Official Gazette and the certificate of registration shall be returned to the registered practitioner by whom it was surrendered.

1. Sec. 25A ins. by W.B. Act 16 of 1954.

#### **26. Appeal to State Government from decision of Council :-**

(1) An appeal shall lie to the <sup>1</sup> [State Government] from every decision of the Council under section 17 or section 25.

(2) Every appeal under sub-section (1) shall be preferred within three months from the date of such decision.

1. Words "Provincial Government" first subs. for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, then again the word "State" subs. for the word "Provincial" by the Adaptation of Laws Order, 1950.

**27. Bar to suits and other legal proceedings :-**

No suit or other legal proceeding shall lie in respect of any act done in the exercise of any power conferred by this Act on the <sup>1</sup>[State Government] or the Council <sup>2</sup> [or any Committee of the Council] or the Registrar.

1. Words "Provincial Government" first subs. for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, then again the word "State" subs. for the word "Provincial" by the Adaptation of Laws Order, 1950.

2. Words ins. by Ben. Act 3 of 1928.

**28. Notice of deaths, and erasure of names from register :-**

(1) Every Registrar of Deaths who receives notice of the death of any person whose name he knows to be entered in the register of registered practitioners shall forthwith transmit by post to the Registrar of the Council a certificate of such death, signed by him and stating particulars of the time and place of death.

(2) On receipt of

(a) any such certificate, or

(b) any other reliable information regarding such death, the Registrar of the Council shall erase the name of the deceased person from the register.

**29. Penalty on unregistered person representing that he is registered :-**

If any person whose name is not entered in the register of registered practitioners falsely pretends that it is so entered, or uses in connection with his name or title any words or letters <sup>77</sup>[or number] representing that his name is so entered, he shall, whether any person is actually deceived by such representation or not, be punishable, on conviction by a Presidency Magistrate or a Magistrate of the first class, <sup>78</sup>[with imprisonment which may extend to six months or with fine which may extend to five hundred rupees].

**29A. Penalty for failure to surrender certificate of registration :-**

(1) If any registered practitioner whose name has been removed from the register under clause (a) of section 25 fails without sufficient cause forthwith

(2) Cognizance of an offence punishable under this section shall not be taken except upon complaint made by an order of the council

1. Sec. 29A ins. by W.B. Act 16 of 1954.

### **30. Construction of references in Acts to medical practitioners :-**

The expression "legally qualified medical practitioner," or "duly qualified medical practitioner," and all other expressions importing a person recognised by law as a medical practitioner or a member of the medical profession, as used in any <sup>1</sup>[Central, Provincial or State Act in force in West Bengal] shall be deemed to mean a medical practitioner registered under <sup>2</sup>\* \* \* this Act; and no certificate required to be given by any medical practitioner or medical officer under any <sup>1</sup>[ Central, Provincial or State Act in force in West Bengal] shall be valid unless such practitioner or officer is registered under <sup>2</sup> \* \* \* this Act.

1. Words "Central or Provincial Act in force in West Bengal" first subs, for the words "Bengal Act or any Act of Central Legislature in force in Bengal" by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948. then the words "Central, Provincial or State Act" subs, for the words "Central or Provincial Act" by the Adaptation of Laws Order, 1950.

2. Words "the Medical Acts or" om. by W.B. Act 16 of 1954.

### **31. Unregistered persons not to hold certain appointments**

:-

**1**

(1) No person other than a registered practitioner shall be competent to hold appointment as a physician, surgeon, obstetrician or other medical officer in any hospital (including a lying-in-hospital), asylum, infirmary, dispensary or other similar institution, which is supported entirely or partially by funds supplied by the State Government or by a local authority.

(2) Any appointment made in contravention of sub-section (1) shall be void and illegal.

1. Sec. 31 subs, by W.B. Act 16 of 1954.

### **32. Publication and use of Medical List :-**

(1) The Registrar shall, <sup>1</sup>[after the expiry of every period of three years], on or before a date to be fixed in this behalf by the Council, cause to be printed and published a correct list of the names for the time being entered in the register of registered practitioners, and setting forth

(a) all names entered in the register, arranged in alphabetical order according to the surnames,

(b) the registered address or appointment of each person whose name is entered in the register, and

<sup>2</sup>(c) the qualifications of each such person represented by the abbreviations therefor and the year in which each such qualification was obtained.

<sup>3</sup>(1A) The Registrar shall on the expiry of every year (other than the year in which a list is printed and published under sub-section (1), on or

(2) Every Court shall presume that any person whose name is entered in <sup>4</sup>[the latest list printed and published under sub-section (1) read with the latest list supplementary thereto, if any, printed and published under subsection (1A)] is duly registered under this Act, and that any person whose name is not so entered is not registered under this Act:

Provided that, in the case of any person whose name does not appear in <sup>5</sup> [the latest list printed and published under sub-section (1) read with the latest list supplementary thereto, if any, printed and published under subsection (1A)], a certified copy, signed by the Registrar, of the entry of the name of such person in the register of registered practitioners shall be evidence that such person is registered under this Act.

1. Words subs, for the words "in every year" by W.B. Act 16 of 1954.

2. Clause (c) subs, by W.B. Act 16 of 1954.

3. Sub-sec. (1A) ins. by W.B. Act 16 of 1954.

4. Words, figure and letter subs, for the words "the latest of such lists" by W.B. Act 16 of 1954.

5. Words, figure and letter subs, for the words "such list" by W.B. Act 16 of 1954.

### **33. Rules and regulations :-**

(1) The 89[State Government] may from time to time make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the 89[State Government] may make rules

"(a) to regulate elections under clauses (b), (c), (d) and (e) of sub-section (1) of section 4; <sup>1</sup>(a1) the period to be prescribed under sub-section (2) of section 4;

<sup>1</sup>(a2) the manner of selection by lot referred to in proviso (i) to clause (c) of sub-section (1) of section 10;

<sup>1</sup>(a3) the manner of recommending names under sub-section (1) and subsection (6) of section HA, the election of the Vice-President referred to in sub-section (1) of section 11B, the manner of filling vacancies referred to in sub-section (3) of that section and the functions to be performed by the President and the Vice-President;

(b) to prescribe the form of the register of registered practitioners to be maintained under this Act;

(c) to regulate the application of fees under section 22; and

(d) to regulate the procedure to be followed by the Council in

(i) conducting any inquiry referred to in proviso (b) to section 17, or clause (a) of section 25; and

(ii) disposing of appeals from the decision of the Registrar preferred under section 23.

(3) In addition to the power conferred by <sup>4</sup>[sub-section (6) of section 11C, section 12 and sub-section (1) of section 21] the Council may, with the previous sanction of the <sup>5</sup>[State Government] make regulations

(a) to prescribe the fees chargeable in respect of any registration under this Act; and

(b) to regulate the keeping of accounts of such fees.

(4) All such rules and regulations shall be published in the <sup>6</sup> (Official Gazette}.

1. Clauses (a), (a1), (a2) and (a3) subs, by W.B. Act 16 of 1954.

4. Words, figures, letter and brackets subs, for the word and figures "section 12" by W.B. Act 16 of 1954.

5. Words "Provincial Government" first subs, for the words "Local Govern ment" by the Government of India (Adaptation of Indian Laws) Order, 1937, then again the word "State" subs, for the word "Provincial" by the Adaptation of Laws Order. 1950.
6. Words subs, for the words "Calcutta Gazelle" by the Government of India (Adaptation of Indian Laws) Order. 1937.

**34. . :-**

Saving for provisions of the Government of India Act, 1935.] Rep. by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

SCHEDULE 1

Qualifications entitling to registration under this Act

<p style="text-align: center;"><b>SCHEDULE.</b></p> <p style="text-align: center;"><b>Qualifications entitling to registration under this Act</b></p>		
<b>Name of the body or authority granting the qualification.</b>	<b>Description of the qualification.</b>	<b>Abbreviation of the qualification for registration.</b>
1. The Governing Body of the State Medical Faculty of Bengal prior to 15th August, 1947.	(1) Member of the State Medical Faculty, Bengal.	M.M.F. (Bengal.)
	(2) Licentiate of the State Medical Faculty, Bengal.	L.M.F. (Bengal)
2. The Governing Body of the State Medical Faculty of West Bengal.	(1) Member of the State Medical Faculty, West Bengal.	M.M.F. (W.B.)

	(2) Licentiate of the State Medical Faculty, West Bengal.	L.M.F. (W.B.)
	(3) Licentiate in Medicine & Surgery (National) under article 6-A or 6-B of the Statutes of the State Medical Faculty, West Bengal.	L.M.S. (Nat.) (W.B.)
	(4) Certificate of qualification by the State Medical Faculty under article 6-C of the Statutes of the State Medical Faculty, West Bengal.	Certificate under article 6-C (W.B.)
	(5) Certificate of qualification by the State Medical Faculty under article 6-D or 6-E of the Statutes of the State Medical Faculty, West Bengal.	Certificate under article 6-D or 6-E (W.B.)
3. Bihar and Orissa Medical Examination	Licensed Medical Practitioner.	L.M.P. (B. and O.)



Board.		
4. Bihar Medical Examination Board.	Licensed Medical Practitioner.	L.M.P. (Bihar).
5. Orissa Medical Examination Board.	Licensed Medical Practitioner.	L.M.P. (Orissa).
6.State Board of Medical Examination, United Provinces.	Licensed Medical Practitioner.	L.M.P. (U.P.)
7. United Provinces (Uttar Pradesh) State Medical Faculty.	(1) Member of the State Medical Faculty, U.P.	M.S.M.F. (U.P.)
	(2) Licentiate of the State Medical Faculty, U.P.	L.S.M.F. (U.P.)
8. Medical Examination Board, Central Provinces (Madhya Pradesh).	Licensed Medical Practitioner.	L.M.P. (C.P. or M.P.).
9. Board of Examiners, Medical College, Madras.	(1) Licensed Medical Practitioner.	L.M.P. (Madras).
	(2) Diploma in Medicine and	D.M.& S. (Madras).

	Surgery.	
10. College of Physicians, and Surgeons, Bombay.	(1) Members of the College of Physicians and Surgeons, Bombay.	M.C.P.S. (Bom.).
	(2) Licentiate of the College of Physicians and Surgeons, Bombay.	L.C.P.S. (Bom.).
11. Assam Medical Examination Board.	Licensed Medical Practitioner.	L.M.P. (Assam).
12. Mysore University	Licensed Medical Practitioner.	L.M.P. (Mysore).
13. Punjab State Medical Faculty (prior to 15th August, 1947),	(1) Member of the State Medical Faculty, Punjab.	M.S.M.F. (Punjab).
	(2) Licentiate of the State Medical Faculty, Punjab.	L.S.M.F. (Punjab).
14. Andhra University	Licentiate in Medicine and Surgery, Andhra University.	L.M.S. (Andhra).
15. Osmania Medical College (prior to 1932).	Licentiate in Medicine and Surgery, Osmania Medical College.	L.M. & S. (Osmania).

16. Burma Medical Examination Board.	Licensed Medical Practitioner.	L.M.P. (Burma).
17. Rangoon University	Licentiate in Medicine and Surgery, Rangoon University.	L.M.S. (Rang.).
18. Governing Body of the State Medical Faculty of East Bengal.	Licentiate of the State Medical Faculty of .East Bengal obtained prior to July, 1950.	L.M.F. (E.B.).