

## **Rajasthan Medical Act, 1952**

**13 of 1952**

**[18 March 1952]**

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## **Rajasthan Medical Act, 1952**

**13 of 1952**

**[18 March 1952]**

An Act to provide for the registration of Medical Practitioners in Rajasthan.

WHEREAS, it is expedient to provide for the registration of Medical Practitioners in Rajasthan.

It is hereby enacted as follows:-

1. Pub. in Raj. Govt. Gaz. Pt. 4(A) dated 12.4.1952.

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

(1) This Act may be called the Rajasthan Medical Act, 1952.

(2) It extends to the whole of Rajasthan.

(3) It shall come into force on the day on which it is first published in the Rajasthan Gazette.

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 Government by notification in the Rajasthan Gazette.

### **2. Interpretation :-**

(1) In this Act, unless there is something repugnant in the subject or context :-

(a) "the Council" means the Medical Council established under section 3.

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

(c) "Hospitals" "Asylums" "Infirmaries" "Dispensaries" "Lying-in Hospitals" and "Nursing Homes" mean institutions the methods of treatment carried on in which are those which are approved by the Medical Council established by this Act;

(d) "prescribed" means prescribed by rules or regulations made under this Act; and

(e) "Government" means the Government of Rajasthan.

(2) The provisions of the General Clauses Act, 1897, of the Central Legislature shall, mutates mutans, apply so far as may be, to this

Act in the same manner, as they apply to a Central Act.

### **3. Establishment of Rajasthan Medical Council :-**

A Council shall be established and called the "Rajasthan 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 Council :-**

The said Council shall consist of the following members, namely:-

- (a) a President to be nominated by the Government;
- (b) three members to be nominated by the Government;
- (c) one member to be elected from amongst the members of the Faculty of medicine by the Senate of the University of Rajaputana;
- (d) one member to be elected by and from among the staff of each medical School or College affiliated to the University of Rajaputana;
- (e) three members to be elected from amongst themselves by registered practitioners who are graduates in Medicine or Surgery; and
- (f) three members to be elected from amongst themselves by registered practitioners other than those referred to in clause (e).

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

If any electoral body referred to in section 4 does not by such date as may be prescribed, elect a person to be a member of the Council, the 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.

### **6. Disqualifications for membership :-**

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

- (a) is not a registered practitioner; or
- (b) has been sentenced by any Court for any non-bailable offence such sentence not having been subsequently reversed or quashed. and such persons disqualification on account of such sentence not having been removed by any order which the Government is hereby empowered to make, if it thinks fit, in this behalf; or
- (c) is an undischarged insolvent; or
- (d) has been adjudged by competent Court to be of unsound mind;

## **6A. Establishment of first Council :-**

<sup>1</sup>[Notwithstanding anything contained in the foregoing provisions of this Act.-

(a) the members referred to in clauses (e) and (f) of section 4 of the first Council established under section 3 shall be nominated by the Government; and

(b) all the members of such first Council, whether nominated or elected, shall be persons who are qualified to be registered under this Act.]

1. Inserted by the Raj. Act No. 1 of 1955. Pub. in Raj. Govt. Gaz. Pt. 4(A) dated 12.2.1955.

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

The names of every member elected or nominated under section 4 or section 5 <sup>1</sup>[or section 6A] shall be published by the Government in the Rajasthan Gazette.

1. Inserted by the Raj. Act NO. 1 of 1955. Pub. in Raj. Govt. Gaz. Pt. 4(A) dated 12.2.1955.

## **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 sending his resignation in writing to the President or Registrar;

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

(c) on his absence out of India for six consecutive months; or

(d) on his becoming disqualified for election or nomination as a member for any of the reasons mentioned in section 6; or

(e) on expiry of the term mentioned in section 11, and in the case of a member elected under clause (c) or clause (d) of section 4, on his ceasing to be a member of the Faculty of Medicine, or as the case may be, a member of the staff of a Medical School or College.

(2) On the occurrence of any vacancy referred to in sub-section (1), the President of the Council shall forth with report the fact of such vacancy to the Government.

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

When the place of a nominated or elected member of the Council becomes vacant by his death or by his ceasing to be a member as provided in sub-section (1) of section 9, a new member shall be nominated or elected within one month in the manner provided by section 4, and shall hold office so long as the member whose place he fills would have been entitled to hold office if such vacancy have not occurred:

Provided that no act of the Council or of its members shall be deemed to be invalid by reason only that the number of members of the Council at the time of the performance of such act was less than the number provided by section 4.

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

(1) The term of office of the first members elected or nominated under section 4 or section 5, shall commence on such days as may be appointed by the Government.

(2) Subject to the provisions of section 9, sub-section (1) and section 10. the term of office of members shall be three year.

(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.

#### **12. Meetings :-**

(1) the Council shall make regulations to regulate.-

(a) the times and places at which its meetings shall be held.

(b) the issue of notices convening such meetings.

(c) the conduct of business there at, and

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

Provided that.-

(i) no business shall be transacted at any meeting of the Council unless a quorum of six members be present; and

(ii) save as provided in section 17 and section 25; all questions arising at any meeting 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 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,

### **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 or of special committees and such reasonable travelling expenses for such attendance and for such 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 Government.

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

(1) With the previous sanction of the Government. the Council.-

(a) shall appoint a Registrar;

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

(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 it may consider necessary, for the purposes of this Act and shall pay them such salary 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.

### **15. 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 or titles, of such practitioners and erase the names of any practitioners who have died.

(2) To enable the Registrar to fulfill the duties imposed upon him by sub-section (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 practice 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 dispatch, 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 entitled to be registered :-**

Subject to the provisions hereinafter contained and on payment of such fees as may be prescribed in this behalf by regulations made under section 33, every person who.-

(a) is possessed of any of the Indian medical qualifications for the time being recognised for the purposes of, and included in the First Schedule to the Indian Medical Council Act, 1933; or

(b) is possessed of any of the foreign medical qualifications for the time being recognised for the purposes of, and included in the Second Schedule to the said Act; or .

(c) being possessed of a foreign medical qualification other than those referred to in clause (b), has been recommended for registration as a special case on individual merit by the Medical Council of India established under section 3 of the said Act;

shall be entitled to have his name entered in the register of registered practitioners, whether or not such person practices or intends to practice:

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

(i) who has been sentenced by any Court for any non-bailable offence, such sentence not having been subsequently reversed or quashed and such persons disqualifications on account of such sentence not having been removed by an order which the

Government is hereby empowered to make if it thinks fit, in this behalf; or

(ii) 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 pleader and which may, in the discretion of the President be held in camera), has found guilty, by a majority of two-thirds of the members present and voting at the meeting of infamous conduct in any professional respect.

### **18. Additional qualifications for registration :-**

If the Council is satisfied that, in addition to the Indian medical qualifications for the time being included in the First Schedule to the Indian Medical Council Act, 1933, any title granted or qualification certified by any University, Medical College or School, Medical Corporation, examining body or other institution in India is a sufficient guarantee that persons holding such title or qualification possess the knowledge and skill requisite for the efficient practice of medicine, surgery and midwifery, it may make a report to that effect to the Government which may, if it thinks fit, thereupon direct, by notification in the Rajasthan Gazette, that the holding of such title or qualification shall, subject to the provisions hereinafter contained and on payment of such fee as may be prescribed in this behalf, entitle any person to have his name entered in the register of registered practitioners.

### **19. Power to Council to call for certain information from authorities of University Medical Collage, or School, Medical Corporation etc :-**

(1) The Council shall have power to call on the governing body or authorities of any University, Medical College or School, Medical Corporation, examining body or other institution referred to in section 18.-

(i) to furnish such reports, returns or other information, as the Council may require to enable it to judge the efficiency of the instruction given therein in medicine, surgery and midwifery; and

(ii) to provide facilities to enable any member of the Council (deputed by the Council in this behalf) to be presented at the examinations to be held by such University, College, School, Corporation, Body or Institution.

(2) The Council shall have power to inspect any such University, College, School, Corporation, Body or Institution and may for this



purpose appoint a special Committee of not less than three or more than five members of the Council to inspect the same and submit a report in regard thereto to the Council.

**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 title or qualification referred to in section 17 or section 18; and

(b) must correctly inform the Registrar of the dates on which he obtained the titles or qualifications which entitle him to claim registration under this Act.

**21. Entry of new titles and qualifications in register :-**

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

**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 Government under section 33.

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

If any person is dissatisfied with any decision of the Registrar refusing to enter the name or any title 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.

**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. Powers 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 persons disqualification on account of such sentence not having been removed by an order which the Government is hereby empowered to make, if it thinks fit, in this behalf; or
  - (ii) whom the Council, after due inquiry as provided in clause (ii) of the proviso to 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; and
- (b) that any name so removed, be afterwards re-entered in the register.

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

- (1) An appeal shall lie to the 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.

**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 Government or the Council or any Committee of the Council or the Registrar.

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

- (1) Every Registrar of death who receives notice of the death of any person whose name he knows to be entered in the register of registered practitioners, shall forth with 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 any such certificate or 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 un-registered 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 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 Magistrate of the First Class. with fine which may extend, to three hundred rupees.

**30. Construction of references in laws 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 law in force in Rajasthan, or in any Act of the Central Legislature in force in Rajasthan, shall be deemed to mean a medical practitioner registered under this Act, and no certificate, required to be given by any medical practitioner or medical officer under any such law or Act as aforesaid, shall be valid unless such practitioner or officer is registered under this Act.

**31. Unregistered persons not to hold certain appointments :-**

Except with the special sanction of the Government, no person other than a registered practitioner shall be competent to hold any appointment as Medical Officer of health or as physician, surgeon or other medical officer in any hospital, asylum, infirmary, dispensary, lying in-hospital or nursing home, which is supported partially or entirely by public or local funds.

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

(1) The Registrar shall in every year, 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

(c) the registered titles and qualifications of each such person and the date on which each such title was granted or each such qualification was certified.

(2) Every Court shall presume that any person whose name is entered in the latest of such lists 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 such list, 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.

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

(1) The 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 Government may make rules.-

(a) to regulate elections under clauses (c) to (f) of section 4;

(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 .-

(i) conducting any inquiry referred to in proviso (ii) 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 section 12, the Council may with the sanction of the Government, make regulations-

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

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

(4) All such rules and regulations shall be published in the Rajasthan Gazette.

### **34. Control of Government over Council :-**

If at any time, it shall appear to the Government that the Council has failed to exercise or has exceeded or abused a power conferred

upon it under this Act or has failed to perform a duty imposed upon it by this Act, the Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Council and, if the Council fails to remedy such default, excess or abuse within such time, as may be fixed by the Government in this behalf, the Government may dissolve the Council and cause all or any of the powers and duties of the Council to be exercised and performed by such agency and for such period, as it may think fit:

Provided that it shall take steps, as soon as may be convenient, to constitute a new Council of the members prescribed in section 4.

**35. Saving :-**

No provision of this Act shall effect a Homeopathic, Ayurvedic or Unani Tibbi Practitioner.

**36. Repeal :-**

All laws relating to the registration of Medical Practitioners other than Homeopathic, Ayurvedic and Unani Tibbi Practitioners in force in any part of Rajasthan, are hereby repealed.