

## **MEDICAL ACTS.**

### **THE TAMIL NADU 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 6<sup>th</sup> April 1914 and that of the Governor-General on 27<sup>th</sup> April 1914, the assent of the Governor-General was first published in the Fort St. George Gazette of 12<sup>th</sup> 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:-

#### Short title

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

#### Extent

- +(2) It extends to the whole of the by Presidency of Madras.

#### Commencement of Act.

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 came into force once.

#### Definitions

3. In this Act, unless there is something repugnant in the subject or context-
  - (1) "The British Medical Act" means Statues 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.

#### Privileges of registered Practitioners.

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

(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 & (State Government), no one other than a registered practitioners 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 of as Medical Officer of Health.

#### Constitution of Medical Council

5. (1) Medical Council shall be established for the \*\* (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 amongst the members of the Faculty of Medicine of that University:

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\*As introduced by Act No.IV of 1914 and amended by Acts, No.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 Banganapallee and Pudukkottai by notification in the Fort St. George, Extraordinary, dated 31th March 1939-G.O.No.1120 P.H., dated 29th March 1949.

# The provisions of section 4 came into force on the 1<sup>st</sup> June 1916-Vide G.O.No.698, Public, dated 10th April 1916 notified in three consecutive issues of the Fort St. George Gazette, 11<sup>th</sup>, 18<sup>th</sup> and 25<sup>th</sup> April 1916.

& The words “Provincial Government” were substituted to the words “Governor-in-council” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order, 1950.

\*\* This word as was submitted for the “Province” by the Adaptation Order, 1950.

(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 Visakapatam, 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 (State) Government.

(2) In making nominations under clause (g) of sub-section (1), the \*(State) Government shall have due regard to the claims of woman of medical mission 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 person nominated by the \*(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.

#### Qualifications of members

6. No person shall be eligible to be a member of the Council unless he is a registered practitioner.

#### Tennure of office 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.

#### Cessation or membership

8. A member of the council shall be deemed to have vacated his seat:

(1) On sending his resignation in writing to the President or Registrar.

- (2) on his absence without excuse sufficient in the opinion of the council from three consecutive meetings of the Council.
- (3) on his absence out of India for six consecutive months:
- (4) on removal of his name from the register:
- (5) on his being declared an insolvent by any competent Court:
- (6) on expiry of the term mentioned in section:
- (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) in case 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.

Filling up vacancies

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

Executive Committee

9-A (1) There shall be an Executive Committee of the Council consisting of the 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 the year.

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 \* This word was substituted for the word "Provincial" the Adaptation Order of 1950.

(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 subsection (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 meetings. In the case of an equality votes, the President, Vic-President or any Council or presiding at the meeting shall have a casting vote.

#### Registrar and other Officers

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 council.

(2) 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 council.

(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.

#### Medical Registrar

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 elections to the Medical Council of India under section 3 (1) (c) of the Indian Medical Council Act, 1956 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 <sup>2</sup>(Official Gazette).

#### Meetings of Council

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.

All questions which may come before the Council shall be decided in accordance with the votes of the majority of the members presiding at the meeting shall have a casting vote.

Persons who may be registered

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

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

(b) is possessed of any of the qualification described in the schedule shall be entitled to be registered on furnishing to the Registrar proof of such registration or qualifications whether or not such person practices or intends to practice the Allopathic or any other system of Medicine;

Provided that the <sup>3</sup> (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.

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<sup>1</sup> This word substituted for the word "Provincial" by the Adaptation order of 1950.

<sup>2</sup> These words were substituted for the "Fort st. George Gazette" by the Adaptation order of 1927.

<sup>3</sup> The word "Provincial Government" were substituted for the word "Government-in-Council" by the Adaptation order 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

Government shall have power to direct that the registration shall be in force only so long as he continuous 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 offences as implies in the opinion of the Council a defect of character of who after any inquiry at which opportunity has been given to the candidates 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.

### Registration fee

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

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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 provide for the registration of persons registered under this Act Without the payment of nay fee or on payment of a fee not exceeding five rupees.

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

### Special Provision for amending the Medical Register

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

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

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

(2) Any person aggrieved by an order 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.

(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 form 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 register practitioner for the same reasons for which registration may be refused by the Council under section 13 and the second proviso there to 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 or his association in any professional respect with a qualified practitioner of 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

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Inserted by the Madras Adaptation of Law Order 1961.

(b) is not a person whose name the Council has refused to register under the second proviso to section 3 or whose name the Council has removed from the register under the subsection.

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Explanation:- The expression “qualified practitioner shall for the purpose of this provision mean a practitioner qualified under rules made by the <sup>1</sup>(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 upto 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 rule as may be made by the <sup>1</sup>(State government) direct such deletion. Any such practitioner may apply for fresh registration under section 13.

#### Procedure in inquiries and appeals.

17.(1) An inquiry under section 13 or section 16 maybe held by a Committee consisting three members of the council elected for the purpose by the council. the Council or the Committee as the case may be 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 case may be.

(2) For the purpose of any such inquiry any appeal under section 15, the Council or any Committee thereof elected as aforesaid shall be deemed to be a court within meaning of the India Evidence Act, 1872 and shall exercise all the power of a Commissioner appointed under the public Servants (Inquiries) Act, 1850 and such inquiries and appeals shall be conducted as far as may in accordance with the provisions of section 5 and section 8 to 20 the said public Servants (Inquiries) Act, 1850.

#### Appeal against the decision of Council

18. An appeal shall lie to the <sup>2</sup>(State Government) against every decision of the council under section 13 or section 16. Such appeal shall be preferred within three month from the date of the Council's decision.

#### Limitings of jurisdiction of Civil Courts.

19. No act done in the exercise of any power conferred by or under this Act on the <sup>1</sup>(State Government) or the Council or the Executive Committee or the Registrar shall be question in ay Civil Court.

#### Power of the State Government to alter Schedule.

20. It shall be lawful for the (State Government) by notification in the <sup>3</sup>(Official Gazette) to alter the schedule:

Provided that no medical degree, diploma or certificate granted in any British Colony or foreign Country which does not recognize the medical degree, diplomas or certificates for <sup>4</sup>(and Government or University in India) shall be included in the schedule.

Power of council to call for information regarding efficiency of teaching and to attend Examination

21. The council shall have power to call on the governing body or authorities of an University, Medical college or School included in or desirous of being included in the schedule

- (a) To furnish such report, returns or other information as the Council may require to enable it to judge of the efficiency of the instruction given therein Medicine, Surgery and Midwifery; and
- (b) To provide facilities to enable any number of the Council deputed by the Council in this behalf to be present at the examinations held by such University, College of School.

If the said body or authorities refuse to comply with and demand, the <sup>1</sup>( State Government may upon report by the Council remove such University College or Schools from the Schedule or refuse to include it in the Schedule.

Control by State Government.

22. If at any time it shall appeal to the <sup>1</sup>(State Government) that the Council has neglected to exercise or has exceeded or abuse any power conferred upon it under this Act or has neglected to

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<sup>1</sup> The word "Provincial Government" were substituted for the word "Local Government" by the adaptation Order of 1937 and the word "State" was substituted for "provincial" by the Adaptation Order of 1950.

<sup>2</sup> The words "Provincial Government" were substituted for the words, "Government Council" by the Adaptation order of 1937 and the word "state" was substituted for "Provincial" by the Adaptation Order of 1950.

<sup>1</sup> The words "Provincial Government" were substituted for the words "Government Council" by the adaptation orders of 1927 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

<sup>3</sup> These words were substituted for the word "Fort St. George Gazette" by the Adaptation Order of 1937.

<sup>4</sup> These words were substituted for the words "a British Indian Government or University" by the Adaptation of Law (Amendment) Order of 1950.

Perform any duty imposed upon it by this Act, the <sup>1</sup> (State Government) may notify the particulars of such neglect, excess or abuse to the Council and the if the Council fails to remedy such neglect, excess or abuse within such time as may be fixed by the <sup>1</sup> (State Government) in this behalf the <sup>1</sup> (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 <sup>1</sup> (State Government) may think fit.

Penalty for false producing to be registered practitioner.

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 Magistrate of the First Class, with fine that may extend three hundred rupees.

Power to make rules any by laws.

24. (1) (State Government) may, after previous publication, make rules for the purpose of carrying out the provisions of this Act.

In particular and without prejudice to the generality of the foregoing provision the <sup>1</sup> (State Government) may make rules-

- (i) for the election of member to the Council under section 5;
- (ii) for the election and terms of office of the President and Vice President of the Council;
  - (a) For the election of the member of the Executive Committee;
- (iii) To regulate the procedure at an injury held under section 13 or section 16;
- (iv) for regulate the institution, hearing and disposal of appeals under section 15 or section 18;
- (v) for the compilation and publication register;
- (vi) for the disposal of fees received under this Act.

(2) The council may, with the previous sanction of the <sup>2</sup> (State Government) make by laws-

- (i) for the convening of meeting of the Council and 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. (Delete)

### THE SCHEDULE

[As amended by G.O.No.169, Local and Municipal (Medical) 16<sup>th</sup> December 1916.No.113 Local Medical dated 22<sup>nd</sup> March dated 22<sup>nd</sup> 1918, Mis.No.1968, P.H. dated 22<sup>nd</sup> December 1924, Mis.No.1566, P.H. dated 20<sup>th</sup> June 1929. Mis.No.1329, P.H. dated 12<sup>th</sup> November 1934 and G.O. Ms. No.2619. Health, dated 12<sup>th</sup> July 1953.

1. The Degree of Doctor, Bachelor and Licentiate of Medicine and Master, Bachelor and Licentiate of Surgery of the University of Allahabad, Bombay, Calcutta, Lahore, Lucknow, Mysore, and Rangoon.
2. Diploma or certificates granted by<sup>3</sup> (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.

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1 The words "Provincial Government" were Substituted for the words, "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "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 Substituted for the words "British Indian Government" by the Adaptation of Laws (Amendment) Order of 1950.

4. The diploma of Fellow and Member and Licentiate certificate granted by the State Medical Faculty of Bengal and the College of Physicians and Surgeons of Bombay.

5. A Diploma of granted by the <sup>4</sup> (the Government of Hyderabad) <sup>5</sup> (or of Andhra Pradesh) to any person trained in the Hyderabad Medical School declaring him to be qualified to practice Medicine, Surgery and Midwifery.

6. The Diploma of Licensed Medical Practitioner granted by his Highness the Maharaja of Mysore's Medical School of the University of Mysore.