

**GOVERNMENT OF WEST BENGAL
LEGISLATIVE DEPARTMENT**

West Bengal Act XXXVII of 1985

**THE WEST BENGAL MEDICAL COUNCIL
(TEMPORARY SUPERSESSION) ACT, 1985.**

[Passed by the West Bengal Legislature.]

[Assent of the President of India was first published in the Calcutta Gazette, Extraordinary, of the 11th March, 1986.]

[11th March, 1986.]

An Act to provide for the supersession of the West Bengal Medical Council for a limited period and for the carrying on of its administration during the period of supersession.

WHEREAS it is expedient in the public interest to supersede the West Bengal Medical Council for a limited period with a view to facilitating its reorganisation for more efficient functioning and to provide for the carrying on of its administration during the period of supersession;

It is hereby enacted in the Thirty-sixth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Medical Council (Temporary Supersession) Act, 1985.

Short title
and
commence-
ment.

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

- (a) “the Act” means the Bengal Medical Act, 1914;
- (b) “the *ad hoc* Council” means the West Bengal Medical Council (*ad hoc*) referred to in clause (b) of section 4;
- (c) “the Council” means the West Bengal Medical Council constituted under the Act;
- (d) other words and expressions have the meanings respectively assigned to them in the Act.

3. (1) With effect from the date of coming into force of this Act, and for a period of two years from such date, the Council shall stand superseded.

Supersession
of the
Council.

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(Sections 4, 5.)

(2) The State Government may, if it considers necessary so to do, by notification published in the *Official Gazette*, extend from time to time the period of supersession referred to in sub-section (1) by any period not exceeding six months at a time, so, however, that the aggregate period of supersession under this section shall not exceed three years.

Conse-
quences of
supersession.

4. With effect from the date of supersession of the Council,—
- (a) all the members of the Council and the Executive Committee constituted under the Act shall vacate their respective offices, and
 - (b) all the powers and functions of the Council and of the Executive Committee as aforesaid under the Act or the rules or the regulations made thereunder shall, respectively, be exercised and performed by the *ad hoc* Council to be known as the West Bengal Medical Council (*ad hoc*).

Constitution
of the *ad hoc*
Council.

5. (1) The *ad hoc* Council shall consist of the following members:—
- (a) (i) one member of the Council for Post-Graduate Studies in Medicine, Nursing, Homoeopathy, Ayurved and Dental Science of the University of Calcutta, and
 - (ii) one member of the Council for Undergraduate Studies in Medicine, Dental Science, Homoeopathy, Veterinary Science, Nursing and Ayurved of the University of Calcutta;
 - (b) one member of the Council for Undergraduate Studies in Medicine of the University of Burdwan;
 - (c) one member of the Council for Undergraduate Studies in Medicine of the University of North Bengal;
 - (d) two members of the Governing Body of the State Medical Faculty of West Bengal;
 - (e) seven Teachers of Medical Colleges or Institutions affiliated to the University of Calcutta or the University of Burdwan or the University of North Bengal of whom at least—
 - (i) one shall be from a Medical College affiliated to the University of Burdwan, and
 - (ii) one shall be from a Medical College affiliated to the University of North Bengal;
 - (f) one registered practitioner, being a Licentiate in medicine;
 - (g) two registered practitioners, being Graduate in medicine;
 - (h) one representative of the Department of Health and Family Welfare, Government of West Bengal;

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(i) one representative of the Directorate of Health Services,
Government of West Bengal;

(j) three persons nominated by the State Government.

(2) The members referred to in clauses (a) to (i) of sub-section (1)
shall be nominated by the State Government.

(3) The State Government shall nominate one of the persons referred
to in clause (j) of sub-section (1) to be the President of the *ad hoc*
Council.

6 No act or proceeding of the *ad hoc* Council shall be invalid or
called in question by reason of the existence of any vacancy, initial or
subsequent, in the *ad hoc* Council.

Validation
of Act or
proceeding
of the *ad hoc*
Council.

7. Any vacancy in the *ad hoc* Council occurring by reason of death,
resignation or otherwise shall be filled up by the State Government, in
so far as such filling up is not inconsistent with the provisions of this
Act.

Filling up of
vacancies in
the *ad hoc*
Council.

Ben. Act VI
of 1914.

8. If, by reason of the provisions of the Bengal Medical Act, 1914,
any difficulty arises in giving effect to the provisions of this Act, the
ad hoc Council shall refer such difficulty to the State Government which
may make such order or do such thing, not inconsistent with the provisions
of this Act, as appears to it to be necessary or expedient for removing
the difficulty.

Power to
remove
difficulties.

9. For the removal of doubts, it is hereby declared that nothing in
this Act shall effect or imply in any way the dissolution of the Council
as a body corporate as constituted under the Act.

The Council
to continue
as a body
corporate.