

THE UNITED PROVINCES MEDICAL ACT, 1917¹

[U. P. Act NO. III of 1917]

Amended by

U. P. Act No. V of 1922

U. P. Act No. IV of 1931

Adapted and modified by the Government of India (Adaptation of Indian Laws) Order, 1937

Adapted and modified by the Adaptation of Laws Order, 1950.

[Received the assent of the Lieutenant-Governor on the 21st May, 1917, and of the Governor-General on the 19th July, 1917, and was ²published under section 81 of the Government of India Act, 1915, on the 4th August, 1917.]

AN

ACT

To provide for the Registration of certain Medical Practitioners in the United Provinces.

Preamble

WHEREAS it is expedient to provide for the registration of certain medical Practitioners in the United Provinces :

It is hereby enacted as follows :

Preliminary

**Short title,
extent and
commen-
cement**

1. (1) This Act may be called the United Provinces Medical Act, 1917.

(2) ³[It shall extend to the whole of Uttar Pradesh.]

(3) ⁴Sections 30 and 32 shall not come into force until a date to be appointed in this behalf by the ⁵[State Government] by notification in the ⁶[Official Gazette.]

Definitions

2. In this Act —

(a) the expression “the Medical Acts” means the Medical Act, 1858, and the Acts amending the same ;

(b) the expression “the Council” means the Council established under section 3 ; and

1. For Statement of Objects and Reasons see Gaz. 3, 1916, P. VII, p. 28.

2. See Gaz. 3, 1917, Pt. VII, p. 875.

3. Sub. for sub-sec. (2) of sec. 1 by the A. O. 1950.

4. Sec. 30 was brought into force from Jan. 1, 1919, see not. no. 165/V—19, d. April 2, 1918, in Gaz., 1918, Pt. I, p. 289, and sec. 32 from Sept. 19, 1941, see not. no. N—161/V—601, d. Sept. 19, 1941, in Gaz., 1941, Pt. I, p. 442.

5. Sub. by the A. O. 1950 for (Provl. Govt.), which had been subs. by the A. O. 1937 for (L. G.).

6. Sub. for “Gazette” by A. O. 1937.

(c) the expression “registered practitioner” means a person registered under the provisions of this Act.

The Uttar Pradesh Medical Council

**Established
of the Uttar
Pradesh,
Medical
Council**

3. A Council shall be established and called “[Uttar Pradesh]¹ 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.

**Constitution
of Council**

4. (I) The said Council shall consist of thirteen ² members appointed in the following manner, namely ;

(a) a president to be nominated by the ³[State Government]

(b) five members to be nominated by the ³[State Government]

⁴[(c) one member to be elected by the Executive Council of the Lucknow University] ;

(d) one member to be elected by medical practitioners who —

(i) are registered under the Medical Acts, or are doctors, bachelors or licentiates of medicine, or masters of obstetrics, or masters, bachelors or licentiates of surgery of the Universities of Calcutta, Bombay, Madras or Lahore ;

(ii) are residing in ¹[Uttar Pradesh] and registered under this Act or, in the case of the first election, qualified to be so registered ; and

(iii) are in the ⁵[service of the (Government) ⁶]

(e) two members to be elected by medical practitioners who are not in the ⁵[service of the (Government)⁶] but are otherwise qualified in the manner prescribed in clause (d) ;

(f) one member to be elected by medical practitioners who, not being qualified in the manner prescribed in sub-clause (I) of clause (d),—

(i) are residing in ¹[Uttar Pradesh] and registered under this Act or in the case of the first election, qualified to be so registered, and

(ii) are in the ⁵[service of the (Government)⁶].

(g) ⁷[two members] to be elected by medical practitioners who are not in the ⁵[service of the (Government)⁶] but are otherwise qualified in the manner prescribed in clause (f) ;

1. Sub. by the A. O. 1950 for the (United Provinces).

2. The number of members has now risen to fifteen (Vide subs. s. 2 of this section.)

3. Sub. by the A. O. 1950 for (Provl. Govt.), which had been subs. by the A. O. 1937 for (L. G.).

4. Cl. (c) was del. by sec. 2 (1) of U. P. Act IV of 1931, and this cl. which was ins. as cl. (d) by s. 2 (1) of U. P. Act V of 1922 was numbered as cl. (c) by s. 2 (2) of the former Act.

5. Sub. by the A. O. 1937 for (Service of Govt.).

6. Sub. by the A. O. 1950 for the (Crown).

7. Sub. for “one member” by s. 2 (3) of U. P. Act IV of 1931.

(h) one member to be elected by the medical graduates of the [Universities of Allahabad and Lucknow Provinces]

(2) Provided that upon the expiry of five years from the commencement of this Act, two members instead of one shall be elected by the medical graduates of the ¹[(Universities of Allahabad and Lucknow] and thereafter the said Council shall consist of ²[fifteen] members instead of ³[fourteen].

Nomination of members in default of election

5. If any electoral body referred to in section 4 does not, in the case of a vacancy referred to in section ten, within three months and, in any other case, by such date as may be prescribed by rule made in that behalf under section 34 (2) (a), elect a person to be a member of the Council, the ⁴[State Government] shall nominate a member in his place, and a person so nominated shall be deemed to be a member as if he had been duly elected by such body.

Disqualifications for membership

6. (I) A person shall be disqualified for being elected or nominated a member of the Council if he —

(a) is not registered under this Act ;

(b) has been sentenced by a criminal court to imprisonment for an offence punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having subsequently been reversed or remitted, and such person's disqualification on account of such sentence not having been remitted by an order which the ⁴[State Government] is hereby empowered to make, if it thinks fit, in this behalf ;

(c) is an undischarged insolvent ; or

(d) has been adjudged by a competent court to be of unsound mind.

(2) Provided that, in the case of first elections held and first nominations made under this Act, clause (a) of sub-section (I) shall be read as if it were "is not qualified to be registered under this Act."

Publication of names of members

7. The name of every person elected or nominated a member of the Council shall be published by the ⁴[State Government] in the ⁵[Official Gazette].

Leave of absence to members

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

Occurrence of casual vacancies

9. (I) A member of the Council shall be deemed to have vacated his seat who —

1. *Sub.* for "Allahabad University" by s. 2 (3) of U.P. Act No. V of 1922.

2. *Sub.* for "fourteen" by *ibid.*

3. *Sub.* for "thirteen" by *ibid.*

4. *Sub.* by the A. O. 1950 for (Provl. Govt.), which had been subs. by the A. O. 1937 for (L. G.).

5. *Sub.* for "Gazette" by A. O. 1937.

(a) fails to accept office within one month of the date of his nomination or election, or

(b) is absent without excuse sufficient in the opinion of the Council from the three consecutive meetings of the Council, or

(c) is absent out of India for a period exceeding six consecutive months, or

(d) becomes subject to any of the disabilities set forth in section 6.

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

Filling of casual vacancies

10. If a member of the Council dies or resigns his membership, or ceases to be a member as provided in section 9 (1), the vacancy shall be filled within three months by a fresh election or nomination, as the case may be.

Terms of office of members

11. (1) The term of office of a member of the Council shall be three years from the date of his acceptance of office.

(2) A person ceasing to be a member by reason of the expiration of his term of office shall, if not disqualified for any of the reasons mentioned in section 6, be eligible for re-election or re-nomination.

Quorum and voting

12. (1) No business shall be transacted at a meeting of the Council unless a quorum of six members be present.

(2) Save as otherwise provided in section 26 (1) (b), all questions arising at a meeting shall be decided by the votes of the majority of the members present and voting or, in the case of an equality of votes, by the casting vote of the president, or, in his absence, of the member presiding at the meeting.

(3) No act or proceeding of the Council shall be deemed invalid merely by reason of a vacancy in the Council or of a defect in the election or nomination of a person acting as a member of the Council.

Regulations as to meetings

13. (1) Subject to the provision of this Act and of any rules made by the ¹[State Government] under this Act the Council may make regulations in respect of —

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

(b) the issue of notices convening such meetings ; and

(c) the conduct of business thereat.

(2) Until such time as the regulations referred to in sub-section (1) have come into operation, it shall be lawful from the president to summon a meeting at such time and place as to him shall seem expedient, by letter addressed to each member.

1. Sub. by the A. O. 1950 for (Provl. Govt.), which had been subs. by the A. O. 1937 for (L. G.).

**Payment
expenses to
members**

14. There shall be paid to the members of the Council such expenses as may from time to time be prescribed by regulation under section 34 (3) (a).

**Appointment
of registrar
and other
officers**

15. (1) With the previous sanction of the ¹[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 it 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-sections (1) and (2) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

The Register of Medical Practitioners

**Orders by
Council for
maintenance
of register**

16. (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 the register of medical practitioners.

(2) The said register shall be kept in such form as may be prescribed by rule made under section 34 (2) (b).

**Registrar's
functions in
respect of
register**

17. (1) The Registrar shall keep the register of medical 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 the practitioners entered therein and erase the names of any practitioners who have died or have permanently ceased to practice in India.

(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 :

1. Sub. by the A. O. 1950 for (Provl. Govt.), which had been subs. by the A. O. 1937 for (L. G.).

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

**Persons
entitled to be
registered**

18. (1) Every person referred to in the schedule shall, subject to the provisions hereinafter contained, and on payment of such fees as may be prescribed in this behalf by regulations made under section 34 (3) (b), be entitled to have his name entered in the register, of medical practitioners.

(2) Provided that the Registrar shall refer to the Council any application for entry in the register from a person in respect of whom he considers that the Council may wish to proceed under section 26 (1).

(3) Provided also that the Registrar, if so directed by the Council, shall refuse to register the name of any person who holds a medical degree, diploma, or certificate granted in any foreign county or British colony which does not recognize the medical degrees, diplomas or certificates of the Universities or ¹[State Government] of ²[India].

**Amendment
of schedule**

19. If the Council is satisfied —

(a) that a title granted or qualification certified by a University, Medical Corporation, examining body or other institution is a sufficient guarantee that persons holding such title or qualification possess the knowledge and skill requisite for efficient practice of medicine, surgery and midwifery, or

(b) that a title or qualification referred to in Article 3 of the Schedule is not a sufficient guarantee as aforesaid,

it may make a report to that effect to the ¹[State Government] which may, if it thinks fit, thereupon direct, by notification in the ³[*official Gazette*] —

(1) in case (a), that the possession 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 by regulation made under section 34 (3) (b), entitle a person to have his name entered in the register of medical practitioners, or

(2) in case (b), that the possession of such title or qualification shall not entitle a person to have his name entered in the said register; and the schedule shall thereupon be deemed to be altered accordingly.

**Power of
Council to
call for
information
from medical
college or
school**

20. The Council shall have power to call on the governing body or authorities of a medical college or school other than a college or school affiliated to the University of Allahabad, ⁴[***] Calcutta, Bombay, or Madras, included in or desirous of being included in the schedule —

1. Sub. by the A. O. 1950 for (Provl. Govt.), which had been subs. by the A. O. 1937 for (L. G.).

2. Sub. by the A. O. 1950 for (British India).

3. Sub. for "Gazette" by the A. O. 1937.

4. The word (Lahore) Omit. by the A. O. 1950.

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

(b) to provide facilities to enable a member of the Council deputed by the Council in this behalf to be present at the examinations held by such college or school.

**information
required of
applicant for
registration**

21. Every person who applies to have his name entered in the register of medical practitioners —

(a) must satisfy the Registrar that he is possessed of some title or qualification referred to in the schedule, as alerted by notifications (if any) issued under section 19 ; and

(b) if he is registered under the Medical Acts, —

(i) must correctly inform the Registrar of the date of such registration, and

(ii) must furnish the Registrar with a correct statement of the titles or qualifications in respect of which he is so registered, and of the dates on which he obtained them, or

(c) if he is not registered under the Medical Act, 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, and

(d) give the Registrar any information which he reasonably may require for the purpose of discharging his duties under this Act.

**Entry of new
titles and
qualifications
in register**

22. If a person whose name is entered in the register of medical 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 regulation made under section 34 (3) (b), be entitled to have an entry stating such other title or qualification for, or in addition to, any entry previously made.

**Disposal of
fees**

23. 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 ¹[State Government] under section 34 (2) (c).

**Appeal to
Council from
decision of
Registrar**

24. if a person is dissatisfied with a decision of the Registrar, refusing to enter any title or qualification of such person in the register of medical practitioners, he may, at any time within three months from the date of such decision appeal to the Council.

**Erasure of
fraudulent
and incorrect
entries**

25. Any entry in the register of medical practitioners, which is proved to the satisfaction of the Council to have been fraudulently or incorrectly made, may be erased under and order in writing of the Council, after notice has been given to the person concerned and his objections if any, have been considered.

1. Sub. by the A. O. 1950 for (Provl. Govt.), which had been subs. by the A. O. 1937 for (L. G.).

Power of Council to prohibit entry in, or to direct removal from the register etc

26. (1) The Council may upon reference from the Registrar or otherwise, prohibit the entry in, or order the removal from the register of the name of any medical practitioner —

(a) who has been sentenced by a criminal court to imprisonment for an offence indicating in the opinion of the Council such a defect in character as would render the entry or continuance of his name in the register undesirable, or

(b) whom the Council after 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 Council 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 respect¹.

(2) Nothing in sub-section (1) shall be deemed to justify the exclusion or removal from the register of the name of any medical practitioner on the ground of his adoption of a theory of medicine and surgery not in accordance with the accepted view for the time being or of his association with a vaid, hakim, or homoeopath or an unregistered practitioner, so long as that unregistered practitioner —

(a) is possessed of one of the qualifications specified in the schedule, and

(b) is not a person whose name he has reason to believe, has been excluded or removed from the register by the Council under sub-section (1) or would be so excluded if application for registration thereof were made.

(3) The Council may direct that the name of any person against whom an order has been made under sub-section (1) shall be entered or —re-entered as the case may be.

Appeal to State Government from decision of Council

27. (1) An appeal shall lie to the ²[State Government] from every decision of the Council under section 24 or 26.

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

Bar to suits and other legal proceedings

28. No suit or other legal proceedings shall lie in respect of an act done in the exercise of a power conferred by this Act on the ²[State Government] or the Council or the Registrar.

Notice of deaths and erasure of names from register

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

1. See. not. no. 323, d. March 28, 1923 in Gaz. 1923, Pt. I. p. 366.

2. Sub. by the A. O. 1950 for (Provl. Govt.), which had been subs. by the A. O. 1937 for (L. G.).

(2) On receipt of such certificate, or other reliable information regarding such death, the Registrar of the Council shall erase the name of the deceased person from the Register.

Penalty on unregistered person representing that he is registered

30. If a person whose name is not entered in the register of medical 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.

Procedure in inquiries and appeals

31. For the purpose of any inquiry held under section 26 or of any appeal under section 24, the Council shall be deemed to be a court within the meaning of the Indian Evidence Act, 1872, and shall exercise the powers of a Commissioner appointed under the Public Servants (Inquiries) Act, 1850 ; and every such inquiry and appeal shall be conducted, as far as may be, in accordance with the provisions of section 5 and sections 8 to 10 of the said Public Servants (Inquiries) Act, 1850.

Reservation of certain appointments to registered practitioners

32. Except with the general or special sanction of the or of any officer authorized by it in this behalf, no person other than a registered practitioner shall be competent to hold an appointment as medical officer of health, or as physician, surgeon, or other medical officer in a hospital asylum, infirmary, dispensary, or lying in hospital, not being an institution avowedly maintained for the purpose of medical treatment according to the homoeopathic Ayurvedic or Unani system, which is supported partially or entirely by public or local funds.

Annual Medical List

Publication of and presumption as to entries in Annual Medical List

33. (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 medical 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 a person whose name is entered in the latest of such lists is duly registered under this Act, and that a person whose name is not so entered is not registered under this Act ;

Provided that, in the case of a 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 medical practitioners shall be evidence that such person is registered under this Act.

Rules and Regulations

Rules and Regulations

34. (1) The ¹[State Government] may, after previous publication, from time to time make rules consistent with the Act to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the ¹[State Government] may make rules —

(a) to regulate elections under this Act ;

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

(c) to regulate the application of fees ;

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

(i) conducting any inquiry under section 26, and

(ii) disposing of appeals from the decision of the Registrar preferred under section 24.

(3) In addition to the power conferred by section 13 the Council may, with the previous sanction of the ¹[State Government], make regulations —

(a) to prescribe the expenses payable to members of the Council;

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

(c) to regulate the keeping of accounts.

(4) All such rules and regulations shall be published in the ²[Official Gazette]

Control of Council by State Government.

35. If at any time it shall appear to the ¹[State 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 ¹[State Government] may, if it considers such failure, excess, or abuse to be of a serious character, notify the particulars thereof the Council ; and if the Council fails to remedy such default, excess or abuse within such time as may be fixed by the ¹[State Government] in this behalf, the ¹[State 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 ;

1. Subs. by the A. O. 1950 for (Provl. Govt.), which had been subs. by the A. O. 1937 for (L. G.).

2. Subs. for "Gazette" by A. O. 1937.

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

Saving

36. No provisions of this Act shall affect a homoeopathic, Ayurvedic or Unani practitioner.

37. ¹[* * * *]

THE SCHEDULE

PERSONS WHO ARE ENTITLED TO HAVE NAMES ENTERED IN THE REGISTER OF
MEDICAL PRACTITIONERS

(See Sections 18, 19, 20 and 21)

1. ² Every person who holds a degree, diploma or licence which is included in Schedule I or II to the Indian Medical Council Act, as amended from time to time or granted by the Universities in India established by an Act of the Governor General in Council or of the Governor or any Province in India.

2. Every person who has been trained in a Government Medical College or School in India, ³ [or Burma] and holds a diploma or certificate, granted by the Government ³ [concerned], declaring him to be qualified —

(a) to practice medicine, surgery and midwifery, or

(b) to perform the duties of military assistant surgeon, hospital assistant or sub-assistant surgeon.

3. Every person who has been granted a diploma by the State Medical Faculty in West Bengal or by the College of Physicians and surgeons of Bombay or by the East Punjab State Medical Faculty, the Central Provinces Medical Examination Board, the U. P. State Board of Medical Examinations, the Bihar and Orissa Medical Examination Board, the Burma Medical Examination Board or the Board of Examiners, Medical College, Madras declaring him to be qualified in like manner.

4. ⁴ [B. M. B. S. of Lucknow University.]

1. S. 37 omit. by A. O. 1950 which had been add. by the A. O. 1937.

2. *Subs.* for Articles 1 and 2 by not. no. 3394/V—18, d. Sept. 22, 1943, which came into force from the same date. The remaining articles were accordingly renumbered.

3. *Ins.* by the A. O. 1937.

4. *Amended.* by Notification no. 4257-A/V—1700-61, dated June 6, 1961.

