

# THE INDIAN MEDICAL DEGREES ACT, 1916

(ACT No. VII of 1916)

(Passed by the Indian Legislative Council)

*(Received the assent of the Governor-General on the 16<sup>th</sup> March 1916)*

*An Act to regulate the grant of titles implying qualification in Western medical Science and the assumption and use by unqualified persons of such title.*

## Short title and definitions.

WHEREAS it is expedient to regulate the grant of titles the grant of titles implying qualification in western medical Science and the assumption and use by unqualified persons of such titles, it is hereby enacted as follows.-

1. This Act may be called the Indian Medical Degrees Act.1916.

2. In this Act. "Western medical science" means the western methods of Allopathic Medicine Obstetrics and Surgery but does not include the Homeopathic or Ayurvedic or Unani system of medicine and <sup>1</sup>(state) means all the territories which immediately before the 1st November 1956 were comprised within Part A State, Part C States.

## Right to confer degrees, etc.

3. The right of conferring granting or issuing in <sup>2</sup>(the State) degrees diplomas, licenses certificates or other documents stating or implying that the holder grantee or recipient there of qualified to practices western medical science, shall exercise able only by the authorities specified in the schedule and such other authority as the <sup>3</sup>(State Government) may, by notification in the <sup>4</sup>(Office Gazette) and subject to such conditions and restrictions as (if) thinks fit to impose authorize in this behalf.

## Prohibition of unauthorized conferment of degrees etc.

4. Save as provided by section 3 no person in <sup>2</sup>(the States) shall confer grant or issue or hold himself out as entitled to confer grant or issue any degree, diploma licence certificate or other document, stating or implying that the holder grantee or recipients qualified to practice western medical science.

## Contravention of section

5. Whoever contravenes the provisions of section 4 shall be punishable with fine which may extend to one thousand rupees; and if the person so contravening is an association, every member of such association, who knowingly and willfully authorizes or permits the contravention shall be punishable with fine which may extend to five hundred rupees.

## Penalty for falsely issueing or using medical titles.

6. Whoever voluntarily and falsely assume or uses any title or description or any addition to his name implying that he holds a degree, diploma, license or certificate conferred granted for issued by any authority referred to in section 3 or recognized the General Councils of Medical Education of the United Kingdom or that he is qualified to practice western medical science, shall be punishable with fine

which may extend to two hundred and fifty rupees, or if the subsequently commits and is convicted of an offence punishable under this section with fine which may extend to five hundred rupees.

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<sup>1</sup> Added by the Adaptation of Laws order, 1950 and the words, "the territories of the time being comprise" were replaced by the words "the territories which immediately before the 1<sup>st</sup> November 1946" were comprised by the Adaptation Laws, No.2 Order of 1956.

<sup>2</sup> Substituted *ibid* for "the Province"

<sup>3</sup> Substituted for "Provincial Government" by the Adaptation order, 1950.

<sup>4</sup> Substituted by the Government of India (Adaptation of Indian Law) Order, 1937 for "Gazette of India"

Provided that nothing in this section shall apply to the use by any person of any title, description or addition in which <sup>6</sup>(Prior to commencement of this Act) he used in virtue of any degree, diploma licence or certificate conferred upon or granted or issued to him.

Cognizance of offence.

7. No Court shall take cognizance of an offence punishable under this Act, except upon complaint made by order of the <sup>3</sup>(State Government) or upon complaint made, with the previous sanction of the <sup>3</sup>(State Government) by a Council of Medical Registration established by an enactment for the time being in force in <sup>5</sup>(the State)

Jurisdiction of Magistrates.

8. No Court inferior to that of a Presidency Magistrate or a magistrate of the First class shall try any offence punishable under this Act.

**SCHEDULE.**

(See Section 3)

1. Every University established by <sup>1</sup>(a Central Act.)
2. The State Medical Faculty in Bengal
3. The colleges of Physicians and Surgeons of Bombay.
4. The Board of Examiners, Medical College, Madras.

The following authorities are been subsequently added to the Schedule.

5. The united Provinces State Board of Medical Examination <sup>2</sup> (Government of India Medical department, Notification No.524 dated 11<sup>th</sup> August 1916)

6. The Burma Medical Examination Board <sup>3</sup>(Government of India. Home Department. Notification no.22 dated 3<sup>rd</sup> April 1917).

7. The Bihar and Orissa Medical Examination Board (Government of India. Home Notification no.22 dated 3<sup>rd</sup> April 1917)

8. The Assam Medical Examination Board (Government of India, Home Department Notification No.1024-C, dated 22<sup>nd</sup> December 1917),

9. The Central Provinces, Medical Examination Board (Government of India, Home Department Notification No.533-c, dated 28<sup>th</sup> January 1918)

10. The Punjab State Medical Faculty (Government of India, Department of Education and Health Medical Notification No.1140, dated 9<sup>th</sup> November 1921)

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<sup>6</sup> Prior to "April 1946" for Banganapalee and Pudukkottai State, Vide notification in Fort St. George Gazette Extraordinary, dated 31<sup>st</sup> March 1949 G.O.Ms.No.1180, P.H. dated 29<sup>th</sup> March 1949.

<sup>5</sup> Substituted "ibid for the"

<sup>1</sup> Substituted by the Adaptation of Laws Order 1950 for "an Act of the Central Legislature"

<sup>2</sup> Converted into the United Provisions State Medical Faculty from 15<sup>th</sup> November 1926 (vide item11 above)

<sup>3</sup> VII of 1916

(that paragraph by section 5 of the Madras Re-enacting No. 1 Act, 1948 (Madras Act VII of 1948)

11. The United provisions State Medical Faculty <sup>4</sup>(Government of India Notification Department of Education, Health and Lands No.1964, dated 16<sup>th</sup> December 1926 with effect from 15<sup>th</sup> November 1929).

12. The University of Rangoon <sup>5</sup>(Government of India, Department of Education, Health and Lands, Notification No.52-60-33-H, dated the 11<sup>th</sup> July 1933. Recognition granted retrospectively from 1<sup>st</sup> December 1920).

13. The Andhra University Government of India, Department of Education, Health and Lands Notification No.52-6033-H, dated the 5<sup>th</sup> October 1933.

## **THE INDIAN MEDICAL DEGREES (MADRAS AMENDMENT) ACT, 1940.**

### **(MADRAS ACT NO.XX OF 1940)**

The following Act received the assent of the Governor-General on the 11<sup>th</sup> January 1941 and was published in the **Fort St. George Gazette** on the 20<sup>th</sup> January 1941.

An Act to amend the Indian Medical Degrees Act, 1961 in its application to the province of Madras for certain purpose.

**WHEREAS** it s expedient to amend the Indian Medical Degrees Act, 1916, in its application to the province of Madras for the purpose hereinafter appearing.

4. It is hereby enacted as follows: -

#### Short title

1. This Act may be called the Indian Medical Degrees (Madras Amendment) Act, 1940.

Amendment of long title and preamble of Central Act, VII of 1916.

2. In the long title and in the preamble to the Indian Medical Degrees Act, 1916 (hereinafter referred to as the said Act), for the words of "such titles", the words "titles or such and of titles implying qualifications in other systems of medicine" shall be substituted

Insertion of New section 6-A in the Central Act VII of 1916

3. After section 6 of the said Act, the following section shall be inserted, namely: -

"6-A (i) No person shall add to his name any titles description letters of abbreviation which imply that he holds a degree, diploma, licence or certificate as his qualification to practice any system of medicine unless-

Penalty for an authorized of titles, etc., implying medical qualification.

(a) the actually holds such degree, diploma, licence or certificate; and  
(b) Such degree, diploma, licence or certificate-  
(c) Is recognized by any law for the time being inforce in 5(India) or if any part thereof or

II. Has been conferred granted or issues by authority referred to in section 3;  
or

III. Has been recognized by the General Council of Medical Education of the United Kingdom; or

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<sup>4</sup> These words were substituted for the paragraph containing the enacting for formula and the paragraph preceding that paragraph by section 5 of the Madras Re enacting and Reporting No.1 Act 1948, (Madras), Act VII of 1948

<sup>5</sup> The words "India" was substituted by section 4 of and the third schedules to the Madras Repealing and Amending Act. 1957 (Madras Act XXV of 1957) for the words "any Part A State or Part State" which themselves were substituted for the words "British India" by the Adaptation (Amendment) Order of 1959.

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iv. In case not falling under such clause (i) sub-clause (ii) or sub-clause (iii) has been conferred granted or issued by an authority empowered or recognized as competent by the (State) Government to confer grant or issue such degree, diploma, licence or certificate.

(2) Whoever contravenes the provisions of the sub-section (i) shall not withstanding anything containing in section 6 be punished in the case of a first conviction with fine which may extent to two hundred and fifty rupees and in the case of a subsequent conviction with the fine which may extend to five hundred rupees.

**THE INDIAN MEDICAL COUNCIL ACT, 1956.**

**(Act No. 102 OF 1956)**

(AS PASSED BY THE INDIAN PARLIAMENT)

*(Received the assent of the President on the 30<sup>th</sup> December 1956.)*

*An Act to provide for the reconstitution of the Medical Council of India and the maintenance of Medical Register for India and for matters connected therewith.*

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows: -

Short titles, extend and Commencement.

1. (1) This Act may be called the Indian Medical Council Act, 1956.

(2) It extends to the whole of India

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this, Act, unless the context otherwise requires\_

(a) "approved institution" means a hospital health center or other such institution recognised by a University as an institution in which a person may undergo the training if ay required by his course of study before the award of any medical qualification to him.

(b) "Council" means the Medical Council of India constituted under this Act;

(c) "India" means the territories to which the Act extends;

(d) "Indian Medical Register" means the medical register maintained by the Council;

(e) "Medical Institution" means any institution, with or without India which grants degree, diplomas or licence in medicine;

(f) "Medicine" means modern scientific medicine in all its branches and includes surgery and other obstetrics, but does not include veterinary medicine and surgery;

(g) "Prescribed" means prescribed by regulations;