

ACT No. XXVII OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 23rd September, 1933.)

An Act to constitute a Medical Council in India.

WHEREAS it is expedient to constitute a Medical Council in India in order to establish a uniform minimum standard of higher qualifications in medicine for all provinces; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Medical Council Act, 1933. Short title, extent and commencement.

(2) It extends to the whole of British India.

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "British Indian University" means any university in British India established by an Act of the Indian Legislature or of a local Legislature and having a medical faculty;

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

(c) "medical institution" means any institution, within or without British India, which grants degrees, diplomas or licences in medicine;

(d) "medicine" means modern scientific medicine and includes surgery and obstetrics, but does not include veterinary medicine and surgery;

(e) "Provincial Medical Council" means a medical council constituted under an Act of a local Legislature to regulate the registration of medical practitioners;

(f) "Provincial Medical Register" means a register maintained under an Act of a local Legislature to regulate the registration of medical practitioners;

(g) "recognised medical qualification" means any of the medical qualifications included in the First and Second Schedules; and

(h) "Regulation" means a Regulation made under section 18.

3. (1) The

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Constitution and composition of the Council.

3. (1) The Governor General in Council shall cause to be constituted a Council consisting of the following members, namely:—

- (a) one member from each Governor's province, to be nominated by the Local Government of the province;
- (b) one member from each British Indian University, to be elected by the members of the Senate of the University (or, in the case of the University of Lucknow, the Court, and in the case of the University of Rangoon, the Council) from amongst the members of the medical faculty of the university;
- (c) one member from each province where a Provincial Medical Register is maintained, to be elected from amongst themselves by persons enrolled on the Register who possess recognised medical qualifications or medical qualifications granted by a British Indian University; and
- (d) three members to be nominated by the Governor General in Council.

(2) The President of the Council shall be elected by the members of the Council from amongst themselves:

Provided that for four years from the first constitution of the Council the President shall be a person nominated by the Governor General in Council who shall hold office during the pleasure of the Governor General in Council and, where he is not already a member, shall be a member of the Council in addition to the members prescribed in sub-section (1).

(3) No act done by the Council shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Council.

Mode of election.

4. (1) An election under clause (b) or clause (c) of sub-section (1) of section 3 shall be conducted by the Local Government, in such manner as it may think fit, subject to any instructions the Governor General in Council may issue in this behalf.

(2) Where any dispute arises regarding any election to the Council, it shall be referred to the Local Government whose decision shall be final.

Restrictions of nominations and elections

5. (1) No person shall be eligible for nomination or election under clause (a) or (b) of sub-section (1) of section 3 unless he possesses a recognised medical qualification or a medical qualification granted by a British Indian University.

(2) No

(2) No person shall be eligible for nomination under clause (a) of sub-section (1) of section 3 unless he resides in the province concerned, and, where a Provincial Medical Register is maintained in that province, unless he is enrolled on that register.

(3) No person shall be eligible for election under clause (b) of sub-section (1) of section 3 unless he has had at least four years' experience as a Professor, Assistant Professor, Lecturer or Reader in Medical Colleges or Schools.

(4) No person may at the same time serve as a member in more than one capacity.

6. The Council so constituted shall be a body corporate by the name of the Medical Council of India, having perpetual succession and a common seal, with power to acquire and hold property both moveable and immoveable, and to contract, and shall by the said name sue and be sued. Incorporation
of the Council.

7. (1) An elected President shall hold office for a term not exceeding five years and not extending beyond the expiry of the term for which he has been nominated or elected to be a member of the Council. Term of office.

(2) A member, other than a nominated President, shall hold office for the term of five years from the date of his nomination or election or until his successor shall have been duly nominated or elected, whichever is longer.

(3) Where the said term of five years is about to expire in respect of any member, his successor may be nominated or elected at any time within three months before the said term expires, but shall not assume office until the said term has expired.

8. (1) The Council shall hold its first meeting at such time and place as may be appointed by the Governor General in Council; and thereafter the Council shall meet at least once in each year at such time and place as may be appointed by the Council. Meetings of the
Council.

(2) Until otherwise provided by Regulations, ten members of the Council shall form a quorum, and all the acts of the Council shall be decided by a majority of the members present and voting.

9. (1) The Council shall—

- (a) elect from amongst its members a Vice-President;
- (b) constitute from amongst its members an Executive Committee, and such other Committees for general or special purposes as the Council deems necessary to carry out the purposes of this Act;

(c) appoint

Officers, Committees and servants of the Council.

- (c) appoint a Secretary, who may also, if deemed expedient, act as Treasurer;
- (d) appoint or nominate such other officers and servants as the Council deems necessary to carry out the purposes of this Act;
- (e) require and take from the Secretary, or from any other officer or servant, such security for the due performance of his duties as the Council deems necessary; and
- (f) with the previous sanction of the Governor General in Council, fix the remuneration and allowances to be paid to the President, Vice-President, members, officers and servants of the Council.

(2) Notwithstanding anything contained in clause (c) of subsection (1), for the four years from the commencement of this Act, the Secretary of the Council shall be a person appointed by the Governor General in Council, who shall hold office during the pleasure of the Governor General in Council.

The Executive Committee.

10. (1) The Executive Committee shall consist of seven members, of whom five shall be elected by the Council from amongst its members.

(2) The President and Vice-President of the Council shall be members *ex officio* of the Executive Committee, and shall be President and Vice-President, respectively, of that Committee.

(3) In addition to the powers and duties conferred and imposed upon it by this Act, the Executive Committee shall exercise and discharge such powers and duties as the Council may confer or impose upon it by any Regulations which may be made in this behalf.

Recognition of medical qualifications granted by medical institutions in British India.

11. (1) The medical qualifications granted by medical institutions in British India which are included in the First Schedule shall be recognised medical qualifications for the purposes of this Act.

(2) Any medical institution in British India which grants a medical qualification not included in the First Schedule may apply to the Governor General in Council to have such qualification recognised, and the Governor General in Council, after consulting the Council, may, by notification in the Gazette of India, amend the First Schedule so as to include such qualification therein.

(3) Such

(3) Such notification may also direct that an entry shall be made in the last column of the First Schedule against such medical qualification declaring that it shall be a recognised medical qualification only when granted after a specified date.

(4) The Council shall, as soon as may be and without application being made, make all necessary arrangements for the inspection of the medical courses and examinations of the Universities of Patna, Rangoon and Andhra, and shall submit their recommendations to the Governor General in Council regarding the inclusion in the First Schedule of the medical qualifications granted by these Universities.

12. The medical qualifications granted by medical institutions outside British India which are included in the Second Schedule shall be recognised medical qualifications for the purposes of this Act, and shall be sufficient qualification for enrolment on any Provincial Medical Register.

Non-Indian qualifications in Second Schedule to be recognised.

13. (1) At any time during the period of four years after the commencement of this Act, the Council may enter into negotiations with the authority in any State or country outside British India which is entrusted by the law of such State or country with the maintenance of a register of medical practitioners, for the settling of a scheme of reciprocity for the recognition of medical qualifications, and the course of such negotiations shall be reported to the Governor General in Council, along with the decisions of the Council to recognise or to refuse to recognise the medical qualifications proposed by such authority, for recognition in British India.

Transitory arrangements for modifying the Second Schedule.

(2) In so far as the decisions of the Council to recognise medical qualifications are accepted by the Governor General in Council, they shall be embodied in a resolution and published in the Gazette of India, and such resolution shall specify or indicate with sufficient accuracy all medical qualifications finally approved for recognition in British India:

Amendment Schedule to Indian Act

Provided that where any such resolution specifies or indicates a medical qualification which is not included in the Second Schedule, the Governor General in Council may, by notification in the Gazette of India, amend the Second Schedule so as to include such qualification therein, and such amendment may further direct that such qualification shall be deemed to be a recognised medical qualification for the purposes of this Act only when granted after a specified date.

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(3) Within

(3) Within one month before the expiry of the period of four years from the commencement of this Act, the Governor General in Council shall frame a schedule to include all medical qualifications which have been specified or indicated by him in resolutions made under sub-section (2), and shall publish the said schedule in the Gazette of India, and such schedule shall be substituted for the Second Schedule with effect from the expiry of the said period of four years, and shall then have force as if it had been enacted in this Act:

Provided that the Governor General in Council shall include in the said schedule all medical qualifications included in the Second Schedule which were granted before the expiry of the said period of four years.

Permanent arrangements modifying the Second Schedule.

14. (1) At any time after the expiry of the period of four years after the commencement of this Act, the Council may complete or may enter into negotiations with the authority in any State or country outside British India which by the law of such State or country is entrusted with the maintenance of a register of medical practitioners, for the settling of a schedule of reciprocity for the recognition of medical qualifications, and in pursuance of any such scheme the Governor General in Council may, by notification in the Gazette of India, amend the Second Schedule so as to include therein any medical qualification which the Council has decided should be recognised.

(2) Such notification may also direct that an entry shall be made in the last column of the Second Schedule against such medical qualification declaring that it shall be a recognised medical qualification only when granted after a specified date.

(3) The Governor General in Council, after consultation with the Council, may, by notification in the Gazette of India, amend the Second Schedule by directing that an entry be made therein in respect of any medical qualification, declaring that it shall be a recognised medical qualification only when granted before a specified date.

(4) Where the Council has refused to recognise any medical qualification which has been proposed for recognition by any such authority, that authority may apply to the Governor General in Council, and the Governor General in Council, after considering such application and after consulting the Council, may, by notification in the Gazette of India, amend the Second Schedule so as to include such qualification therein, and the provisions of sub-section (2) shall apply to such notification.

Power to require information as to courses of study and examinations.

15. Every medical institution in British India which grants a recognised medical qualification shall furnish such information as the Council may, from time to time, require as to the courses of

of study and examinations to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and such qualification is conferred, and generally as to the requisites for obtaining such qualification.

16. (1) The Executive Committee shall appoint such number of medical inspectors as it may deem requisite to attend at any or all of the examinations held by medical institutions in British India for the purpose of granting recognised medical qualifications. Inspection of examinations.

(2) Inspectors appointed under this section shall not interfere with the conduct of any examination, but they shall report to the Executive Committee on the sufficiency of every examination which they attend and on any other matters in regard to which the Executive Committee may require them to report.

(3) The Executive Committee shall forward a copy of any such report to the medical institution concerned, and shall also forward a copy, with the remarks of such institution thereon, to the Governor General in Council.

17. (1) When, upon report by the Executive Committee, it appears to the Council that the courses of study and examination to be gone through in any medical institution in British India in order to obtain a recognised medical qualification or that the standards of proficiency required from candidates at any examination held for the purpose of granting such qualification are not such as to secure to persons holding such qualification the knowledge and skill requisite for the efficient practice of medicine, the Council shall make a representation to that effect to the Governor General in Council. Withdrawal of recognition.

(2) After considering such representation, the Governor General in Council may send it to the Local Government of the province in which the medical institution is situated, and the Local Government shall forward it, along with such remarks as it may choose to make, to the medical institution, with an intimation of the period within which the medical institution may submit its explanation to the Local Government.

(3) On the receipt of the explanation or, where no explanation is submitted within the period fixed, then on the expiry of that period, the Local Government shall make its recommendations to the Governor General in Council.

(4) The Governor General in Council, after making such further inquiry, if any, as he may think fit, may, by notification in the Gazette of India, direct that an entry shall be made in the

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the First Schedule against the said medical qualification declaring that it shall be a recognised medical qualification only when granted before a specified date.

Power to make Regulations.

18. (1) The Council may, with the previous sanction of the Governor General in Council, make Regulations generally to carry out the purposes of this Act, and, without prejudice to the generality of this power, such Regulations may provide for—

- (a) the management of the property of the Council;
- (b) the summoning and holding of meetings of the Council, the times and places where such meetings are to be held, the conduct of business thereat and the number of members necessary to constitute a quorum;
- (c) the resignation of members of the Council and the filling of casual vacancies;
- (d) the powers and duties of the President and Vice-President;
- (e) the mode of appointment of the Executive Committee and other Committees, the summoning and holding of meetings, and the conduct of business of such Committees;
- (f) the tenure of office, and the powers and duties of the Secretary and other officers and servants of the Council;
- (g) the appointment, powers, duties and procedure of medical inspectors; and
- (h) any matter for which under this Act provision may be made by Regulations.

(2) Until the first Council is constituted under this Act, any Regulations which may be made under sub-section (1) may be made by the Governor General in Council; and any Regulation so made may be altered or rescinded by the Council in exercise of its powers under sub-section (1).

Information to be furnished by Council, and publication thereof.

19. (1) The Council shall furnish such reports, copies of its minutes, abstracts of its accounts, and other information to the Governor General in Council as he may require.

(2) The Governor General in Council may publish, in such manner as he may think fit, any report, copy, abstract or other information furnished to him under this section or under section 16.

Commissions of Inquiry.

20. (1) Whenever it is made to appear to the Governor General in Council that the Council is not complying with any of the provisions of this Act, the Governor General in Council may

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may refer the particulars of the complaint to a Commission of Inquiry consisting of three persons, two of whom shall be appointed by the Governor General in Council, one being a Judge of a High Court established by Letters Patent of the Crown, and one by the Council; and such Commission shall proceed to inquire in a summary manner and to report to the Governor General in Council as to the truth of the matters charged in the complaint, and in case of any charge of default or of improper action being found by the Commission to have been established, the Commission shall recommend the remedies, if any, which are in its opinion necessary.

(2) The Governor General in Council may require the Council to adopt the remedies so recommended within such time as, having regard to the report of the Commission, he may think fit; and if the Council fails to comply with any such requirement, the Governor General in Council may amend the Regulations of the Council, or make such provision or order or take such other steps as may seem necessary to give effect to the recommendations of the Commission.

(3) A Commission of Inquiry shall have power to administer oaths, to enforce the attendance of witnesses and the production of documents, and shall have all such other necessary powers for the purpose of any inquiry conducted by it as are exercised by a Civil Court under the Code of Civil Procedure, 1908.

THE FIRST SCHEDULE.

(See section 11.)

Recognised medical qualifications granted by medical institutions in British India.

Medical Institution.	Recognised medical qualification.	Abbreviation for registration.
University of Allahabad.	Bachelor of Medicine and Bachelor of Surgery.	M.B., B.S., All.
University of Bombay.	Licentiate in Medicine and Surgery. Bachelor of Medicine and Bachelor of Surgery. Doctor of Medicine Master of Surgery	L.M.S., Bom. M.B., B.S., Bom. M.D., Bom. M.S., Bom.

University

THE FIRST SCHEDULE—contd.

Recognised medical qualifications granted by medical institutions in British India—contd.

Medical Institution.	Recognised medical qualification.	Abbreviation for registration.
University of Calcutta.	Licentiate in Medicine and Surgery	L.M.S., Cal.
	Bachelor of Medicine	M.B., Cal.
	Doctor of Medicine	M.D., Cal.
	Master of Surgery	M.S., Cal.
	Master of Obstetrics	M.O., Cal.
University of Lucknow.	Bachelor of Medicine and Bachelor of Surgery.	M.B., B.S., Lucknow.
University of Madras.	Licentiate in Medicine and Surgery	L.M.S., Mad.
	Bachelor of Medicine and Master of Surgery.	M.B., C.M., Mad.
	Bachelor of Medicine and Bachelor of Surgery.	M.B., B.S., Mad.
	Doctor of Medicine.	M.D., Mad.
Punjab University.	Licentiate in Medicine and Surgery	L.M.S., Pun.
	Bachelor of Medicine	M.B., Pun.
	Doctor of Medicine	M.D., Pun.
	Master of Surgery	M.S., Pun.

THE SECOND SCHEDULE.

(See section 12.)

Recognised medical qualifications granted by medical institutions outside British India.

A. Registrable qualifications admitting primarily to the Medical Register granted by licensing bodies in the United Kingdom, as shown in Table (F) set out in the Medical Register for 1931 printed and published under the direction of the General Council of Medical Education and Registration of the United Kingdom in pursuance of the Medical Acts, 1858 and 1886.

B.

THE SECOND SCHEDULE—contd.

Recognised medical qualifications granted by medical institutions outside British India—contd.

B. Registrable qualifications granted by licensing bodies in British possessions, as shown in Table (I) set out in the said Medical Register, other than registrable qualifications granted by licensing bodies in India.

C. Registrable qualifications granted by licensing bodies in Foreign Countries, as shown in Table (J) set out in the said Medical Register.

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Abbreviation for
registration.

L.M.S., Cal.
M.B., Cal.
M.D., Cal.
M.S., Cal.
M.O., Cal.

M.B., B.S., Lucknow.

L.M.S., Mad.
M.B., C.M., Mad.

M.B., B.S., Mad.

M.D., Mad.

L.M.S., Pun.
M.B., Pun.
M.D., Pun.
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