

Indian Medical Degree Act, 1916

7 of 1916

[16 March 1916]

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SCHEDULE 1 :- THE SCHEDULE

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"Acts of the Local Council provide in many of the larger provinces of British India for the registration of persons duly qualified to practise western medicine or surgery, and where such Acts have been passed. Medical Councils have been constituted with specific powers and duties. It is now considered necessary to supplement this provincial legislation by an Imperial Act, restricting the right to issue degrees and diplomas in these systems of medicine and surgery to duly constitute authorities, so as to ensure that such degrees and diplomas are not issued to qualified persons. It has been found that at present, diplomas are issued by private institutions to untrained or insufficiency trained persons, and that many of these diplomas are colourable imitations of those issued by recognised Universities and Corporations. The result is that recipients of such diplomas are able to pose to the public as possessing qualifications in medicine and surgery which they do not possess. The present Bill is intended to remove the public

inconvenience and injury arising out of the present state of affairs. It prohibits all persons, save certain specified authorities, from issuing or alleging that they are entitled to issue any degree or diploma in western medicine or surgery. It also penalises persons who voluntarily and falsely assume any medical title which is granted either by the General Council of Medical Education of the United Kingdom, or by the authorities constituted under the Act, and further prohibits the use of any colourable imitations of such titles. The Bill does not affect the right of any person to exercise the profession of medicine or to practise as a physician or surgeon, provided he does not pretend to possess qualifications which he has not got; and its operation is rigidly restricted to the western methods of Allopathic medicine and surgery, Homoeopathic, Ayurvedic and Unani practitioners being excluded from the purview of the Bill."- Gaz. of India, 1915, Pt. V, p. 76.

1. Short title :-

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

2. Definitions :-

In this Act "western medical science" means the western methods of Allopathic medicine, Obstetrics and Surgery, but does not include the Homoeopathic or Ayurvedic or Unani system of medicine 1[and "State" means all 2 [the territories which immediately before the 1st November, 1956, were comprised] within Part A States and Part C States].

1. Added by A.L.O., 1950.

2. Substituted for the words, "the territories for the time being comprised," by 2 A.L.O., 1956.

3. Right to confer degrees, etc :-

- The right of conferring, granting, or issuing in the 1[States] degrees, diplomas, licences, certificates or other documents stating or implying that the holder, grantee or recipient thereof is qualified to practise western medical science, shall be exercisable only by the authorities specified in the Schedule, and by such other authority as the 2[State Government] may, by notification in the 3[Official Gazette], and subject to such conditions and restrictions as 4 [it] thinks fit to impose, authorise in this behalf.

1. Substituted for the word Provinces by A.L.O., 1950.

2. Substituted for the words Provincial Government by A.L.O., 1950.
3. Substituted for the words Gazette of India by A.O., 1937.
4. Substituted for the word he by A.L.O., 1937.

4. Prohibition of unauthorised conferment of degrees, etc.

:-

.Save as provided by section 3 , no person in the 1 [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 staling or implying that the holder, grantee or recipient is qualified to practise western medical science.

1. Substituted for the word Provinces by A.L.O., 1950.

5. Contravention of section 4 :-

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 wilfully authorises or permits the contravention, shall be punishable with fine which may extend to five hundred rupees.

6. Penalty for falsely assuming or issuing medical titles :-

Whoever voluntarily and falsely assumes, or uses any title or description or any addition to his name implying that he holds a degree, diploma, licence or certificate conferred, granted or issued By any authority referred to in section 3 , or recognised by the General Council of Medical Education of the United Kingdom, or that he is qualified to practise western medical science, shall be punishable with fine which may extend to two hundred and fifty rupees, or, if he subsequently commits, and is convicted of, an offence punishable under this section, with fine which may extend to five hundred rupees: Provided that nothing in this section shall apply to the use by any person of any title, description, or addition which, prior to the commencement of this Act, he used in virtue of any degree, diploma, licence or certificate conferred upon, or granted or issued to him.

6A. Penalty For Unauthorised Use Of Titles, Etc., Implying Medical Qualifications :-

- (1) No person shall add to his name any title, description, letters or

abbreviations which imply that he holds a degree, diploma, licence or certificate as his qualification to practise any system of medicine unless-

(a) he actually holds such degree, diploma, licence or certificate; and

(b) such degree, diploma, licence or certificate-

(i) is recognised by any law for the time being in force in India; or

(ii) has been conferred, granted or issued by an authority referred to in section 3; or

(iii) has been recognised by the General Council of Medical Education of the United Kingdom; or

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

(2) Whoever contravenes the provisions of sub-section (1) shall, notwithstanding anything contained in section 6 , be punished in the case of first conviction, with fine which may extend to two hundred and fifty rupees and in the case of subsequent conviction, with fine which may extend to five hundred rupees.-Assam Act, 1948(20-10-1948).

7. Cognizance of offences :-

- No Court shall take cognizance of an offence punishable under this Act except upon complaint made by order of the 1[State Government], or upon complaint made by order of the 1[State Government], or upon complaint made, with the previous sanction of the 1[State Government], by a Council of Medical Registration established by any enactment for the time being in force in the 1 [State].

1. Substituted for the words "Provincial Government" or for the word "Provinces" by A.L.O., 1950.

8. Jurisdiction of Magistrates :-

-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 1

THE SCHEDULE

(See section 3)

1. Every University established by [a Central Act]. 2. The State Medical Faculty in Bengal. 3. The College of Physicians and Surgeons of Bombay. 4. The Board of Examiners, Medical College, Madras. Bihar : After item 4, add the following items, namely :- "5. A Board of the Indian system of medicine constituted by an Act of the State Legislature or recognised by the State Government. 6. The Bihar Sanskrit Association."-Bih. Acts 20 of 1949, section 5 (1-12-1949) and 24 of 1953 (1-3-1955).