



**\* THE BENGAL MEDICAL ACT, 1914 \***

**Bengal Act. No. VI of 1914**

**( As amended by West Bengal Act XVI of 1954 )**

**WEST BENGAL MEDICAL COUNCIL  
8 LYONS RANGE ( 3RD FLOOR ),  
KOLKATA - 700 001**

# **Bengal Act No. VI of 1914**

## **THE BENGAL MEDICAL ACT, 1914**

( Published in the *Calcutta Gazette* of the 27th May, 1914 )

**( As amended by West Bengal Act XVI of 1954,  
published in the Calcutta Gazette Extraordinary of June 1, 1954 )**

*An Act to provide for the registration of Medical Practitioners in Bengal  
and for matters connected therewith*

### **Preamble**

Whereas the sanction of the Governor – General has been obtained under Section 5 of the Indian Councils Act, 1892, to the passing of this Act ;

It is hereby enacted as follows :

### **P R E L I M I N A R Y**

Short title,  
local extent  
and  
Commencement

**1.** (1) This Act may be called the Bengal Medical Act, 1914.

(2) It extends to the whole of Bengal; and

(3) It shall come into force on the day on which it is published in the Calcutta Gazette after having received the assent of the Governor – General.

Provided that Section 29, Section 30 and Section 31 shall not come into force until a date to be appointed in this behalf by the Local Government by notification in the Calcutta Gazette.\*

### **Definitions**

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

(a) Deleted

*Vict., c.90,  
21 and 22*

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

(b)<sub>1</sub> The expression “medicine” means the modern scientific medicine and includes surgery and obstetrics, but does not include veterinary medicine or veterinary surgery or the Homoeopathic, the Ayurvedic or the Unani system of medicine; and the expression “medical” shall be construed accordingly;

(c) The expression “registered practitioner” means any person registered under the provisions of this Act;

(d) The expressions “President” and “Vice-President” mean respectively the President and the Vice-President of the Council; and

(e) The expression “Registrar” means a Registrar appointed under section 14.

\*

Sections 29, 30 and 31 came into force from 1st January 1916,  
*vide* Government Notification No. 1565 Medl. Dated 3rd August, 1915

Establishment  
of the  
West Bengal  
Medical Council

**3.** A Council shall be established and called “The West Bengal 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.

Amendment of Section 4 of Bengal Act. VI of 1914  
as made through the Bengal Medical ( Amendment ) Act, 1989

Constitution  
of the  
Council

**4. (1)** The Council shall consist of the following members, namely : -

- (a) Three members to be nominated by the State Govt;
- (b) One member to be elected from amongst themselves by such members of the authorities of each of the Universities as are registered practitioners;
- (c) Two members to be elected from amongst themselves by the members of the Governing Body of the State Medical Faculty of West Bengal so long as that body continues to hold qualifying Examinations in Medicine;
- (d) The Director of Medical Education and Ex-Officio Secretary, Department of Health & Family Welfare, Government of West Bengal, ex-officio ;
- (e) The President, Indian Medical Association, West Bengal State Branch, ex-officio ;
- (f) The Dean of the Faculty Council for Post-Graduate Studies in Medicine of each University, ex-officio ;
- (g) Seven members, of whom at least one shall be from each of the Universities outside Calcutta, to be elected by the Principals, Professors, Associate Professors, Readers, Assistant Professors and Lecturers of Medical Colleges affiliated to be Universities from amongst themselves.

West Benl Act  
LIX of 1980

*Explanation : “Calcutta” shall have the same meaning as in the Calcutta Municipal Corporation Act 1980.*

- (h) Nine members, of whom not less than five shall be graduates and not less than two shall be Licentiates in Medicine, to be elected by the registered practitioners from amongst themselves;

Provided that no registered practitioner shall be entitled to vote or stand as a candidate for election at an election of members under this clause unless he –

- (i) is a citizen of India ; and
- (ii) either resides or carries on his profession or is employed in West Bengal.

*Explanation : - For the purposes of this sub-section, "University" shall mean a University, constituted under an Act of the State Legislature, which awards degrees in the subject of medicine.*

**4 (2)** If a person is elected as a member under more than one of the clauses of sub-section (1), he shall, within such period as may be prescribed by rule made in this behalf under section 33, inform the Registrar under which of the clauses he desires to be treated as elected and hereupon he shall be deemed to have been elected under that clause and the seat to which he was elected under any other clause shall be deemed to be vacant. Until he so informs the Registrar he shall not be entitled to act as a Member; and in the event of his failure to inform the Registrar within the prescribed period, every seat to which he was elected shall be deemed to be vacant.

Nomination of  
members in  
default of election

**5.** If any of the electoral bodies referred to in clauses (b) to (e) of Sub-section (1) of Section 4 does not, by such date as may be prescribed by rule made in that behalf under section 33, elect a person to be a member of the Council, the Local Government shall nominate a member in his place; and any person so nominated shall be deemed to be a member as if he had been duly elected by such body.

Disqualifications  
for being elected  
or nominated a  
member

**6.** A person shall be disqualified for being elected or nominated a member of Council if he –

- (a) is not registered under this Act, or
- (b) has been sentenced by any Court for any non-bail able offence such sentence not having been subsequently reversed or quashed, and such person's disqualification on account of such sentence not having been removed by any order which the Local Government are hereby empowered to make, if they think fit, in this behalf;
- (c) is an undischarged insolvent; or
- (d) is not a citizen of India either residing or carrying on his profession or employed in West Bengal.

Publication  
of names of  
members

**7.** The name of every member elected or nominated under sub-section (1) of section 4 or section 5 shall be published by the Local Government in the Calcutta Gazette.

Leave of absence  
to members

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

Cessation of  
membership

**9.** A member of the Council shall be deemed to have vacated his seat –

- (a) on his absence without excuse sufficient in the opinion of the Council from three consecutive meetings of the Council; or
- (b) on his absence out of India for any period exceeding six consecutive months; or
- (c) on his becoming disqualified for election or nomination as a member for any of the reasons mentioned in section 6; or

Cessation of  
membership

- (d) on his name being removed under clause (a) of section 25 from the register of registered practitioners; or
  - (e) on his qualifying degree or diploma or certificate being revoked by the body which granted him such degree, diploma or certificate.
- (2) On the occurrence of any vacancy referred to in sub-section (1), the President shall forthwith report the fact of such vacancy to the Local Government.

**10.** Amendment of Section 10 of the Ben. Act. VI of 1914 as made through the Bengal Medical ( Amendment ) Act, 1989 :

Filling of  
casual vacancies

- (1) When the Office of a member of the Council becomes vacant by his resignation or death or under sub-section(2) of section 4 or sub-section (1) of section 9: -
- (a) if such member was nominated under clause (a) of sub- section 1 of sec.4, a new member shall be nominated by the state Government within two months of the vacancy;
  - (b) if such member was elected under clause (b), clause (c) or clause (g) of sub-section (1) of section 4, a new member shall be elected within two months of the vacancy in the manner provided in such clause;
  - (c) if such member was elected under clause (h) of sub-section 1 of section 4, the candidate who secured at the election the maximum number of votes among candidates excepting all members, who were elected under that clause shall, if not disqualified under section 6, be deemed to have been elected in the place of such member: -

Provided that :

- (i) Where there are several candidates who secured such maximum number of votes, such one of them, as may be selected by lot in accordance with rule made in this behalf under Section 33, shall be deemed to have been elected;
- (ii) Deleted.
- (iii) If the candidate, who is elected or would otherwise have been deemed to have been elected under this clause, is dead or refuses to serve as a member of the Council, the candidate who secured the next highest number of votes shall be declared elected in the vacancy caused by such death or refusal.

Explanation :

A candidate elected under the clause shall be deemed to have vacated his seat if he refuses in writing to serve as a member of this Council.

- (2) The term of Office of a member, nominated or elected or deemed to have been elected, under sub- section (1), shall commence on such date as may be notified in this behalf by the State Government in the *Official Gazette* and shall continue for so long as the member whose place he fills, would have been entitled to hold office if the vacancy had not occurred.
- (3) No act of the Council or any Committee of the Council or of their members shall be deemed to be invalid by reason only that the number of members in the Council at the time of the performance of such act was less than the number provided by section 4.

Term of office  
of members

- 11. (1) The term of office of a member of the Council nominated or elected under section 4 or nominated under section 5 shall commence on such date as may be notified in this behalf by the State Government in the *Official Gazette*; and

(2) Subject to the provisions of section 9 and section 10, the terms of office of members shall be five years plus such period as may elapse between the period of five years aforementioned and the date notified in the notification under sub-section (1) next following such period of five years.

(3) Any member shall if not disqualified for any of the reasons mentioned in section 6, be eligible for re- election or re- nomination at the end of his term of office.

President

- 11A. (1) The members of the Council shall at their first meeting after the notification referred to in sub-section (1) of section 11, recommend in such manner as may be prescribed by rule made in this behalf under section 33, the names of three persons for the purpose of this sub-section; and the State Government shall nominate one of such persons to be the President of the Council.
- (2) The President, if he is not already a member, shall be a member of the Council in addition to the members referred to in Section 4.
- (3) The State Government shall publish the name of the President in the *Official Gazette* and his term of office shall commence from the date of such publication.
- (4) The President shall hold Office for a period of five years, or until his successor is nominated, whichever is longer.
- (5) The President: -
  - (a) may at any time by writing under his hand addressed to the State Government resign his Office,
  - (b) shall be deemed to vacate his office in all cases where a member is deemed to vacate his Office under sub-section (1) of section 9.

**(6)** As often as the Office of the President becomes vacant by his death or under sub-sec (5), the Council shall at a special meeting to be called for the purpose within one month of the vacancy recommend in such manner as may be prescribed by rule made in this behalf under sec.33, the names of three persons for the purpose of this sub-sec; and the State Govt. shall nominate another President from such persons.

**(7)** A President nominated to fill a vacancy, shall hold office for so long as the President whose place he fills would have been entitled to hold office if the vacancy had not occurred.

**(8)** The President shall perform such functions as may be prescribed by rules made in this behalf under section 33.

**(9)** Notwithstanding anything contained in the foregoing sub-sections for a period of five years from the 15<sup>th</sup> day of January 1955 and for such additional period as may expire until the nomination of a President under sub-section (1), the State Government shall appoint, as often as may be necessary, such person, as it thinks fit, to be the President. The provisions of sub-sections (2),(3),(4), (5),(7) and (8) shall apply to such President.

#### Vice President

**11B. (1)** The members of the Council shall at their first meeting after the notification referred to in sub- section (1) of section 11, elect among themselves a Vice-President in such manner as may be prescribed by rule made in this behalf under section 33.

**(2)** A Vice-President -

**(a)** may at any time by writing under his hand addressed to the State Government resign his Office.

**(b)** Shall be deemed to vacate his office if he ceases to be a member of the Council.

**(3)** As often as the Office of the Vice-President becomes vacant by his death or under sub-section (2), the Council shall elect another member to be the Vice- President, in the manner prescribed by rule made in this behalf under section 33.

**(4)** The Vice-President shall perform such functions as may be prescribed by rule in this behalf under section 33.

#### Executive Committee

**11C. (1)** The members of the Council shall constitute among themselves an Executive Committee to perform such functions as may be delegated to it by the Council.

**(2)** The Executive Committee shall consist of the President and the Vice-President, ex-officio, and five other members elected by the Council.

**(3)** The President and the Vice-President of the Council shall be the President and the Vice-President, respectively, of the Executive Committee.

- (4) The term of office of an elected member of the Executive Committee shall be two years from the date of his election but, subject to his being a member of the Council, he shall be eligible for re- election to the Executive Committee.
- (5) No business shall be transacted at any meeting of the Executive Committee unless a quorum of three members be present.
- (6) The Council may make regulations under sub-section (3) of section 33 for the conduct of business of the Executive Committee.

### Meetings

- 12. (1)** The Council shall make regulations to regulate –
- (a) the times and places at which their meetings shall be held;
  - (b) the issue of notices convening such meetings;
  - (c) the conduct of business thereat, and
  - (d) the appointment, powers and duties and procedure of special committees ( including special committees appointed under sub-section ( 2 ) of section 19 );

Provided that –

- (i) No business shall be transacted at any meeting (of the Council) unless a quorum of 7 members be present; and
  - (ii) save as provided in section 17 and section 25, all questions arising at any meeting (of the Council) shall be decided by the votes of the majority of the members present and voting, or, in case of an equality of votes, by the casting vote of the President, or in his absence, of the member presiding at the meeting.
- (2)** Until such time as the regulations referred to in sub-sec.(1) have come into operation, it shall be lawful for the President to summon a meeting at such time and place as to him shall seem expedient, by letter addressed to each member.

### Payment of fees and travelling expenses to members

- 13.** There shall be paid to the members of the Council such fees for attendance at meeting of the Council or of special committees or of the Executive Committee and such reasonable travelling expenses for such attendance and for journeys undertaken in the discharge of their duties under this Act, as may from time to time, be allowed by the Council and approved by the Local Government.

### Registrar and Establishment of Council

- 14 (1).** With the previous sanction of the Local 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 they 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-section (1) and sub-section (2) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

XLV  
of 1860

### **THE REGISTER OF REGISTERED PRACTITIONERS**

15. (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 a register of registered practitioners

Orders of Council  
for maintenance of  
register of  
registered medical  
practitioners.

(2) The said register shall be kept in such form may be prescribed by rule made under section 33.

16. (1) The Registrar shall keep the register of registered 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 of such practitioners and erase the names of any practitioners who have died.

Maintenance  
of register by  
Registrar

16. (2) To enable the Registrar to fulfil 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 despatch, the Registrar may erase the name of such registered practitioner from the Register.

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

Persons referred  
to in Schedule  
entitled to be  
registered.

17. Every person who possesses any of the qualifications 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 regulation made under section 33, be entitled to have his name entered in the register of registered practitioners:

Provided that the Council may refuse to permit the registration of the name of any person –

- [a] who has been sentenced by any Court for any non-bailable offence such sentence not having been subsequently reversed or quashed, and such person's disqualification on account of such sentence not having been removed by an order which the Local Government are hereby empowered to make, if they think fit, in this behalf; or
- [b] whom the Council, after due 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, which may, in the discretion of the President, be held in camera) have found guilty, by a majority of two-thirds of the members present and voting at the meeting of infamous conduct in any professional respect.

**18. If the Council are satisfied –**

Amendment  
of Schedule

- (a) that any qualification certified by any University, Medical Corporation, examining body or other Institution within India is a sufficient guarantee that persons possessing such qualification possess the knowledge and skill requisite for the efficient practice of medicine, or
- (b) that any qualification referred to in Article 2 of the Schedule is not a sufficient guarantee as aforesaid,

they may make a report to the effect to the Local Government who may, if they think fit, thereupon direct, by notification in the *Calcutta Gazette* –

(i) in case (a) – that the possession of such 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 33, entitle any person to have his name entered in the register of registered practitioners, or

(ii) in case (b) – that the possession of such qualification shall not entitle any person to have his name entered in the said register; and

the Schedule shall thereupon be deemed to be altered accordingly.

**19. (1) The Council shall have power to call on the authorities of any examining body included in or desirous of being included in the Schedule –**

- (a) to furnish such reports, returns or other information as the Council may require to enable them to judge of the standard of the examinations held by such body and of the efficiency of the instruction given in the Medical

Power to Council  
to call for certain  
information from  
authorities of  
Medical College or  
School included or  
wishing to be  
included in the  
schedule

Colleges or Schools or Institutions where candidates for the examination by such body are trained ; and

- (b) to provide facilities to enable any member of the Council ( deputed by the Council in this behalf) to be present at the examinations to be held by such examining body.

(2) The Council shall have power to inspect any Medical College or School or Institution where candidates for examination by such examining body are trained and may for this purpose appoint a Special Committee of not less than three or more than five members of the Council to inspect any such Medical College or School or Institution and submit a report in regard thereto to the Council.

Information to be furnished to Registrar with application for registration

**20.** Every person who applies to have his/her name entered in the register of registered practitioners –

- (a) must satisfy the Registrar that he is possessed of some qualification referred to in the schedule, as altered by notifications ( if any ) issued under section 18; and

(b) (deleted) ;

- (c) must correctly inform the Registrar of the dates on which he obtain the qualifications which entitle him to claim registration under this Act.

Entry of new qualifications in the register

**21. (1)** If any person whose name is entered in the register of registered practitioners obtains any medical qualification other than the qualification in respect of which he has been registered, he shall on payment of such fee as may be prescribed by regulation made in this behalf under section 33, -

- (i) if such qualification be a qualification included in the schedule, - be entitled to have such qualification entered against his name in the register either in substitution for or in addition to any entry previously made;
- (ii) if such qualification be a qualification not included in the schedule, - be entitled to have such qualification entered against his name in the register as an additional qualification, provided such qualification is included in the list prepared under sub-section (2)

(2) The Council shall from time to time prepare a list of qualifications (not being qualifications included in the schedule) which may be approved by them for the purpose of this section.

Disposal of fees

**22.** 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 Local Government under section 33.

Appeal to  
Council from  
decision of  
Registrar

**23.** If any person is dissatisfied with any decision of the Registrar, refusing to enter the name or qualification of such person in the register of registered practitioners, he may, at any time within three months from the date of such decision, appeal to the Council, whose decision shall be final.

Erasure of  
fraudulent and  
incorrect entries

**24.** Any entry in the register of registered practitioners, which is proved to the satisfaction of the Council to have been fraudulently or incorrectly made, may be erased under an order in writing of the Council.

Powers to  
Council to direct  
removal of  
names from  
register, and re-  
entry of names  
therein

**25.** The Council may direct -

- (a) that the name of any registered practitioner -
  - (i) who has been sentenced by any Court for any non-bailable offence such sentence not having been subsequently reversed or quashed, and such person's disqualification on account of such sentence not having been removed by an order which the Local Government are hereby empowered to make, if they think fit, in this behalf or
  - (ii) whom the Council, after due inquiry in the same manner as provided in Clause (b) of Sec.17 have found guilty by a majority of two-thirds of the members, present and voting at the meeting of infamous conduct in professional respect,

be removed from the register of Registered Practitioners or that the practitioner be warned; and

- (b) that any name so removed be afterwards re-entered in the register.

**25A. (1)** A registered practitioner whose name has been removed from the register under Clause (a) of section 25 shall forthwith surrender his certificate of registration to the Registrar, and the name so removed shall be published in the Official Gazette.

**(2)** If the name of a registered practitioner removed under clause (a) of section 25 is afterwards re-entered in the register as provided in clause (b) of that section the fact of such re-entry shall be published in the Official Gazette and the certificate of registration shall be returned to the registered practitioner by whom it was surrendered.

Effect of  
removal of  
name from  
register

Appeal to the  
local  
Government  
from decision of  
the Council

**26. (1)** An appeal shall lie to the Local Government from every decision of the Council under section 17 or section 25.

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

Bar to suits and  
other legal  
proceedings

**27.** No suit or other legal proceeding shall lie in respect of any act done in the exercise of any power conferred by this Act on the Local Government or the Council (or any Committee of the Council) or the Registrar.

Notice of deaths,  
and erasure of  
names from  
register

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

**(2)** On receipt of -

- (a)** any such certificate, or
- (b)** any 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

**29.** If any person whose name is not entered in the register of registered practitioners falsely pretends that it is so entered, or uses in connection with his name or title any words or letters or number 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 Presidency Magistrate or a Magistrate of the first class, with imprisonment which may extend to six months or with fine which may extend to five hundred rupees.

Penalty for failure  
to surrender  
certificate of  
registration

**29A. (1)** If any registered practitioner whose name has been removed from the register under clause (a) of section 25 fails without sufficient cause forthwith to surrender his certificate of registration, he shall be punishable with fine, which may extend to fifty rupees.

**(2)** Cognizance of an offence punishable under this section shall not be taken except upon complaint made by an order of the Council.

Construction of  
references in  
Acts to medical  
practitioners

**30.** The expression "legally qualified medical practitioner", or "duly qualified medical practitioner", and all other expressions importing a person recognized by law as a medical practitioner or a member of the medical profession, as used in any Bengal Act or any Act of the Central Legislature in force in Bengal, shall be deemed to mean a medical practitioner registered under this Act, and no certificate, required to be given by any Medical Practitioner or medical Officer under any Bengal Act, or any Act of the Governor General of India in council in force in Bengal, shall be valid unless such practitioner or officer is registered under this Act.

Unregistered  
Persons not to  
hold certain  
appointments

**31. (1)** No person other than a registered practitioner shall be competent to hold appointment as a physician, surgeon, obstetrician or other medical officer in any hospital (including a lying-in-hospital), asylum, infirmary, dispensary or other similar institution, which is supported entirely or partially by funds supplied by the State Government or by a local authority.

(2) Any appointment made in contravention of sub-section (1) shall be void and illegal.

### **M E D I C A L   L I S T**

Publication  
and  
use of  
Medical List

**32.(1)** The Registrar shall, after the expiry of every period of three years, 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 registered 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 qualifications of each such person represented by the abbreviations therefor and the year in which each such qualification was obtained.

**(1A)** The Registrar shall on the expiry of every year [other than the year in which a list is printed and published under sub-section (1)], on or before a date to be fixed in this behalf by the Council, cause to be printed and published a list supplementary thereto, containing additions and alterations in the register of registered practitioners, since the publication of the list under sub-section (1).

**(2)** Every Court shall presume that any person whose name is entered in the latest list printed and published under sub-section (1) read with the latest list supplementary thereto, if any, printed and published under sub-section (1A) is duly registered under this Act, and that any person whose name is not so entered is not registered under this Act:

Provided that, in the case of any person whose name does not appear in the latest list printed and published under sub-section(1) read with the latest list supplementary thereto, if any, printed and published under sub-section (1A), a certified copy, signed by the Registrar, of the entry of the name of such person in the register of registered practitioners shall be evidence that such person is registered under this Act.

### **RULES AND REGULATIONS**

Rules and  
Regulations

**33. (1)** The Local Government from time to time make rules to carry out the purposes of this Act.

**(2)** In particular, and without prejudice to the generality of the foregoing power, the Local Government may make rules –

- (a) to regulate elections under clauses (b), (c), (d) and (e) of sub-section (1) of section 4;

**(a<sub>1</sub>)** the period to be prescribed under sub-section (2) of section 4;

**(a<sub>2</sub>)** the manner of selection by lot referred to in proviso (i) to clause (c) of sub-section (1) of section 10;

**(a<sub>3</sub>)** the manner of recommending names under sub-section (1) and sub-section (6) of section 11A, the election of the Vice-President referred to in sub-section (1) of section 11B, the manner of filling vacancies referred to in sub-section (3) of that section and the functions to be performed by the President and the Vice-President;

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

**(c)** to regulate the application of fees under section 22; and

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

**(i)** conducting any inquiry referred to in proviso (b) in section 17 or clause (a) of section 25; and

**(ii)** disposing of appeals from the decision of the Registrar preferred under section 23.

**(3)** In addition to the power conferred by sub-section (6) of section 11C, section 12 and sub-section (1) of section 21 the Council may, with the previous sanction of the Local Government make regulations-

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

**(b)** to regulate the keeping of accounts of such fees.

**(4)** All such rules and regulations shall be published in the Calcutta Gazette.

Transitional  
Provisions

\* **34.(1)** This Act has effect subject to the provisions of Chapter III of Part-V of the Government of India Act, 1935.

(↑) All properties vested in the West Bengal Council of Medical Registration and all action taken and things done by it shall be deemed to be vested in or taken or done by the West Bengal Medical Council.

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\* Section 34 was added by the Government of India ( Adaptation of Indian Laws ) Order, 1937.

(↑) See Section 33 of the Bengal Medical (Amendment) Act, 1954 ( West Bengal Act XVI of 1954 ).

Notwithstanding the commencement of this Act, the West Bengal Council of Medical Registration as constituted immediately before the commencement of this Act and the members and the President thereof shall be deemed up to the 14<sup>th</sup> day of January 1955 ( inclusive ), to be respectively the West Bengal Medical Council and the members and the President thereof.

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Compiled by DR

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Compared by KRC