

PART VI.—GENERAL ADMINISTRATION.

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A.—PUBLIC HEALTH.

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THE BURMA MEDICAL ACT.

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THE SCHEDULE.

THE BURMA MEDICAL ACT.

[BURMA ACT I, 1915.] (4th December, 1915.)

1. * * * *
2. In this Act, the expression—
- (a) “the Medical Acts” means the Medical Act, 1858, and the Acts amending the same; 21 & 22
Vict.,
c. 90.
- (b) “the Council” means the Medical Council established under section 3;
- (c) “the register” means the register of medical practitioners maintained under the provisions of this Act; and
- (d) “registered practitioner” means any person whose name is entered in the register.
3. (1) A Council shall be established and called “the Burma Medical Council” and such Council shall be a body corporate and shall have perpetual succession and a common seal and shall by the said name sue and be sued.
- (2) The Council shall consist of fourteen members appointed in the following manner:—
- (a) a President and three other members to be nominated by the President of the Union;
- (b) one member to be elected by the Senate of the University of Rangoon; [and]²
- (c) nine members to be elected by the registered practitioners from amongst themselves.
4. All elections of members of the Council shall be held at such time and place and in such manner as the Council shall by rule direct.
5. (1) The term of office of members of the Council shall be three years.
- (2) Every member shall, at the end of his term of office, be eligible for reappointment subject to the provisions of section 3.
6. (1) Every member of the Council shall be deemed to have resigned his appointment—
- (a) on sending his resignation in writing to the President of the Council, or
- (b) on ceasing to be a registered practitioner.
- (2) The Council may declare that any member has resigned his appointment—
- (a) if he absents himself from three consecutive meetings of the Council without the leave of the Council, or
- (b) if he departs from the Union of Burma without the leave of the Council, or

Definitions.

Establishment and constitution of the Burma Medical Council.

Elections.

Term of office of members.

Resignation of membership.

¹ Clause (b), as temporarily substituted by the Burma Medical (Temporary Amendment) Act (No. X of 1946), reads: “(b) one member to be nominated by the Administrative Officer University of Rangoon.”

² Inserted by Act LXII, 1953.

³ Substituted for clauses (c), (d) and (e) *ibid.*

(c) if he is absent from the Union of Burma beyond any period of leave granted to him by the Council.

7. Upon the death or resignation of any member his appointment shall be filled by nomination or election, as the case may be, in accordance with the provisions of section 3. Filling up vacancies.

8. The Council may grant to any member thereof leave of absence from the Union of Burma for a period not exceeding six months. Leave of absence.

9. (1) The Council shall by rule prescribe the times and places at which its meetings shall be held, the manner of summoning the same, and the conduct of business thereat. Meetings of the Council.

(2) In the absence of any rule as to the summoning of meetings, the President may, by letter addressed to each member, summon a meeting of the Council, at such time and place as to him shall seem expedient.

(3) No business shall be transacted at any meeting of the Council unless a quorum of five members be present.

(4) In the absence of the President from any meeting of the Council another member shall be elected by and from the members present to act as President thereat.

(5) 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.

10. There shall be paid to the members of the Council such fees for attendance at meetings of the Council and such reasonable travelling expenses as the Council may by rule prescribe. Fees payable to members.

11. (1) With the previous sanction of the President of the Union, the Council— Registrar and establishment.

(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) Every person appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Penal Code.

12. A register of medical practitioners shall be kept by the Registrar in such form as the Council may direct. The register.

Persons
entitled to be
registered.

13. Subject to the provisions of this Act, every person who is possessed of any of the qualifications described in the Schedule shall, on payment of such fee as the Council may by rule prescribe, be entitled to have his name entered in the register :

Provided that the President of the Union may, on the recommendation of the Council, permit the registration of any person who was actually practising medicine in Burma on or before the 3rd day of December 1915 :¹

Provided further, 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 21, sub-section (1), and shall not make any entry in the register in respect of such person until the Council informs him that the entry is permitted :

² Provided further, that the President of the Union may, in consultation with the Council, permit the registration of any person employed by any foreign mission in the Union of Burma, if the Council is satisfied that such person possesses a medical degree, diploma or certificate granted by any university, medical college or school or other institution, not included in the Schedule ; and it shall be lawful for the President of the Union to direct that the registration shall be valid only for so long as he continues to be employed by such mission :

³ Provided further, that in the case of a person whose sole qualification for registration was granted in any foreign country which does not recognize the medical degree, diplomas or certificates of the University of Rangoon or the Government, he shall not be entitled to have his name entered in the register until he shall have passed the examination held by a special Board of examiners appointed by the Council in that behalf.

Power of
Council to
call for
information
from medi-
cal schools

14. The Council may call on the governing body or authorities of any medical school, examining body or other institution included or desirous of being included in the Schedule—

- (a) to furnish such particulars as the Council may require of any course of study prescribed or examination held by such body or authority or in such school with reference to the grant of any medical or surgical qualifications, and
- (b) to provide facilities to enable any member of the Council deputed by the Council in this behalf to be present at any such examination,

Amendment
of the
Schedule.

15. (a) If the Council is satisfied that any qualification certified by any medical school, examining body or other institution is a sufficient guarantee that persons possessing such qualification have the knowledge and skill requisite for the efficient practice of medicine, surgery and midwifery, or
- (b) if the body or authorities referred to in section 14 refuse to furnish such particulars or to provide such facilities as are referred to in that section, or
 - (c) if the Council is satisfied that any qualification referred to in clause 3, 4 or 5 of the Schedule is not a sufficient guarantee as aforesaid,

¹ The day before the commencement of this Act,

² Substituted by Act LXII, 1953.

the Council may make a report to that effect to the President of the Union, who may thereupon direct by notification—

- (i) in case (a) that the possession of such qualification shall, subject to the provisions of this Act, entitle any person to have his name entered in the register, or
- (ii) in cases (b) and (c) that the possession of the qualification certified by the body or authorities or of such qualification as is referred to in clause 3, 4 or 5 of the Schedule, as the case may be, shall not entitle any person to have his name entered in the register, and the Schedule shall thereupon be deemed to be altered accordingly.

16. Every person who applies to have his name entered in the register— Application for registration.

- (a) shall satisfy the Registrar that he is possessed of the qualifications in respect of which he claims to be registered; and
- (b) if he is registered under the Medical Acts or under any Act for the registration of medical practitioners in force in any part of India or Pakistan—
 - (i) shall correctly inform the Registrar of the date of such registration, and
 - (ii) shall furnish the Registrar with a correct statement of the 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 Acts or under any Act for the registration of medical practitioners in force in any part of India or Pakistan, shall correctly inform the Registrar of the dates on which he obtained the qualifications in respect of which he claims to be registered under this Act.

17. The Registrar—

- (a) shall enter in the register the name, residence and qualifications of every person who is registered under this Act, and the date on which each qualification was obtained;
- (b) shall make all necessary alterations in the particulars so entered;
- (c) shall, on the payment of such fee as may be prescribed by the Council, enter in the register every additional qualification which a registered practitioner may prove that he has obtained subsequently to his registration;
- (d) shall strike out of the register the names of all registered practitioners who have died or the removal of which has been directed by the Council under the provisions of section 20 or 21; and
- (e) may send through the post to any registered practitioner a registered letter addressed to him according to his registered address to inquire whether he has ceased to practise or has changed his residence; and, if no answer to any such letter is received within a period of six months from the despatch of such letter, the

Maintenance of register.

Registrar may strike out of the register the name of such registered practitioner.

Notice of deaths.

18. Every Registrar of Deaths who receives notice of the death of any person who, to his knowledge, was a registered practitioner, shall forthwith transmit by post to the Registrar appointed under this Act a certificate under his own hand of such death and the particulars of time and place thereof and may charge the cost of such certificate as an expense of his office.

Appeal to Council from decision of Registrar.

19. (1) Any person who is dissatisfied with any decision of the Registrar refusing to enter the name or any qualification of such person in the register may within three months of the date of such decision appeal to the Council.

(2) The decision of the Council thereupon shall be final.

Alteration of register by Council.

20. The Council may, if it thinks fit and after giving notice to the person concerned and inquiring into his objections, if any, order that any entry in the register which shall be proved to the satisfaction of the Council to have been fraudulently or incorrectly made, or brought about, be removed from the register or amended as it thinks fit.

Disqualification by commission of certain offences.

21. (1) In the case of any person who—

(a) has been convicted of any such offence as implies in the opinion of the Council a defect of character, or

(b) after due inquiry (at which an opportunity has been given to such person to be heard in person or by counsel) has been found guilty by the Council of infamous conduct in any professional respect

the Council may, upon reference from the Registrar or otherwise, refuse to permit such person to be registered or may direct that his name be removed from the register altogether or for a specified period.

(2) Any person who is dissatisfied with any decision of the Council under this section in respect of himself may, within three months from the date of such decision, appeal therefrom to the President of the Union.

Inquiries and appeals.

21A. (1) The Council may by rule prescribe that any or all classes of inquiries under section 20 or 21 or appeals under section 19 shall be held or heard, as the case may be, by an executive committee consisting of the President and five members of the Council elected by the Council. The Council may also elect a special committee consisting of three or more members of the Council to hold any special inquiry or to hear any special appeal under the said sections. The decision of the executive committee or of the special committee, as the case may be, shall be deemed to be the decision of the Council.

(2) The Council or any committee acting under sub-section (1) may at its discretion hold an inquiry under section 20 or 21 *in camera*.

(3) For the purposes of any such inquiry or appeal, the Council or any committee acting under sub-section (1) shall be deemed to be a Court within

the meaning of the Evidence Act, and shall exercise the powers of a commissioner appointed under the Public Servants Inquiries Act. Every such inquiry and appeal shall be conducted in such manner as the Council may by rule prescribe and, as far as may be, in accordance with the provisions of sections 5 and 8 to 20 of the Public Servants Inquiries Act; and the Council or the committee, as the case may be, shall record its decision upon each of the articles of the charge separately, as well as such observations as it may think fit on the whole case.

21B. The Council may direct that any entry which has been removed from the register shall be restored. Restoration of entry in register.

21C. No suit or other legal proceedings shall lie in respect of an act done in the exercise of a power conferred by this Act or by any rule thereunder on the President of the Union or on the Council or on the Registrar. Bar to suits and other legal proceedings.

22. (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 registered practitioners for the time being and setting forth— Annual list.

- (a) all names entered in the register, arranged in alphabetical order according to the surnames, and
- (b) the registered qualifications of each such person and the date on which each such qualification was obtained.

(2) Every Court shall presume that every person whose name is entered in the latest of such lists is a registered practitioner and that every person whose name is not so entered is not a registered practitioner :

Provided that, in the case of any 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 shall be evidence that such person is a registered practitioner.

23. (1) No certificate required by law to be given by a medical practitioner or officer or by a qualified medical man shall be valid unless signed by a registered practitioner. Disabilities of unregistered persons.

(2) Except with the special sanction of the President of the Union, no person shall be competent to hold any appointment as Medical Officer of Health or as Physician, Surgeon or other Medical Officer in any dispensary, hospital, asylum, infirmary or lying-in hospital which is supported partially or entirely by public funds or contributions, or by the funds or contributions of any public company, unless he is a registered practitioner.

24. Every person who falsely pretends to be a registered practitioner shall, whether any person is actually deceived by such pretence or not, be liable to be punished on conviction by a Magistrate of the first class with fine which may extend to three hundred rupees. Penalty.

25. All fees levied under this Act and all other moneys received by the Council shall be applied for the purposes of this Act and in accordance with such rules as the President of the Union may make in this behalf. Disposal of fees.

Rules.

26. (1) The Council may make rules for the purpose of carrying out the provisions of this Act.

Without prejudice to the generality of this provision, such rules may prescribe that a less fee or no fee shall be levied for the entry in the register of the name of any person who is for the time being registered under any Act for the registration of medical practitioners in force in any part of India or Pakistan.

(2) No rule made by the Council shall come into force until it has been confirmed by the President of the Union.

(3) Every such rule shall, when so confirmed, be published in the Gazette.

(4) The President of the Union may, by notification, cancel any such rule.

Control.

27. If at any time it shall appear to the President of the Union that the Council has failed to exercise or has exceeded or abused any power conferred upon it under this Act or has failed to perform any duty imposed upon it by this Act, the President of the Union may notify the particulars of such default, excess or abuse to the Council; and, if the Council fails to remedy such default, excess or abuse within such time as may be fixed by the President of the Union in this behalf, the President of the Union may, for the purpose of remedying such default, excess or abuse, cause any of the powers and duties of the Council to be exercised and performed by such agency and for such period as the President of the Union may think fit:

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THE SCHEDULE.

1. Every person who is for the time being registered or qualified to be registered under the Medical Acts.

2. Every Doctor, Bachelor or Licentiate of Medicine or Master, Bachelor or Licentiate of Surgery of the Universities of Bombay, Calcutta, Madras, Allahabad or Lahore.

3. Every person who has been trained in a Government Medical College or School and holds a diploma or certificate granted by Government declaring him to be qualified to practise Medicine, Surgery and Midwifery or to perform the duties of a Military Assistant Surgeon, Hospital Assistant or Sub-Assistant Surgeon.

In this paragraph "Government" includes the Government of any part of India or Pakistan.

4. Every person who has been granted a degree, diploma, licence or certificate by the Burma Medical Examination Board declaring him to be qualified in like manner.

³ 4A. [Every person who has been granted a licence by the State Medical Board established during the period of the enemy occupation of Burma in the years 1942 to 1945.]²

¹ Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

² Inserted by Act XLII, 1946.

³ Re-numbered by Act LXII, 1953.

15. Every person who is for the time being registered under any Act for the registration of medical practitioners in force in any part of India or Pakistan.

THE BURMA MEDICAL DEGREES ACT.

[INDIA ACT VII, 1916.] (16th March, 1916.)

1. * * * *

2. In this Act, "Western medical science" means the Western methods of Allopathic medicine, Obstetrics and Surgery, but does not include the Homœopathic or Ayurvedic or Unani system of medicine. Definition.

3. The right of conferring, granting, or issuing in the Union of Burma 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 University of Rangoon, and by such other authority as the President of the Union may, by notification in the Gazette, and subject to such conditions and restrictions as he thinks fit to impose, authorize in this behalf. Right to confer degrees, etc.

4. Save as provided by section 3, no person in the Union of Burma 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 recipient is qualified to practise Western medical science. Prohibition of unauthorized conferment of degrees, etc.

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 wilfully authorizes or permits the contravention, shall be punishable with fine which may extend to five hundred rupees. Contravention of section 4.

6. Whoever voluntarily and falsely assumes or uses any title or description or any addition to his name implying (a) that he is qualified to practise Western medical science, or (b) that he holds a degree, diploma, licence or certificate conferred, granted or issued by any authority referred to in section 3, or recognized by the General Council of Medical Education of the United Kingdom, or authorized by the law in force in India or Pakistan to confer, grant or issue in India or Pakistan 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 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: Penalty for falsely assuming or using medical titles.

Provided that nothing in this section shall apply to the use by any person of any title, description, or addition which, prior to the 16th March, 1916,² he used in virtue of any degree, diploma, licence or certificate conferred upon, or granted or issued to him.

¹ Re-numbered by Act LXII, 1953.
² Date of commencement of this Act.