

**15. Right of persons possessing qualifications in the Schedule enrolled.**—<sup>1</sup>[(1)] Subject to the other provisions contained in this Act, the medical qualifications included in the Schedules shall be sufficient qualification for enrolment on any State Medical Register.

<sup>2</sup>[(2) Save as provided in section 25, no person other than a medical practitioner enrolled on a State Medical Register,—

- (a) shall hold office as physician or surgeon or any other office (by whatever designation called) in Government or in any institution maintained by a local or other authority;
- (b) shall practise medicine in any State;
- (c) shall be entitled to sign or authenticate a medical or fitness certificate or any other certificate required by any law to be signed or authenticated by a duly qualified medical practitioner;
- (d) shall be entitled to give evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872 (1 of 1872) on any matter relating to medicine.

(3) Any person who acts in contravention of any provision of sub-section (2) shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.]

#### COMMENTS

(i) It is envisaged under section 25(4) that a person registered provisionally and if he has completed practical training referred to in sub-section (1) or such person is in the employment in resident medical capacity in any approved medical institution, shall be entitled to registration in the State Medical Register under section 15 of the Act; *Dr. Sanjeev Mittal v. Union of India*, AIR 2003 P&H 213.

(ii) The Basic qualification of M.B.B.S. as primary qualification is a pre-condition for a candidate for being registered in the State Medical Register maintained by the State Board. M.Sc. (Bio-Chemistry) cannot be considered to be basic qualification for practising as a Medical Practitioner; *Medical Council of India v. State of Rajasthan*, AIR 1996 SC 2073.

(iii) In view of clause (b) of sub-section (2) of section 15 of the Act, no person who is not qualified in the system of Modern Medicine and is not registered as such, either in State Register or the Central Register, is entitled to practise modern system of Medicine; *Dr. Sarwan Singh Dardi v. State of Punjab*, AIR 1987 P&H 81.

(iv) A person holding a degree from any foreign institution as laid down in Part II of the Third Schedule of the Act and who has undergone practical training there, is entitled for the enrolment on the State Medical Register. Any Regulation for such a medical graduate to be enrolled cannot prescribe any additional qualification thereby taking away his right to be enrolled, for sub-section (1) of section 15 is only subject to the provisions of the Act and not to any rule or regulation made thereunder; *Dr. Arun H. Bakle v. Union of India*, AIR 1986 Bom 230.

**16. Power to require information as to courses of study and examinations.**—Every University or medical institution in 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 study and examinations to be undergone in order to obtain such qualification, as to the ages at which such

1. Section 15 renumbered as sub-section (1) thereof by Act 24 of 1964, sec. 7 (w.e.f. 16-6-1964).

2. Ins. by Act 24 of 1964, sec. 7 (w.e.f. 16-6-1964).