

COPY OF SOME IMPORTANT GOVERNMENT LETTERS
IN FAVOUR OF UNQUALIFIED RURAL MEDICAL PRACTITIONERS (R. M. P.)

CIRCULATED BY

Government of India

MINISTRY OF HEALTH & FAMILY WELFARE

[Department of Health]

Nirman Bhawan, New Delhi-110 001

No. 11018/4/77 MPT/ME [P] dated the Jan. 15, 1979

To,

All the State Governments/Union Territories.

Subject : Enlistment of Unqualified Medical Practitioners

Sir,

I am directed to refer to this Ministry's circular letter No. 11018/4/77 MPT/ME (P) dated the 4th March 1978 forwarding here with recommendations of the committee on petitions (Rajyasabha), contained to its 45th report in record (regard) them Protection from the penal provisions of the Indian Medical Council Act, 1956. It was requested that the State Govt. may consider the question of making suitable provisions in the State Act for the enlistment in the State Medical Registers of all the unqualified medical practitioners with certain Qualifications and Experience on a particular date as fixed/appointed by the State Govt. and keep this ministry apprised of their action taken in the matter.

In view of the position stated above it is suggested the State Govt. may consider issuing instructions to keep the enforcement of the penal provisions of the IMC Act, 1956 in abeyance until action is taken by the State Govt. in this regard as already requested in the letter dated the 4th March 1978.

Copy to :

The Dy. General of Health
Services, New Delhi

Yours faithfully

Sd/- P. V. Srinivasan

Under Secretary of the Govt. of India

Copy of D. O. No. F. 19-45/67 MPT
Ministry of Health and Family Planning
New Delhi

5th November, 1967

My Dear Trivedi

It has been brought to our notice that the District Magistrate of Jaunpur District has called upon some unqualified Practitioners of Modern Medicine to explain why they should not be prosecuted for practising Medicine in violation of the provisions of the Indian Medical Council Act. As you are aware, there is a proposal to enlist unqualified Medical Practitioners of long standing and regulate their practice so that they are not deprived of their livelihood. A model draft bill was circulated by us in the last meeting of the Central Council of Health in view of this State Government may consider whether it would be appropriate at this stage to launch prosecution against unqualified medical practitioners.

Sri R. N. Tiwari
Secretary
Health and Family Planning Department
Government of Uttar Pradesh
Lucknow

Yours sincerely
Sd/- R. N. Madhak

N. B. :—It would amount to contempt of the Central Government to prosecute unqualified Practitioners of Modern medicine all their enlistment is under its active consideration

Government of India, Ministry of Health
NEW DELHI

Sub-section (2) of Section 15, the Indian Medical Council Act, 1956, provides that no person other than Medical Practitioners enrolled on a state Medical Register shall practice Medicine in any State and any person contravening this provision shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to Rs. 100/- or with both. The Government of Uttar Pradesh has issued instructions for enforcement of this penal provision vide letter No. F. 617/5-A/11573 dated 23-1-65. A large-number of existing unqualified Medical practitioners are thus liable to be prosecuted. This has caused anxiety among unqualified Medical Practitioners who are faced with a threat of prosecution and of being deprived of their of livelihood too,

As you are perhaps aware, that the questions of Registration of Unqualified Medical Practitioners is under active consideration of the Government of India, the matter has in recent past been discussed in a few meetings with interalla the representatives of the Ministry of Law, the State Medical Council, the Medical Council of India, the Indian Medical Association and also concerned State Governments. It has been considered not only desirable but also necessary to enlist the existing unqualified Medical Practitioners under specified conditions and then to adopt a strict attitude towards those who are found to be carrying on practice in Modern Medicine without getting either Registration or enlistment. A sub-committee was also set up to go into details, including restrictions to be prescribed minimum age limit and minimum educational qualification to be laid down for enlistment of the existing Unqualified Medical Practitioners apart from the examination required to be passed by those who have been in practice for less than ten years but not less than five years. A draft bill be prepared shortly in consultation with the Ministry of Law, keeping in view the sub-committee's recommendation and will be passed on to the State Government for considering and to bring in legislation vis-a-vis their own State Medical Council Acts. Legislation by the State Government would keep the Unqualified Medical Practitioners confined to their own State. It may be recalled that a draft bill in this connection had been circulated to all the State Governments in 1958 also. The same was however withdrawn later on as it was found to be lacking in certain respects.

In view of the position stated above it is suggested that you may kindly consider issuing of instructions to keep enforcement of the penal provisions referred to in para 1 above, in abeyance until a final decision has been taken in this regard. This will afford necessary relief to the existing Unqualified Medical Practitioners who agitated over this issue,

Copy to all Government/Union Territories for favour of similar consideration.

Sd/- P. JOHARI
Deputy Secretary
Govt. of India
Ministry of Health
Patiala House, Delhi-1

NOTIFICATION

राजस्थान राज पत्र
जुलाई ३०, १९६४
भाग ४ 'ग'

राजस्थान पर लागू होने वाले अधिनियमोंके अन्तर्गत राज्य सरकार द्वारा या किसी अन्य अधिकारी द्वारा अपनी सहज शक्तियों के प्रयोग में बनाये गये कानूनी नियम, अधिनियम और आज्ञाएँ

MEDICAL AND PUBLIC HEALTH DEPARTMENT
ORDER
JAIPUR, JULY 7, 1964

No. F. 1 : (31) (128) MPH/59 Gr. II—In pursuance of sub-clause (iii) of clause (ee) of Rule 2 of Drug Rule, 1945 the State Government hereby declares all the existing Medical Practitioners who have a practice of not less than five years on 14th May, 1960, to be the "Registered Medical Practitioner" of the Modern Scientific system of Medicines of the purpose of Drugs Act, 1940 (Central act. 23 of 1949).

By Order
SHER SINGH
Secretary to the Government

No. 4.6/70-MPT

Bharat Sarkar

Swasthya Aur Parivar Niyojan Mantralaya

(SWASTHYA VIBHAG)

New Delhi, Dated the 24th Nov., 1972

To,

All State Government (except Kerala)

Subject :—Regarding the proposal of Englismnt of unqualified Medical Practitioners

Sir,

1. I am directed to say that the question setting the problem of unqualified medical practitioners in the field of Allopathy, whose number is reported to be about 80,000 to 1,00,000 has been under consideration of the Government of India for over a Decade Now. The Association of these practitioners has been representing for regulation of their practice Sub-section (2) of Sec. 15 of the Indian Medical Council Act, 1956 provides that no person other than a medical practitioner enrolled on a State Medical Register shall practice medicine in any state and Section 15 (3) provides that any Person acting in contravention of the provision of sub-section (2) is liable to be punished with imprisonment for term upto one year or with fine upto rupees one thousand or with both, it is only because the State Government were advised to keep in abeyance the enforcement of this penal provision pending the involvement of a uniform policy by the Central Government that those qualified medical practitioners have not been procecuted so far.

2. This matter had been considered by the Central Council of health and its Executive committees on several occasions in the past without any finality. Originally the intention was to enable them to continue in the profession by suitably amending the State Medical Acts. Later on, the proposal was that such practitioners should not be registered but that those who fulfil certain conditions might be allowed restricted practice by the Central Government by amending the relevent provision of the Indian Medical Council Act in the last meeting of the Central Council of Health held at Jaipur, October, 1971, when the questions of Central Government going in for legislation amending Medical Council Act was Counsidered, the decision was that this mattet should be posponded for consideration at the next meeting of the Central Council of Health in 1972

3. As the State Government are aware, some of the States are in favour of the Policy of Regularising the practice being carried out by these unqualified medical practioners has been strengly opposed to it. Any type of recognition of these unqualified medical practitioners has been strongly opposed by the Indian Medical Council as well as the Indian Medical Association on the ground that it only encourages quackery because of these conflicting views it seems difficult to evolve a uniform policy applieable throughout the country. It is common knowlege, that many of rendering unqualified medical practitioner who have been in profession for several years are rendnrng medical aid to the country, particularly in rural areas where availability of qualified medical practitioner is awefully Inadequate. To put a stop to their practice would not only deprive the society of their services but also deprive the unqualified medical practitioners of their sole means of livelihood. The question has therefore to be approached from the practical angle. The thinking of the Central Government after taking all aspect of the base into consideration is that the position of unqualified medical practitioners should be so regularised that they should be able to continue of serve the people and at the same time take affective steps to prevent the entry of fresh unqualified people in these ranks.

4. Those who has been practicing modern meditrine for a period of not less than ten years immediately before an appointed date may be allowed to continue to practice modern medicine They should however not be entitled to practice surgery, obstetrics or radiation therapy in any form and prescribe any medicine included in schedules G, H, and L, of the Drugs and Cosmetic Rules 1945 and other Dangerous drugs, since this class of practitianers will constitute a separate,

category, it will be desirable to keep their records separate from those who are qualified Medical practitioners. If the State Governments are willing to settle this long outstanding problem on the above lines, they may initiate suitable legislation for amending their Medical Act for this purpose. The procedure suggested will not only control practice of modern medicine by unqualified Medical practitioners; but also ensure that no further unqualified practitioners will be drawn into these ranks as within a stipulated time such practitioner will have already included suitable provision for regarding by such unqualified medical practitioners.

5. The action taken by the State Government may kindly be communicated to the Central Government in due course.

Yours faithfully

Sd/ V. S. (TALWAR)

Deputy Secretary to the Govt. of India