

About Us

पैरा मेडिकल फैकल्टी ऑफ इंडिया एवं बेसिक मेडिसिन ऑफ इंडिया दिल्ली ने भारत सरकार से जार टी आइ एक्ट के अंतर्गत पूछे गए प्रश्नों पर स्पष्टीकरण किया है कि स्वास्थ्य मंत्रालय भारत सरकार, मेडिकल काउंसिल ऑफ इंडिया, डेंटल काउंसिल ऑफ इंडिया, नर्सिंग काउंसिल ऑफ इंडिया, केंद्रीय भारतीय चिकित्सा परिषद् नई दिल्ली, केंद्रीय होमियोपैथी परिषद् नई दिल्ली, विश्वविद्यालय अनुदान आयोग (यूजीओसीओ) आदि ने बताया कि पैरा मेडिकल एवं बेसिक मेडिसिन कोर्स हमारी परिधि में नहीं आता है। और नहीं केंद्र सरकार ने पैरा मेडिकल कोर्स से सम्बंधित को एक्ट एवं शासनादेश बनाया है।

स्वास्थ्य मंत्रालय भारत सरकार के पत्रांक F.NO.28019/25/2012 – PM दिनांक 23 अगस्त 2012 एवं अन्य पत्रों द्वारा स्वीकृति के आधार पर पैरा मेडिकल फैकल्टी ऑफ इंडिया एवं अल्टरनेटिव मेडिकल काउंसिल ऑफ इंडिया उत्तीर्ण छात्र एवं छात्राये सरकारी/अर्द्ध सरकारी अस्पतालों में भर्ती निकालने पर आवश्यकतानुसार पैरा मेडिकल कोर्स एवं बेसिक मेडिसिन कोर्स उत्तीर्ण स्नातकों को नौकरी में लिया जाता है। पैरा मेडिकल कोर्स नेशनल लेबल पर नौकरी में मान्य है।

चिकित्सा क्षेत्र में आधुनिक कंप्यूटर युग में तकनीकी ज्ञान सबके महत्वपूर्ण एवं संवर्धित माना जाता है। पैरा मेडिकल एवं बेसिक मेडिसिन क्षेत्र में व्यक्तियों को रोजगार उपलब्ध कराने में फैकल्टी सहायक करता आ रहा है। फ़िजियोथेरेपिस्ट अस्पतालों में ऑर्थोपेडिक विभागों में नौकरी के अवसर पाते हैं। फार्मसी कोर्स पास कर मेडिकल रिप्रेजेंटेटिव बन सकते हैं। फार्मसी करने वाले स्नातक शिक्षक दवा कंपनियों के अनुसन्धान एवं विकास क्षेत्र में कार्य कर सकते हैं। हेल्थ केयर सेंटर अतिरिक्त रिसर्च एवं टीचिंग में अपना भविष्य संवार सकते हैं।

देश के प्रत्येक नागरिक को प्राथमिक स्वास्थ्य सेवाएँ उपलब्ध हो इस विचारधारा को ध्यान में रखते हुए हमारे देश के केंद्र एवं राज्य सरकार देश में बढ़ते हुए आबादी को देखते हुए बेसिक मेडिसिन के द्वारा एवं नैचुरोपैथी, हर्बल मेडिसिन, इलेक्ट्रो थेरेपी, मैग्नेटोथेरेपी इलेक्ट्रो होमियोपैथी, हर्बल मेडिसिन, एक्यूपंचर एवं एक्जूप्रेशर द्वारा संक्रामक रोगों कुपोषण आदि तथा सामान्य बिमारियों के ईलाज अनुमति दी है।



चिट मीडिया की नज़र में - योग नैचुरोपैथी की डिग्री एम बी बी एस के समकक्ष फैसला केट सरकार ने उपचार के योग नैचुरोपैथी के बढ़ते हुए महत्व को शिकार करते हुए इस पद्धति में कार्य कर रहे चिकित्सा कमियाँ को अपने नाम के भागी डॉक्टर लिखने की अनुमति देती है।

इसी पैथी में कार्य करने वाले चिकित्सकों (डॉक्टर) को MBBS BAMS BUMS BHMS BNYS के समतुल्य माना जायेगा।

CMS (E.D.) डिप्लोमाधारी चिकित्सा कार्य कर सकते हैं - दवाइयाँ लिख सकते हैं मेडिकल सर्टिफिकेट दे सकते हैं। उन्हें सक्तामक रोगों कुपोषण आदि तथा सामान्य बीमारियों के इलाज की अनुमति दी गई है।

रेजिस्ट्रेशन- CMS-E D Allopathy & B E M S, Paramedical course & Alternative Medical Course उत्तीर्ण करने के बाद स्नातक का प्रैक्टिस रेजिस्ट्रेशन केंद्रीय बोर्ड ऑफ मेडिकल हेल्थ साइंस एंड रिसर्च तथा अल्टरनेटिव मेडिकल काउंसिल ऑफ इंडिया दिल्ली से कराया जाता है।

मा० सर्वोच्च न्यायालय ने सन २००३ में अपने निर्णय में C.M.S. (E.D.) डिप्लोमाधारियों को एलापैथी औषधियों से चिकित्सा सेवा करने तथा अपने रोगियों को स्वास्थ्य मेडिकल सर्टिफिकेट देने और सामान्य बीमारियों की चिकित्सा करने हेतु प्राइमरी हेल्थ वरकर या बेसिक चिकित्सा रूप में माना है। कोई भी C.M.O (मुख्य चिकित्साधिकारी) अपने यहाँ चिकित्सा व्यवसाय हेतु C.M.S. (E.D.) ALLOPATHY का रेजिस्ट्रेशन नहीं करता है और न रोकता है। मा० सर्वोच्च न्यायालय का आदेश सम्पूर्ण भारत में लागू होता है, किसी एक राज्य के लिए नहीं है।

अतः सभी को सर्वोच्च न्यायालय के आदेश का पालन करना चाहिये। आदेश का पालन न करने वाले अधिकारी कर्मचारी के विरुद्ध अवमानना की स्थिति उत्पन्न हो सकती है।

नोट -



1. नौकरी के लिए रोजगार कार्यालय में रजिस्ट्रेशन कराया जा सकता है।
2. M.H.R.D GOVERNMENT OF INDIA के पत्रांक FI (H-3/NIOS/VE-1/JS-RN/2008 18856)
3. Dated 22-07-2010 के अनुसार सरकारी स्वास्थ्य विभागों में जन स्वास्थ्यकर्ता के नाम से शक्तियाँ निकलती रहती हैं जहाँ प्रशिक्षणार्थी को नौकरी के सुअवसर प्राप्त हो सकते हैं।
4. इंजेक्शन लगाने का ज्ञान दिया जाता है तथा ब्लडप्रेसर मापक यंत्र द्वारा ब्लडप्रेसर मापने का ज्ञान कराया जाता है।
5. स्टेथोस्कोप (आला) प्रयोग का ज्ञान दिया जाता है तथा नार्मल से लाइन (ग्लूकोज) चढ़ाने का ज्ञान कराया जाता है।
6. नाडी देखने का ज्ञान कराया जाता है तथा पैथोलॉजी लैब का थ्योरी एवं प्रैक्टिकल का ज्ञान कराया जाता है।
7. प्रत्येक रोग का कारण, लक्षण, निदान एवं चिकित्सा का ज्ञान कराया जाता है तथा सभी मेडिकल इंस्ट्रुमेंट्स की जानकारी दी जाती है।
8. मानव शरीर की संरचना एवं क्रिया तथा हड्डियों का ज्ञान कराया जाता है।
9. समाज में फैले हुए विभिन्न रोगों के विषय में प्रशिक्षण जैसे एड्स, कैसर, हेपेटाइटिस बी, टी.बी., मधुमेह, हृदय रोग, रक्तचाप एवं बच्चों के सभी प्रकार के रोगों का निदान कराया जाता है।
10. महिलाओं के रोग जैसे मासिक धर्म, गर्भाशय आदि एवं आँख, नाक, गला, जीभ आदि के जानकारी करायी जाती है।
11. दुर्घटना का प्राथमिक उपचार जैसे मरहम पट्टी, रक्त स्राव रोकना, साधारण स्टेचिंग आदि की जानकारी करायी जाती है।

LIST OF GENERAL ALLOPATHIC MEDICINES (RECOMMENDED BY W.H O.

• Glucose Powder D&C • Oral Rehydration Salt • Lime Water • Camphor Water • Chlorine Water • Hydrogen Per Oxide • Acriflavin Powder (Lotion) • Gention Violet Paint • Carbolic Acid • Povidine Iodine (Solution, Ointment) • Ring Warm Ointment (White Fields Liniment) • Neomycin- Bac&icine Ointment	• Vitamin E • Isabgoal Powder • Senna Leaves • Soda Bi Card (Sodium Bi —Carbonate) • Yeast Tablets • Piperazine Powder • Mebendazol • Ferrus Sulphate (Iron Preparations) • Procaïn Hydrochloride • Furazolidone • Metronidazole • Kaolin Powder	• Sulphadimidene • Penciline • Amoxycilline • Ampicilline • Gentamycin • Tetracycline • Chloremphenicol • Dextrose 5% Sodium Chlore 9% Injection • Tabramycin • Grisofulwin Tablets • Streptomycin • DDS (Sulphone)
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- Benzyl Benzoate Lotion
- Gamma Benzene Hexa Chloride (Lindane)
- Potassium Permanganate (KMnO₄)
- Calamine Lotion
- Zinc Sulphate Powder
- Sulphur Powder & Boric Powder
- Boric Powder
- Castor Oil
- Glycerin
- Magnesium Sulphate
- Belladonna
- Aspirin
- Paracetamol
- Ibuprofen
- Diclofenac
- Chlorpheniramine Maleate
- Cetirizine Hydrochloride
- Gripe Water
- Vitamin A
- Vitamin B Complex
- Vitamin C
- Vitamin D

- Liver Pills & Syrup
- Folic Acid
- Magnesium Trisilicate
- Calcium Pills
- Calcium Lactate
- Ashoka Cordial
- Oral Contraceptive pills & syrup
- Enzyme Tablets
- Haemostatic Tablets
- Diethyl Carbamazine Citrate (Benocide)
- Ephedrine
- Aminophyllin Tablets
- Codeine Sulphate
- Codeine Sulphate
- Dexamethasone
- Betamethasone
- Chloroquine
- Primaquine
- Domeperidone
- Degepan
- Dicyclomine Hydro Chloride
- Atropine
- Co-Trimoxazole

- Rifampicin Capsules
- Clofazimine Tablets
- Streptomycin
- Isoniazid Tablets
- Rifampicin Capsule
- Thiocetazone Isoniazid Tablet
- Pyrazinamide Tablets
- Tuberculosis Tablet
- Streptomycin
- Sumag & Mag Mag
- Boroglycerine
- Paracetamol, ibuprofen Or Diclofenac
- Iodex Ointment
- Corex Or Vies 44 Cough Syrup
- Multivitamin Tablets Or Capsules
- Etophyllin Tablets
- Betnovate N, C, Skin Ointment
- DPT Vaccine
- Carminative Mixture





Govt. letters

Planning as the letter no 110/08/04/77MPT/ME(P)1970 & No. 46/70MPT of Govt. of India.

According to the news of leading news papers. Daily Amar Ujala & Dainik Jagaran now the Govt. prepared to imparting training & issuing registration of experience holding doctors. So our organization is issuing RMP registration on merit base for taking registration from the government this RMP certificate will be a proof of the proof of the duration of practice of a practitioner or doctor at the time of bearing registration by govt. At the time of being registration by govt. so any experience college training doctors/ practitioner eager professional can take RMP registration certificate from this organization. The professional can take RMP registration certificate from this organization will safeguard to the RMP doctors as he will bind the rules of the CAMC council and the Govt. the rules of the council and the govt. The RMP certificate will be issued by the enrollment council of the registered medical practitioners an unit of the moved CAMC council, university regd. By govt. of registration fees Rs 11000/- organization the 2 years, 3 years, 4 years courses and other organization RMP Registered Medical Practitioner).



1. The Registered Medical Practitioner

Full form is RMP which stands for Registered Medical Practitioner.

RMP are legally certified Public Health Care

2. Government of India approved.

Objective of certificate Registered Medical Practitioner (RMP) program are to impart medical skill and practical understanding to carry out care

RMP certificate were issued by the Govt. on 2 years, 3 years, 4 years of experience basis courses. According to the judgment of high court Chennai planning commission reports the letters of Govt. of India.

NEW DELHI: The planning commission is examining a proposal to introduce a three years medical course to train physicians to serve exclusively in India.

The proposal still in the preliminary stage has been welcomed by the plan bodies steering committee for the 10th plan. The next stage is to consult the states and the medical council of India (MCI) which oversees medical education

**WELCOME TO DOCTORS MEDICAL REGISTRATION
(ALL INDIA VALID) (R.M.P. PUBLIC HEALTH CARE)**

1. CERTIFICATE→

2. DIPLOMA→

3. DEGREE→

4. OTHER COLLEGE UNIVERSITY →

5. EDUCATION INSTITUTION→



Copy of letter No. F. 32-9/64-MPT. Dated 5-5-66 from the Deputy Secretary
Smt. P. Johari to Shri Umashankar, Secy, Health Deptt., of U.P. Lucknow.

Government of India, Ministry of Health
NEW DELHI

Sub-section (2) of Section 15 the Indian Medical Council Act, 1958, provides that no person other than Medical Practitioners enrolled on a state 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. 1000/- or with both. The Government of Uttar Pradesh issued instruction for enforcement of this penal provision vide letter No. F.617/5a/11573 dated 23-1-65. A large number 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 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 interalia the representatives of the Ministry of Law, the State Medical Council, the Medical Council of India the Indian Medical Association and also concerned State Government. It has been considered not only desirable but also concerned State Government. 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 by those who have been in practice for less than 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 be passed on the State Government for considering and to bring 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 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



Copy of letter No. F. 32-9/64-MPT, Dated 5-5-66 from the Deputy Secretary
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Government of India, Ministry of Health
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SD/P. JOHARI
Deputy Secretary
Govt. of India
Ministry of Health



Special doctors to head out to India's villages

By Shri Mahendra Ved

Times News Network on 03-08-2003

FACT FILE

- ★ There are over five lakh medical graduates in all disciplines
- ★ 12.5 lakh unlicensed practitioners of medicine
- ★ But rural India still without doctors
- ★ New government-run course will train physicians to work exclusively in rural areas
- ★ There will be no private players in this scheme

New Delhi : The Planning Commission is examining a proposal to introduce a three year medical course to train physicians to serve exclusively in the rural areas.

The proposal, still in the preliminary stage, has been welcomed by the Plan body's steering committee for the 10th plan. The next stage is to consult the states and the Medical Council of India (MCI), which oversees medical education.

Says K. Venkatasubramanian, Planning Commission's member in charge of education and health: 'For the last 50 years, we have been told that medical graduates do not want to serve in the villages. The situation is only getting worse with heavy capitation fee in medical colleges. It's time to build a special cadre of rural doctors ready to serve in the villages.'

In essence, the proposal seeks to revive the pre-Independence practice of trained 'licenciates'—LMPs and LMSs — qualified basically as physicians, but also capable to perform minor surgery.

Such medicos worked mainly in Bengal and south India. Their numbers declined with the increase in trained medical graduates (MBBS). Accused of producing quacks the system suffered a decline.

The then West Bengal chief minister B.C. Roy himself a renowned doctor, was among those who disapproved of the system. Colleges were closed, but in some states, any medical practitioner, even though not qualified, could get a licence if he/she had practised for 10 years.

This process should have ended years ago, but has not. 'These licences can be bought for Rs. 200, outside Patna Railway Station,' says K. Gopalakrishnan of Janani, an NGO that works on the family planning front in the rural areas of Uttar Pradesh and Bihar.

Against 5 lakh medical graduates belonging to all disciplines, there are 12.5 lakh unlicensed practitioners of medicine. The two have remained exclusive. The new proposal plans to keep it that way, without affecting the regular practitioners.

Venkatasubramanian says the special cadre of medicos would need to be trained in government run institutions and the private sector would need to be kept out. The fees would have to be low to keep the course within the reach of the genuine rural poor. 'Otherwise, we will have the same problem of high capitation fees and you will have



Copy of D. O. No. F-19-45/37 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 Jaipur District has called upon some unqualified practitioners of Modern 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 admit 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

Your Sincerely
Sd/- R.N. Madhok

केन्द्रीय स्वास्थ्य एवं परिवार कल्याण मन्त्रालय में अनु सचिव कमल बोरा द्वारा उच्चतम न्यायालय को जाठ सत्ताह में कानून बनाने का शपथपत्र दाखिल किया गया जिसके सम्बन्ध में माननीय सुप्रीम कोर्ट द्वारा दिनांक 25-11-2004 को देय आदेश की प्रति -

ITEM NO.1

Court No.3
SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

SECTION-IIA

CRIMP NO. 2803-2804/2003 & 8923-8924/2004 In Criminal
Appeal No. D6732/2 STATE OF MAHARASHTRA Appellant (s)

VERSUS

AFROZ KHAN USMAN KHAN & ORS.

Respondent (s)

(With Appl. n(s). for directions and intervention and exemption from III
O.T. and Office Report)

Date: 25/11/2004 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y. K. SABHARWAL
HON'BLE MR. JUSTICE D. M. DHARMADHIKARI

For Appellant (s)

Mr. Goolam E. Vahanvati, SG
Ms. Sandhya Goswami, Adv.
Ms. Sushma Suri, Adv.
Mr. Uday Umesh Lalit, Sr. Adv. (A.C.)
Mr. S.S. Shinde, Adv.
Mr. Ravindra Keshavrao Adsure, Adv.

For Respondent (s)

DR. J.N. Dubey, Sr. Adv.
Mr. Anurag Dubey, Adv.
Mr. Arvind Tiwari, Adv.
Mr. Manish Kumar, Adv.
Mr. S.R. Setia, Adv.
Mr. D.S. Mahra, Adv.
Mr. P. Parmeswaran, Adv.
Mr. H.M. Sethi, Intervenor-in-person.

UPON hearing counsel the Court made the following.

ORDER

We have perused the affidavit dated 18-11-2004 filed by Mr. Kamal Bose, Under Secretary in the Ministry of Health and Family Welfare, Government of India. Let draft of the legislation sought to be enacted be placed on record within eight weeks.

Sd.

(Satish K. Yadav)
Court Master

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Sd.

(V.P. Tyagi)
Court Master

NO HARRASSMENT TO ALTERNATIVE MEDICAL PRACTITIONERS

Hon'ble Supreme Court

LATEST - CONTENTS OF THE JUDGEMENT OF HON'BLE SUPREME COURT OF
INDIA DATED 24.11.2000

(In the Judgement and order dt. 18.11.98 in FAO No. 205/92)

For want of certain clarifications etc., Delhi Govt. & Union of India (Ministry of Health & F.W.) has filed an appeal (SLP) in the Hon'ble Supreme Court of India challenging the order of Hon'ble Delhi High Court dt. 18.11.98. Upon hearing on 12.10.2000 the Division Bench of Hon'ble Supreme Court comprising Mr. Justice Anand (Chief Justice of India), Hon'ble Justice R.C. Lahoti & Hon'ble Justice Shrivraj V. Patil has rejected the plea of Delhi Govt. & Union of India and finally on 24.11.2000 the Bench of the Hon'ble Court comprising Justice Rajendra Babu and B.N. Agarwal has declined to entertain the matter and SLP filed by petitioner (Delhi Govt. & Union of India) has been dismissed. The Hon'ble Supreme Court of India also maintained the status quo of the order of Hon'ble Delhi High Court (FAO No. 205/92) dt. 18.11.98 by which it has been ordered that any legally constituted institution imparting educational facilities in the field of Alternative Medicines may issue diploma/certificates and holders of such diploma/certificates are entitled to practice the particular Faculty/Faculties covered by the Said Diploma/Certificates.

G. S. D. I. A. M.
GURIAN, GATE, HUSHARPUR.

Indian Alternative Medical Association

[19]



No Harassment to Alternative Medical Practitioners Hon'ble Supreme Court
Latest: Contents of the Judgement of Hon'ble Supreme Court of India
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Legality

According to the Judgment of High Court Chennai, Planning Commission Report & The letter of Govt. (No. 110/8/4/77MPT/ME(P) 1979 & No 4-6/70 MPT of Govt. of India) The RMP certificate Holder can practice in alternative medicine only. He can't practice in Surgery, Obstetrics & Radiation Therapy in any form. He can not prescribe any medicine includes 'G', 'H', & 'L' of Drugs & Cosmetic Rules 1945 and other Dangerous Drug at any cost.



IN THE SUPREME COURT OF INDIA

670573

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 11111

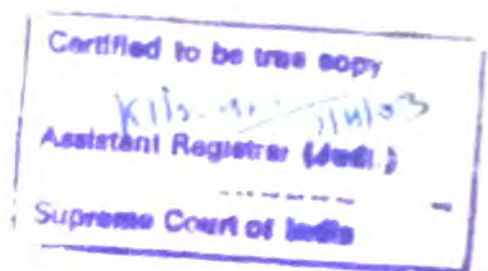
Subhasis Bakshi & Ors

VERSUS

West Bengal Medical Council & Ors

JUDGMENT

RAJENDRA BABU, J. :



"Thou shalt not prescribe, but treat". Does this commandment stand the test of legal scrutiny? This is the stark and simple question to be decided in this case.

The long-winded facts of this case read as follows:

That about 337 persons, including the appellants had completed the diploma course of Community Medical Service in duly recognized institutions in the State of West Bengal and were posted in different parts of the State by the Government of West Bengal. On October 15, 1980 vide Notification No. Health/MA/7076/5M-5/80 the Government of West Bengal made an amendment in the Statute of the State Medical Faculty by introducing Article 6F under Part B, which reads verbatim as under:



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"6F" Students who will undergo and complete the requisite course of studies in Medicine/Medical Science (as defined and detailed in the Schedule to this article and hereinafter called as the said Regulations for the Diploma course in Community Medical Services) in Medical Institutions, duly recognized by the State Medical Faculty of West Bengal, shall be admitted into examinations in the subjects laid down in the said regulations and the students passing the examinations shall be granted Diploma with the abbreviation "Dip. C M S" by the Governing body of the aforesaid Faculty.

The Governing Body of the aforesaid Faculty shall also maintain a Register of such Diploma holders with a view to regulating, supervising and restricting their practice for the present."

The objective of the said Notification, as detailed therein, is as follows:

"1. Objectives:

- i). To provide medical training to a group of personnel to man the Health Centers and Subsidiary Health Centers.
- ii). Emphasis is to be given on comprehensive Health Care of the Community including promotive, preventive and curative aspects.
- iii). A candidate after successfully completing the course of studies will act as a Team Leader of various categories of Field Workers.
- iv). Training in curative medicines is to be imparted in such a way that after completion of training the trainees can treat common diseases among rural population including communicable diseases, malnutritional states, snake bite, insecticidal poisoning etc. Instructions on diseases requiring sophisticated treatment not practicable in Health Centers will be restricted to the barest minimum. However, such candidates should learn to recognize sign and symptoms of more serious diseases requiring special treatment at referral hospitals (e.g., Sub-divisional or District Hospital) so that such patients may be sent early to these institutions.
- v). The training in promotive and preventive aspect of Health Care including Family Planning and Child Care should be undertaken by actual



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participation in the field work under the supervision of their teachers along with the field workers.

vi). A substantial part of the training will be conducted in Health Centers where they will reside along with their teacher in each term of their course so that they are exposed to the field condition from the beginning of their course."

On 23/6/1987, the Government of West Bengal issued a Corrigendum and the Diploma that was earlier known as 'Diploma in Medicine for Community Physicians' was rechristened as 'Diploma in Community Medical Service.' Apprehending that the re-naming would have a detrimental effect on their rights, the appellants filed W.P. No.7052/89 in the Calcutta High Court. The said Writ Petition was disposed of by the learned Single Judge on the assurance given by the Government Pleader that the State was willing to award the 'Diploma in Community Medical Service' to the successful candidates. It was also assured by the State, in the said petition that it would provide jobs to such candidates in accordance with the stated policy of the Government. The learned Single Judge of the High Court made it clear that the Diploma Holders will not have the right to private practice and that part of the order was not challenged by the appellants at all and entry in the register is only for the right to prescribe medicines and issue certificates.

Aggrieved by the order of the learned Single Judge, the appellants preferred an appeal before the Division Bench of Calcutta High Court. The Division Bench assured that the change in the nomenclature would not affect the Appellants right. The Division Bench reiterated that "the persons holding the



Diploma and employed to man the Health Centers and Subsidiary Health Centers would be competent to treat common diseases among rural population including communicable disease, malnutritional states, snake bite, insecticidal poisoning etc...". The Division Bench also mentioned the stated Government policy on providing jobs to such Diploma holders. Upon this the High Court opined that in the light of the clarifications made by and on behalf of the State Medical Faculty and the State, there should be no reason for the appellants to entertain any kind of apprehension with regard to their being able to perform functions and duties which they as are entitled to do under the Regulations as amended vide notification dated October 10, 1980. Pertaining to the registration of names in the Register of Diploma holders, the High Court stated that the Register shall be prepared and will be maintained in accordance with and in terms of the Statute 6F and that necessary formalities in that regard will be completed on or before March 31, 1990.

This judgment of the High Court was not complied with by the State. Contempt Application was filed on September 7, 1990 in the High Court. By the time, on November 21, 1990 Director of Health Services, West Bengal vide Order No. HPH/10 'S-3-90/1512 issued Job Description of Community Health Service Officers. While hearing the Contempt Application on November 23, 1990 the High Court accepted the assurance given by the Secretary to the Government in Department of Family Welfare in the presence of Secretary of the Medical Faculty and the State Medical Council that the Government would issue fresh instructions to the Job Description of Community Health Officers. Those fresh



instructions, were assured, would be issued in accordance with the earlier judgment of the Bench. On December 10, 1990 the aforementioned description was partially modified vide Order No. HPH/10-'S-3-90/1629. By virtue of this Order, the Diploma Holders were allowed to treat common diseases among rural population as provided in the sub-clause (iv) of the objectives to the Notification dated October 15, 1980 and it was also mentioned that item No 17 in the Notice issued under No 1512 dated November 21, 1990 was treated as omitted. Another Order No HPH/10-'S-3-90/1630 was issued on the same day which says that the Diploma Holders were "not permitted to issue Death Certificate, Sickness Certificate or Medical Fitness Certificates required for Court cases" and also directed that the treatment advice and prescription made by them were to be counter signed by the BMO or the MO-in-charge. While on March 6, 1991 vide Memo No. HP/10-'S-3/90/222 the Order No HPH/10-'S-3-90/1630 dated December 10, 1990 was cancelled. By Order dated May 7, 1991 the High Court disposed of the contempt proceeding by making the direction to the Government that they would maintain a register of the Diploma Holders in terms of the Article 6F of the original Notification. It is also clarified by the High Court in the Order that the "Registration by the State Medical Faculty will authorize the Community Health Service Officers to continue to discharge their duties as specified in the duty chart in the Health Centers/Subsidiary Health Centers as long as they are in service." Upon this high note, the first round of litigation before the Calcutta High Court was concluded.



At this juncture, by virtue of the order of the High Court, the appellants had obtained the right to treat common diseases among rural population including communicable diseases, malnutritional states, snake bites, insecticidal poisoning etc. But their grievance is that the consequential right of issuing certificates of sickness or death, prescriptions etc. was taken away by Notification No. HPH/10-S-3-90/1630 dated November 21, 1990. It is also the case of the appellants that item no 17 of the said notification was cancelled. Challenging the denial of 'consequential rights to treat' such as right to issue prescription or certificates of sickness or death, the second round litigation was initiated.

The appellants anchored their case on a Notification No. 1076-Medical dated May 17, 1915 issued by the then Financial Department, Government of Bengal. The relevant portion of the said Notification is extracted hereunder.

"In exercise of the power conferred by clause (1) of Section 18 of the Bengal Medical Act, 1914 (Bengal Act, VI of 1914) and on the recommendation of the Bengal Council of Medical Registration, the Governor in Council is pleased to direct that a title, certificate of qualification Diploma or license granted by the Governing Body of the State Medical Faculty, to any person shall subject to the provisions referred to in the said Clause entitled the holder of such title, certificate of qualifications, Diploma or License to have his name entered in the Register of Registered practitioners maintained under Section 15 of the said Act."

By virtue of this Notification read with Sections 15 and 18 of the Bengal Medical Act, 1914, the appellants argues that they are entitled to enter their names in the Register of Registered Practitioners maintained by the Bengal Council of Medical Practitioners. Urging this a Writ Petition was filed before the learned Single Judge of Calcutta High Court. The Petition was allowed in favour



of these appellants, subject to the condition that they are not allowed to pursue Private Practice and making it clear that their only right is to prescribe medicines and issue certificates and this part of the order became final.

Aggrieved by this order of the learned Single Judge of the High Court, the Bengal Medical Council preferred an appeal before the Division Bench of Calcutta High Court. The Division Bench allowed the appeal and set-aside the decision of the learned Single Judge. There are two main reasons given by the Division Bench to vacate the Writ. They are - (1). "...The *sine qua non* for the application and operation of Section 18 are- (a) satisfaction of the Council that any particular qualification is sufficient guarantee for the requisite knowledge or skill for efficient medical practice, (b) report to that effect by the Council to the Government, and (c) direction by the Government, on acceptance of such report, by notification in the Official Gazette. We do not think that in 1915, the Council could in any way be satisfied as to the quality or merit of a course or qualification introduced in 1930 and could report its satisfaction by some sort of divine prescience or foresight. Not do we think that the Government could by a Notification recognize or approve a course or certificate or qualification *in futuro* or *in vacuo* in respect of a course or certificate which was not in existence at the date of Notification." (2). Relying on A.K. Sabhapathy v. State of Kerala, AIR 1992 SC 1310 it was found that 'a person can practice in allopathic system of medicine in a state or in the country only if he possesses a recognized medical qualification' and since the appellants doesn't possesses the required



qualification, it was held that their names could not be included in the Medical Register. Thus this appeal by special leave.

The only relief, which these appellants are seeking, is the protection of their 'consequential rights to treat' such as issuing prescriptions or sickness or death certificates. As a matter of fact the respondents do not dispute the validity of Notification No. Health/MA/7076/5M-5/80 dated October 15, 1980. It is by virtue of this Notification that the appellants were having the right to treat. Now the only question for consideration is whether the Appellants, who are having the right to treat could issue prescription or sickness or death certificates?

In this context it is worthwhile to discuss Dr. Mukhtiar Chand v. State of Punjab, (1998) 7 SCC 579. In this case the validity of Notifications issued by State Governments of Punjab and Rajasthan, under Rule 2(ee)(iii) of the Drugs and Cosmetics Rules, 1945 whereby the Governments declaring some vaid/ hakims as persons practicing modern medicines were challenged. Upholding the validity of the Notifications and the said Rule, this Court held that, for the purpose of Drugs Act "...what is required is not the qualification in modern scientific system of medicine but a declaration by a State Government that a person is practicing modern scientific system and that he is registered in a Medical Register of the State...". In Dr. Mukhtiar Chand, this Court also clarifies that there could be two registers for medical practitioners i.e., Indian Medical Register and State Medical Register. As far as the State Medical Registers are concerned the concerned State Government according to the rules will determine the required



qualification. While recognizing the rights of vaidas or hakims to prescribe allopathic medicines this Court also took into account of the fact that qualified allopathic doctors were not available in rural areas and the persons like vaidas / hakims are catering to the medical needs of residents in such areas. Hence the provision which allows them to practice modern medicine was found in the public interest. In this context *Dr. Mukhtiar Chand* holds that: "It is thus possible that in any State, the law relating to registration of practitioners of modern scientific medicine may enable a person to be enrolled on the basis of the qualifications other than the 'recognized medical qualification' which is a prerequisite only for being enrolled on the Indian Medical Register but not for registration in a State Medical Register. Even under the 1956 Act, 'recognized medical qualification' is sufficient for that purpose. That does not mean that it is indispensably essential. Persons holding 'recognized medical qualification' cannot be denied registration in any State Medical Register. But the same cannot be insisted for registration in a State Medical Register. However, a person registered in a State Medical Register cannot be enrolled on the Indian Medical Register unless he possesses 'recognized medical qualification'. This follows from a combined reading of Sections 15(1), 21(1) and 23. So by virtue of such qualifications as prescribed in a State Act and on being registered in a State Medical Register, a person will be entitled to practice allopathic medicine under Section 15(2)(b) of the 1956 Act." Based on this reasoning this Court partially overruled *A.K. Sabhapathy*, which earlier ruled that a person could practice allopathic medicine only if he possess a recognized medical qualification. In *Medical Council of India & Another v.*



State of Rajasthan and Anr. (1996) 7 SCC 731 (2 judges), it was observed that "...It would thus be clear that the basic qualification of MBBS as a primary qualification is a precondition for a candidate for being registered in the State Medical Register maintained by the State Board..." Identical view expressed in the decision in A.K. Sabhapathy on the same point having been overruled, this view in Medical Council of India vs. State of Rajasthan [supra] also stands impliedly overruled.

Coming back to the case in hand, the Division Bench in the impugned judgment relied upon A.K. Sabhapathy to deny the appellants' right to prescribe medicines or to issue sickness or death certificates and held that the appellants do not possess the 'recognized medical qualification'. In the light of the ruling in Dr. Mukhtiar Chand this view of the Division Bench cannot be sustained. Therefore there is no bar to register the name of the appellants in the State Medical Register.

Now the only issue for consideration is whether the right to issue prescription or certificates could be treated as a part of right to treat. In Dr. Mukhtiar Chand it was pointed out that "...because prescribing a drug is a concomitant right to practice a system of medicine. Therefore, in a broad sense, the right to prescribe drug of a system of medicine would be synonymous with the right to practice that system of medicine. In that sense, the right to prescribe an allopathic drug cannot be wholly divorced from the claim to practice allopathic medicine." The appellants are validly holding the right to treat certain diseases.



So their right to issue prescriptions or certificates cannot be detached from their right to treat. Such right to issue certificates or prescriptions is imbibed in the right to treat. One cannot and shall not be separated from the other. Once the right to treat is recognized, then the right to prescribe medicine or issue necessary certificate flows from it. Or else the right to treat cannot be completely protected. Hence, even assuming for a moment that the 1915 Notification is not there, still the appellants' right to prescribe medicine cannot be denied. In that view of the matter, the order of the Division Bench is set aside and that of the learned Single Judge is restored.

Therefore, the respondents shall make necessary arrangements to include the names of all the concerned Diploma holders in the State Medical Register for the limited purpose indicated therein within a period of six months from today. The appeal is allowed accordingly.

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[S. RAJENDRA BABU]

.....
[SHIVARAJ V. PATIL]

NEW DELHI,
FEBRUARY 14, 2003.





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SUPREME COURT OF INDIA
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Sulohassis Bakeshi & Ors.

Brief Cause Title

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2-4-2003

Date of receipt

2-4-2003

Date of order

7-4-2003

Date of judgment

7-4-2003

Section Officer
Supreme Court of India

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MAILED IN MY PRESENCE

7/4/03

