

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

UNSTARRED QUESTION NO:3439
ANSWERED ON:31.08.2012
MEDICAL PRACTITIONERS
Mani Shri Jose K.

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) whether India is short of qualified medical practitioners holding MBBS degree to carry forward its massive healthcare programmes including National Rural Health Mission (NRHM), if so, the details thereof;
- (b) whether the Indian Medical Council (IMC) Act expressly acknowledge and recognises the ability of the States to permit persons other than holding qualifications specified in the IMC Act and the Indian Medical Degrees Act to practice modern scientific system of medicine;
- (c) if so, the details thereof;
- (d) whether the Government has taken note of the Supreme Court judgment in Mukhtiar Chand Vs. The State of Punjab in the matter; and
- (e) if so, the details thereof along with the action taken by the Government thereon?

Answer

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABIAZAD)

(a): Yes. As per the Rural Health Statistics in India, 2011, the details indicating requirement, availability and shortfall of doctors at PHCs and CHCs are at Annexure.

(b): No.

(c): In view of (b) above, question does not arise.

(d) & (e): Yes. In this case, the Hon'ble Supreme Court looked into the controversy triggered off by the issuance of declarations by the State Governments under clause (iii) of Rule 2(ee) of the Drugs and Cosmetics Rules, 1945 which defines 'Registered Medical Practitioner'. Under such declarations, notified Vaid/Hakims claim right to prescribe Allopathic drugs covered by the Indian Drugs and Cosmetics Act, 1940. Furthermore, Vaid/Hakims who have obtained degrees in integrated courses claim right to practise allopathic system of medicine.

The Court held that rule 2 (ee)(iii) is valid. However, the benefits of the said rule and notifications issued thereunder would be available in those States where the privilege of such right to practice any system of medicine is conferred by the State Law under which practitioners of Indian Medicine are registered in the State.

In view of the ruling of the Hon'ble Court, it is for the State Governments to bring such State Law which would allow the practitioners of the Indian Medicine registered in the State to practice any system of medicine.