

Tamilnadu Medical Council

New No. 914, Old No. 569, Poonamallee High Road,
Arumbakkam, Chennai - 600 106.
Phone : 044 2626 5678 Fax : 044 2628 5678



Dr. K. SENTHIL, M.D.,
President

By Speed Post with Acknowledgement Due

Reference No: TNMC/ 361 /2020 date: 05.12.2020

Sir,subject: Amendment of the Indian Medicine Central Council (PG Ayurveda Education) Regulations, 2016, by Central Council of Indian Medicine (CCIM) allowing Ayurvedic PG pass outs to receive formal training for doing surgical procedures – Objections of Tamil Nadu Medical Council – regarding.

Greetings!

1. You are aware that recently Central Council of Indian Medicine (CCIM) amended the Indian Medicine Central Council (PG Ayurveda Education) Regulations, 2016, by allowing Ayurvedic PG pass outs to receive formal training for doing surgical procedures and the same was accepted by Ayush Ministry and is to be implemented immediately.

2. The Tamil Nadu Medical Council is very much disappointed over this move of Central Government of India. Tamil Nadu Medical Council is against mixing up of the systems of medicines. There is nothing wrong in AYUSH complementing modern medicine, but the problem comes when there is an attempt to mix two different systems of medicine. We, at Tamil Nadu Medical Council wish that, Indian native medicine system to grow on its own strength and purity, and we have no objection, if native medicine system developed its own dedicated disciplines without mixing Modern Medicine Surgical Disciplines.

3. In this regard, I would like to bring to your kind notice that, as the nomenclature for degrees MS and MD are in the schedule of Indian Medical Council Act, it becomes the property of the NMC and hence cannot be used by any other

Medical Council to notify these degrees (MD &MS), since Professional titles are important and members of Public are likely to rely on the expertise implied by those titles in choosing a Doctor and submitting themselves to treatment by that Doctor. Viewed from this perspective allowing AYUSH Doctors to use titles like MS and MD would serve to promote confusion in the minds of the members of public in choosing the Doctor from whom they can treat treatment and without doubt this is a form of unauthorized practice promotion for AYUSH Doctors. By allowing AYUSH Doctors to use the nomenclatures of degrees MS and MD, the General public is robbed of their right to make informed choice of the field of Medical system to resort for treatment, as no distinction can be easily made between Allopathy and Ayurveda, since both steams are using the same nomenclatures.

4. Moreover, as per section 3 of The Indian Medical Degrees Act, (ACT No. VII of 1916) Passed by the Indian Legislative Council), the right of conferring, granting or issuing degrees, diplomas, licenses, certificates shall be exercisable only by the authority specified in the Schedule. Thus the Indian Medical Degrees Act aptly makes it mandatory that, the nomenclature MD & MS is in the domain of NMC and cannot be copied by any other Council.

5. Further, the provisions of Section 10-1 and Section 25(1) of the National Medical Commission Act, 2019 (No 30 of 2019) inter alia, provide that the course of study which is required to be prescribed has to be approved by the Central Government in concurrence with the National Medical Commission. More over the provisions of Section 28(1) of the said act provides that unless a medical college is established with the previous permission of the Central Government on the recommendation of NMC, no medical qualification granted to any student of such medical college shall be a recognized medical qualification for the purpose of this Act.

6. Furthermore, sub section (1) to (3) of section 50 of the said act stipulates that, "there shall be a joint sitting of the Commission, the Central Council of Homoeopathy and the Central Council of Indian Medicine at least once a year, at such time and place as they mutually appoint, to enhance the interface between Homoeopathy, Indian Systems of Medicine and modern systems of medicine and the he joint sitting may, by an affirmative vote of all members present and voting, decide on approving specific educational modules or programmes that may be introduced in the undergraduate course and the postgraduate course across medical systems and promote medical pluralism."

7. Hence CCIM cannot take a decision to train Ayurvedic doctors with modern medicine / surgery unilaterally without joint meeting stipulated in section 50 of National Medical Commission Act, 2019 (No 30 of 2019).Therefore without NMC recommendations AYUSH Colleges could not grant the Recognized Degrees – MD & MS..

8. Tamil Nadu Medical Council is not against Ayurveda, but mixing the education of two systems could be dangerous. As there is no basic connection, Supreme Court and High Courts have ruled that, the cross practice per se violated the Indian Medical Council Act and not only attracted imprisonment, fine or both, but also constituted medical negligence. Thus the settled legal position restricts medical practice by trained and registered doctors strictly to their disciplines.

9. Since the notification by CCIM & Ayush Ministry contravenes the National Medical Commission Act, 2019 and bye passes the National Medical Commission, the issue has to be elaborately discussed by the National Medical Commission. Therefore, I humbly request you, to kindly convene a meeting of Medical Advisory Council and a meeting of all State Medical Councils urgently to have a elaborate discussion in the matter and to take a appropriate decision as per law and convey to Government of India. It would be better, if the meeting is with physical

presence of the members rather than a video conference, so as to enable all members to express their views without difficulties.

With regards,

Yours Sincerely,



(Dr. K. Senthil)

President - Tamil Nadu Medical Council
Member – MAC National Medical Commission

To

Dr. Suresh Chandra Sharma,
Chairman, National Medical Commission,
Pocket- 14 , Sector – 8, Dwarka Phase -1,
New Delhi – 110077

Copy to :

1. Dr. R.K. Vats, Secretary, National Medical Commission, New Delhi – 110077
2. The Hon'ble Union Minister for Health and Family Welfare, Govt of India, New Delhi
3. The Hon'ble Minister for Health and Family Welfare, Govt of Tamilnadu
4. The Union Health Secretary Health and Family Welfare dept, Govt of India, New Delhi
5. The Health Secretary Health and Family Welfare dept, Govt of Tamilnadu, Chennai
6. All members of National Medical Commission.
7. President & Registrar - All state medical council.