



प्राणामित्तः प्राणायतनात्तम्

भारतीय चिकित्सा पद्धति राष्ट्रीय आयोग

आयुष मंत्रालय, भारत सरकार

कार्यालय: 61-65, संस्थानिक क्षेत्र, जानकपुरी, डी.ब्लॉक नई दिल्ली -110058

National Commission for Indian System of Medicine

Ministry of AYUSH, Govt. of India

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Ref. No. : 7-111/2020-Regn.(Misc)

Dated: 17/01/2022

Office Order

उप सलाहकार का कार्यालय(होमोपैथिक)

Office of Deputy Advisor(H)

ई-ऑफिस नं.ई-Office No. 205648 (R)

दिनांक/Date 20/1/2022

To,

The Commissioner, Employees' State Insurance Corporation, New Delhi	The Commissioner, Employees' State Insurance Corporation, Kerala
Panchdeep Bhawan Comrade Indrajeet Gupta (CIG) Marg, New Delhi-110002.	Panchdeep Bhawan, North Swaraj Round, Thrissur, Kerala-680020.

Subject:-An order for considering the Medical/ Fitness Certificate issued by AUSS(Ayurveda, Unani, Siddha & Sowa-Rigpa) Practitioners with credibility-reg.

It is submitted that a letter no. T-13020/14/2021-DCC dated 30/12/2021 has been received from Ministry of AYUSH stating that, it has come to the notice that Ayush Practitioner are considered unauthorized to provide Medical/ Fitness Certificate by some of the organizations like ESI etc and asked to order/ issue clarification that Ayush Doctor is authorized/ entitled to issue medical certificate/ fitness certificate as per the provision of NCISM Act, 2020.

The aforesaid matter is seen as violative of the statutory right as provided under Sub-section (c) of Section 34(1) of National Commission for Indian System of Medicine Act of 2020, i.e. be entitled to sign or authenticate a medical or fitness certificate or any other certificate required by any law to be signed or authenticate by a duly qualified medical practitioner. i.e Indian System of Medicine.

As mentioned above, Section 34 (1) (c) of the NCISM Act, 2020 gives statutory right to any person who is enrolled in the State Register or the National Register, to sign or authenticate a medical certificate or any other certificate by any law to be signed or authenticated by a duly qualified medical practitioner.

The expression by any law to be signed means that this provision shall apply to and override any such law passed by either State or Central Legislative which requires a duly qualified medical practitioner to issue, sign or authenticate medical certificates. In another words the Act States that a term "duly qualified medical practitioner" shall also encapsulate the authorized practitioners of Indian system of Medicine, registered under State and National Register.

The Medical Council of India does not have any regulatory control over the practitioners of Indian System of Medicine and the same falls within the regulatory control of National Commission for Indian System of Medicine Act, 2020.

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The National Commission of Indian System of Medicine is a complete code in itself and extends to the whole of India. Therefore, being a complete code in itself it deals with the regulation of practitioners of Indian System of Medicine as defined Under 2 (h) of the NCISM Act, 2020 including rights of the practitioners. Also, the Act is also a special Act which amongst many other things deals specially with the rights of the practitioners of Indian System of medicine and hence shall override other general Acts in this regard.

In lieu of the above, Concerned Authorities are directed to take necessary action and consider the Medical/ Fitness Certificate issued by the AYUSH Practitioners with credibility.

Prof. (Vaidya) Rakesh Sharma
President, Board of Ethics and Registration,
National Commission for Indian System of Medicine

Copy to:-

1. Chairman, National Commission for Indian System of Medicine.
2. Prof. (Vaidya) Rakesh Sharma, President, Board of Ethics and Registration, National Commission for Indian System of Medicine (Government. of India) 61-65 Institutional Area, Janakpuri, New Delhi.
- ✓ 3. Dr. S.R. Chinta, Drug Policy Section, Ministry of Ayush, NBCC Office Block-III (2nd Floor), East Kidwai Nagar South Ex-I, New Delhi-23-in reference to your letter no. T-13020/14/2021-DCC dated 30/12/2021.
4. Guard File.


17.1.2022
Prof. (Vaidya) Rakesh Sharma
President, Board of Ethics and Registration,
National Commission for Indian System of Medicine