

Government of West Bengal  
Department of Health & F.W.  
Directorate of Ayurveda  
"Swasthya Bhawan" Sector-V  
GN-29, Salt Lake City  
Kolkata-700 091

No. DAY/ 241 /2022

Dated, Kolkata, April 21, 2022

From : Shyamal Chandra Mondal,  
WBCS(Exe.)  
Director of Ayurveda & Special Secretary(AYUSH)

To : (1) The Director of Health Services, WB  
(2) The Director of Medical Education, WB

Sir,

Enclosed please find herewith a letter being ref. No. 7-111/2020-Regn.(Misc) dated 07.01.2022 issued by the President, Board of Ethics & Registration, National Commission for Indian System of Medicine, which will speak for itself.

This is for your kind information and necessary action, if any.

Yours faithfully,

*Sd-*

Director of Ayurveda  
Govt. of West Bengal

No. DAY/ 241 /2022/1(5)

Dated, Kolkata, April 21, 2022

Copy forwarded for information and necessary action to the :

1. Transport Commissioner, HO, Paribahan Bhawan-1, 12, R N Mukherjee Road, Kolkata-1
2. Chief Medical of Health(All)
3. District Medical Officer, AYUSH (All)
4. Chief Municipal Health Officer, Kolkata Municipal Corporation, 5,S N Banerjee Road, Kolkata-13
- ✓ 5. I.T Cell of this Department for uploading the same in the departmental website

*Sd-*  
21.04.22

Director of Ayurveda  
Govt. of West Bengal

OLC



प्रमाणित: राजस्थान

भारतीय चिकित्सा पद्धति राष्ट्रीय आयोग  
आयुष मंत्रालय, भारत सरकार  
कमरा 61-65, संस्थान क्षेत्र, जानकपुरी, नई दिल्ली - 110058  
National Commission for Indian System of Medicine  
Ministry of AYUSH, Govt. of India  
Office: 61-65, Institutional Area, Janakpuri, D-Block, New Delhi - 110058

Phone  
Chairman: 28525166  
Secretary: 28525167  
Office: 28525168  
Registration: 28525169  
Fax: 28525170  
www.ncismindia.org  
secretary@ncismindia.org

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

दिनांक/Dated: 06.01.2022  
07

Deputy DHS  
MERT BRANCH, Govt. of West Bengal  
Swasthya Bhawan Block GN 29, Sector-5  
Salt Lake City, Kolkata-700091

Sub:- Action against order regarding fitness certificate by BAMS Practitioner at  
West Bengal-reg.

Reference-Memo No- HFW-24099/213/2021-ADMIN (A5916) dated 27/12/2021-reg.

Sir,

It has come to the notice of NCISM through Memo No- HFW-24099/213/2021-ADMIN (A5916) dated 27/12/2021 issued by you regarding inclusion of BAMS doctor to provide Medical Fitness Certificate that as per your guideline, "as per Statutory Provisions a Medical Certificate shall be issued only by someone with at least a degree of M.B.B.S and registered with Medical Council Of India, shall only be considered valid."

As, the above said direction puts thousands of practitioners of Indian System of Medicine, including B.A.M.S degree holders, registered in the state register of West Bengal, in a serious state of inconvenience because of complete deprivation of the rights of BAMS graduates as

- i. "The Paschim Banga Ayurvedic System of Medicine Act, 1961 Section 35(B) states- "a Registered Ayurvedic Practitioner shall be entitled to grant medical & physical certificates required by any law or rule to be signed or authenticated by a duly qualified practitioner or Medical Officer.
- ii. And, it is also violative of the statutory right as provided Under Sub-section (c) of Section 34(1) of National Commission of 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 authenticated by a duly qualified medical practitioner.

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 of 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 any 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 & The Paschim Banga Ayurvedic System of Medicine Act, 1961.

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 Act, 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, you are directed to withdraw the Memo No- HFW-24099/213/2021-ADMIN (A5916) issued on 27/12/2021 and issue a fresh clarification letter explicitly allowing the practitioners of Indian System of Medicine registered in the State Register of West Bengal to issue fitness certificates and or any other medical certificates as required by any other law in this regard.

*Rant* 06/01/2022

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

Copy to:-

1. Secretary AYUSH, GPO Complex, B Block, INA Colony, New Delhi, Delhi 110023
2. Chairperson, National Commission for Indian System of Medicine, New Delhi.
3. The Presidents- all Boards (through email).
4. The Registrars of all States Boards (through email).
5. Assistant Director, Ayush Education Policy (I, II, III) GPO Complex, B Block, INA Colony, New Delhi, Delhi 110023
6. Dr. Sumit Sur -nasyabengal@gmail.com-in reference to your email dated 29/12/2022 for information.
7. Dr. Anand. T. Gudivada, Medical Superintendent, C.G.H.S. Ayurvedic Hospital, Ministry of Health & Family Welfare, CGHS Building, Aliganj, Lodhi Road, New Delhi-110003.
8. Guard file.

*Rant* 06/01/2022

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