

Why did NCISM clarify the use of the term 'quack'?

Why has the regulatory body said? Are Indian System of Medicine doctors equivalent to MBBS doctors? Why is the clarification significant?

BINDU SHAJAN PERAPPADAN

The circular recognises that practitioners registered under the NCISM Act are legally recognised medical practitioners within their own systems of medicine

The story so far:

On July 29, the National Commission for Indian System of Medicine (NCISM) issued a circular clarifying that qualified and registered practitioners of India's recognised systems of traditional medicine cannot legally be described as "quacks" or "bogus doctors" simply because they practise the Indian System of Medicine (ISM).

What is NCISM?

NCISM is the statutory regulator established under the National Commission for Indian System of Medicine Act, 2020, to oversee medical education, professional standards, and the registration of practitioners in India's recognised traditional systems of medicine — Ayurveda, Unani, Siddha, and Sowa-Rigpa.

What does its circular say and why was it issued?

It says doctors who hold recognised qualifications such as Bachelor of Ayurvedic Medicine and Surgery, Bachelor of Unani Medicine and Surgery, Bachelor of Siddha Medicine and Surgery, or Bachelor of Sowa-Rigpa Medicine and Surgery, and are registered under the provisions of the National Commission for Indian System of Medicine Act, are legally recognised medical practitioners and cannot be called "quacks" or "bogus doctors".

NCISM said it had received reports that registered practitioners of ISM were being labelled as "quacks" or "fake doctors", being targeted through public notices, criticised in the media, and subjected to harassment in public forums. NCISM said the clarification was intended to affirm their legal status and discourage such characterisations.

The clarification also draws a distinction between qualified, registered ISM practitioners and unqualified individuals who falsely claim to practise medicine. NCISM said its aim was to prevent misinformation, protect the professional standing of registered practitioners, and ensure that action against fraudulent medical practice is not confused with the lawful practice of recognised ISM.

Does this mean ISM doctors are equivalent to MBBS doctors?

Not exactly. The circular recognises that practitioners registered under the NCISM Act are legally recognised medical practitioners within their own systems of medicine. It does not erase the distinction between different systems of medical education or automatically grant practitioners the legal authority to practise modern medicine in every circumstance.

Whether an Ayurveda, Unani, Siddha, or Sowa-Rigpa practitioner can prescribe allopathic medicines or practise modern medicine depends on the laws of the relevant State, specific statutory provisions, government notifications, and court rulings applicable in that jurisdiction.

The law also draws a clear distinction between practising ISM and practising modern (allopathic) medicine. In *Poonam Verma v. Ashwin Patel* (1996), the Supreme Court ruled that a homeopathic doctor treating a patient with allopathic medicines was guilty of negligence, observing that a person practising in a system of medicine for which they are not qualified is effectively acting without authority. In *Dr. Mukhtiar Chand & Others v. State of Punjab* (1998), the Court held that practitioners of Ayurveda, Siddha, and Unani cannot practise allopathic medicine solely on the strength of their qualifications. The Court clarified that cross-practice is permissible only where it is specifically authorised under law, including through State government notifications issued under the Drugs and Cosmetics Rules.

Who is a 'quack'?

In common usage, a "quack" generally refers to someone who falsely claims to be medically qualified or practises medicine without the required qualifications or legal registration. While there is no official nationwide estimate of the number of quacks in India, the Health Ministry has informed Parliament on multiple occasions that health is a State subject, and identifying and taking action against unqualified medical practitioners is the responsibility of State governments and State Medical Councils.

Why is this circular significant?

It reaffirms the statutory recognition of Ayurveda, Unani, Siddha and Sowa-Rigpa practitioners under the NCISM Act, distinguishes between registered practitioners of recognised ISM and unqualified individuals who falsely claim to practise medicine, and also makes clear that legal recognition as an ISM practitioner does not immediately extend to the practice of modern medicine.