

No. HSR-H(Complaint)5/2013-IV -27-34
DIRECTORATE OF HEALTH SAFETY AND REGULATION HP
RED CROSS BHAWAN NEAR RAJ BHAWAN SHIMLA-2

To

All the Chief Medical Officers
Himachal Pradesh

The State Drug Controller,
Baddi, Himachal Pradesh

Dated Shimla-2, the



Subject:-

लोगो की जिदगी से खिलवाड़ कर रहे हैं सड़क पर बैठे झोला छाप डाक्टर News
caption dated 02/04/2021.

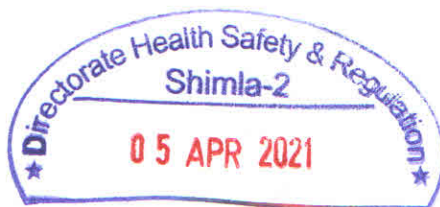
Sir/Ma'am,


This is in 2021, continuation to the earlier letter of even number dated 16th March 2021, 6th March 2021, 27th January 2021 and 3rd October 2021 regarding action taken report on curbing the practice of fake/illegal medical practitioners/Jholachap Doctors/Bengali Doctors in H.P.

Kindly find attached herewith copy of news caption on the above cited subject dated 2nd April 2021 wherein Jholachap Vaid is doing legal practice in Rohroo Sub Division, District Shimla.

You are hereby once again requested to ensure that surprise inspection/raids be conducted in your respective jurisdiction so that such illegal/fake practitioners are nabbed at the very outset. For any assistance/support, Block Medical Officers be directed to coordinate with local administration.

Yours faithfully,





Sumit Khimta (HPAS)
Director
Health Safety & Regulation
Himachal Pradesh
Dated Shimla-02 the:

Encl-As above(1 page)

Endst. No. As above - 27-34

Copy for information and necessary action to:-

1. The Secretary Health to the Govt. of Himachal Pradesh for information please.
2. The Director Health Services H.P. Shimla-09
3. The Director Ayurveda H.P. Shimla-09.
4. All the Deputy Commissioners in H.P.
4. All the Superintendents of Police in H.P.
5. The Programmer DHSR with the direction to upload this letter in department website.


Sumit Khimta (HPAS)
Director
Health Safety & Regulation
Himachal Pradesh

लोग भी इनके झांसे में फंस रहे हैं व अपने खून पसीने की कमाई बर्बाद कर रहे हैं। शुक्रवार को जब इसकी भनक प्रशासन को लगी तो तुरंत पुलिस को आदेश कर इन झोला छाप डाक्टरों को शहर से खदेड़ गया। एस.डी.एम. रोहड बाबू राम शर्मा ने बताया कि लोग इस तरह के किसी भी डाक्टर व वैद्य के चक्कर में न फंसे, क्योंकि बिना डिग्री के यह झोला छाप की दवाई से उल्टा असर भी पड़ सकता है। इसलिए इनके चंगुल में न फंसे। उन्होंने कहा कि यदि शहर या गांव कस्बे में भी इस तरह से कोई बाहरी बैठा है, तो इसकी सूचना प्रशासन को दे।

13 th Apr
14 th Apr
15 th Apr
16 th Apr
21 st April
14 th May
26 May
21 st June

R.D. Dhiman, IAS

(Health)

D.O.No.Health-C-B(15)4/2019
Dated: Shimla-2, 18th Aug, 2020.

It has been noticed that there are many fake private medical practitioners/Bengoli Doctors/Jholachap Doctors in the State. They are selling allopathic drugs to the patients and are health quackery, especially in rural areas without any registration and thereby endangering the Health & Safety of the general public at large.

The Hon'ble Health and Family Welfare & Ayurveda Minister to Government of Himachal Pradesh, Dr. Rajiv Sehgal has expressed serious concern about this and has desired that such fake and illegal medical practitioners should be identified and strict action be taken against them.

1. The **Clinical Establishment (Registration and Regulation) Act, 2010** (hereinafter referred to as "Act") has been enacted to provide for registration & regulation of Clinical Establishment in the country with a view to prescribe the minimum standards of facilities and services provided by them.

Section 11 of Act mandates the registration of Clinical Establishment in accordance with the provisions of the Act.

Section 40 provides for imposition of fine upon persons contravening any provisions of the Act which may extend to Ten Thousand Rupees for the first offence and for any second offence with fine which may extend to Fifteen Thousand Rupees and for any subsequent offence with fine which may extend to Five Lakh Rupees.

Section 41 provides for monetary penalty for non registration up to Fifty Thousand Rupees on first contravention, for second contravention with a monetary penalty which may extend to Two Lakh Rupees and for any subsequent contravention with a monetary penalty which may extend to Five Lakh Rupees.

As per **Section 41(2)** whoever knowingly serves in non-registered Clinical Establishment under this Act, shall be liable to monetary penalty which may extend to Twenty Five Thousand Rupees.

(4)

As per **Section 42** of the Act provides for imposition of monetary penalty which may extend to Five Lakh Rupees for disobedience of direction, obstruction and refusal of information.

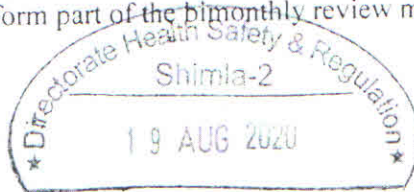
As per **Section 43** provides for imposition of fine which may extend to Ten Thousand Rupees for minor deficiencies.

Under all these Sections as quoted above, the power to impose fine has been vested on the District Registering Authority (Clinical Establishment Act.) -cum Chief Medical Officer of the respective District and necessary proceedings in that regard have to be initiated by the concerned office

1. As per **Section 27 (b) (ii) of the Drugs and Cosmetic Act**, if any unauthorized person (as per section 18 C) is found Selling or Distributing Allopathic medicines there is provision of imprisonment for a period of three to five years with fine not less than one lac rupees or three times the value of drugs confiscated, whichever is more. In such cases, the power to launch prosecutions is vested with respective drug inspectors.

You all are therefore, requested to identify the fake/ illegal medical practitioners/Jholachap Doctors/Bengali Doctors within your jurisdiction involving local Drugs Inspector, all other staff in the field and take action in the light of the provisions mentioned herein above under the **Clinical Establishment (Registration and Regulation) Act, 2010 AND/OR The Drugs and Cosmetic Act 1940**.

The action taken in this regard shall also be shared with this office as well The Director Health Safety & Regulations, on quarterly basis. It has also been decided that this item shall form part of the bimonthly review meetings of CMOs.



Yours Sincerely


(R.D. Dhiman)

Disp. No - 279/- 2803

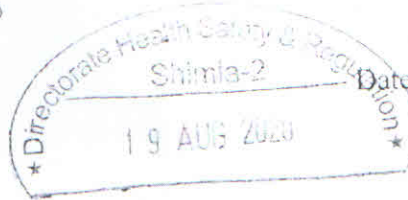
To: All CMOs and State Drug Controller, H.P.

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(024)

Dist No-2791-2803

Endst. No. As above.
Aug, 2020.



Dated: Shimla-2, the 18th

Copy to:-

1. Director, Health Services, Kasumpti, Shimla-9 for your information and necessary action.
2. Director, Health Safety & Regulation, Red Cross Bhavan, Shimla-2 for your information and necessary action.

✓

(R.D.Dhiman)
Addl. Chief Secretary (Health) to the
Government of Himachal Pradesh, Shimla-2.

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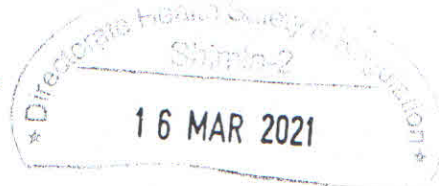
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No. HSR-H(Complaint)5/2013-IV - 9462-63
DIRECTORATE OF HEALTH SAFETY AND REGULATION HP
RED CROSS BHAWAN NEAR RAJ BHAWAN SHIMLA-2

To

The District Registering Authority(Clinical Estt.)-cum-
Chief Medical Officers
Himachal Pradesh

The State Drug Controller,
Baddi, Himachal Pradesh



Dated Shimla-2, the

Subject:-

Curbing the practice of fake/illegal medical practitioners/Jholachap
Doctors/Bengali Doctors in H.P., action taken report thereof.

Sir/Ma'am,

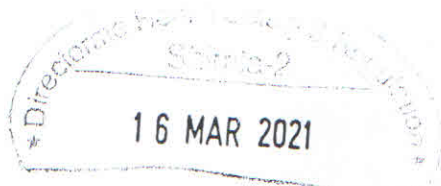
Your kind attention is invited towards this office letter of even no dated
03/10/2020, 27/01/2021 and 06/03/2021 and DO letter No. Health-C-B(15)4/2019 dated 18th
August 2020 from Sh. R.D. Dhiman, the then Additional Chief Secretary (Health) to the
Government of H.P. that was addressed to all the Chief Medical Officers and the State Drugs
Controller, H.P. (copy enclosed for reference).

You are therefore once again requested to identify such illegal medical
practitioners/Jholachap Doctors/Bengali Doctors in H.P. and also share the action taken report as
per prescribed format on or before 12th of October, January, April and June every year through
email at dhsrshimla@gmail.com.

Sr. No.	Total illegal Practitioners (Number)	Medical identified	Action Taken on illegal Medical Practitioners identified (Number)		If against No 04, the number. ≥ 1 then complete details (Name, Address, Legal Provisions of the Act etc) of the practitioners and action taken	Remarks (if any)
	During the Quarter	Cumulative Year 20_	During the Quarter	Cumulative Year 20_		
01	02	03	04	05	06	07

Besides, the Minutes of the Meeting of the District Registering Authority held
during the corresponding quarter be also shared and all the provisions of Clinical Establishments
(Registration & Regulation) Act, 2010 and Rules framed there in under be implemented in letter
and spirit in your respective jurisdiction.

Yours faithfully,



Sh. Sumit Khimta (HAS)
Director
Health Safety & Regulation
Himachal Pradesh
Dated Shimla-02 the:

Endst. No. As above - 9462-63

Copy to the Secretary Health to the Govt. of Himachal Pradesh for information please.

Sh. Sumit Khimta (HAS)
Director



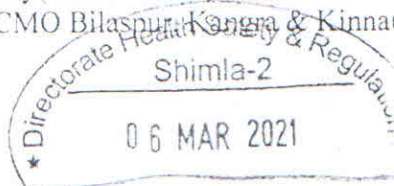
Through Email
Most Urgent
Reminder

No. HSR-H(Complaint)5/2013-IV -9062-64
DIRECTORATE OF HEALTH SAFETY AND REGULATION HP
RED CROSS BHAWAN NEAR RAJ BHAWAN SHIMLA-2

To

The District Registering Authority(Clinical Estt.)-cum-
Chief Medical Officer,(except CMO Bilaspur Kangra & Kinnaur)
Himachal Pradesh

The State Drug Controller,
Baddi, Himachal Pradesh



Dated Shimla-2, the

Subject:- Effective implementation of Clinical Establishment (Registration & Regulation) Act, 2010 and Rules framed there in under.

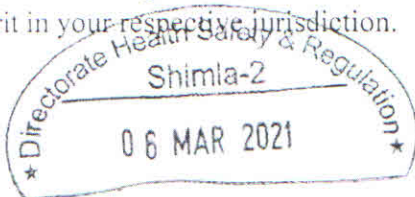
Sir/Ma'am,

Your attention is invited towards this office letter of even no. 7734-7735 dated 27/01/2021 vide which you were requested to identify the illegal Medical Practitioners/Jholachap Doctors/Bengali Doctors in Himachal Pradesh and also share the Quarterly action taken report as per prescribed format on or before 12th of October, January, April and June but the report of the 3rd Quarter, 2020-21 has not been received from you till date.

You are therefore once again requested to share the action taken report as per format below within seven days through email at dhshrshimla@gmail.com.

Sr. No.	Total illegal Practitioners (Number)	Medical identified	Action Taken on illegal Medical Practitioners identified (Number)		If against No 04, the number. ≥1 then complete details (Name, Address, Legal Provisions of the Act etc) of the practitioners and action taken	Remarks (if any)
	During the Quarter	Cumulative Year 20_	During the Quarter	Cumulative Year 20_		
01	02	03	04	05	06	07

Besides, the Minutes of the Meeting of the District Registering Authority held during the corresponding quarter be also shared and all the provisions of Clinical Establishments (Registration & Regulation) Act, 2010 and Rules framed there in under be implemented in letter and spirit in your respective jurisdiction.



Yours faithfully,

Sh. Sumit Khimta (HAS)
Director
Health Safety & Regulation
Himachal Pradesh
Dated Shimla-02 the:

Endst. No. As above -9062-64
Copy to the secretary Health to the Govt. of Himachal Pradesh for information please.

Sh. Sumit Khimta (HAS)
Director
Health Safety & Regulation
Himachal Pradesh





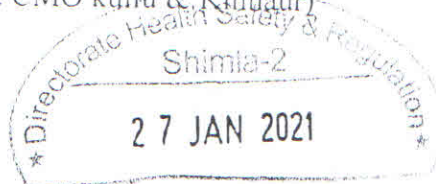
Through Email
Most Urgent

No. HS it/5/2013-IV - 7734-35
DIRECTORATE OF HEALTH SAFETY AND REGULATION HP
RED CROSS BHAWAN NEAR RAJ BHAWAN SHIMLA-2

To

The District Registering Authority (Clinical Estt.)-cum-
Chief Medical Officer, (except CMO kullu & Kinnaur)
Himachal Pradesh

The State Drug Controller,
Baddi, Himachal Pradesh



Dated Shimla-2, the

Subject:-

Effective implementation of Clinical Establishment (Registration & Regulation) Act, 2010 and Rules framed there in under.

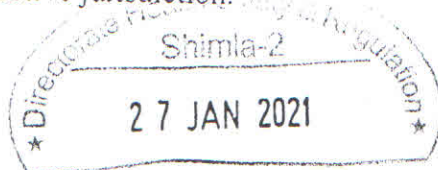
Sir/Ma'am,

Your attention is invited towards this office letter of even no. 3998-4001 dated 3rd October, 2020 vide which you were requested to identify the illegal Medical Practitioners/Jholachap Doctors/Bengali Doctors in Himachal Pradesh and also share the Quarterly action taken report as per prescribed format on or before 12th of October, January, April and June but the report of the 3rd Quarter, 2020-21 has not been received from you till date.

You are therefore once again requested to share the action taken report as per format below within seven days through email at dhsrshimla@gmail.com.

Sr. No.	Total illegal Practitioners (Number)	Medical identified	Action Taken on illegal Medical Practitioners identified (Number)		If against No 04, the number. ≥1 then complete details (Name, Address, Legal Provisions of the Act etc) of the practitioners and action taken	Remarks (if any)
	During the Quarter	Cumulative Year 20_	During the Quarter	Cumulative Year 20_		
01	02	03	04	05	06	07

Besides, the Minutes of the Meeting of the District Registering Authority held during the corresponding quarter be also shared and all the provisions of Clinical Establishments (Registration & Regulation) Act, 2010 and Rules framed there in under be implemented in letter and spirit in your respective jurisdiction.



Yours faithfully,

Sh. Sumit Khimta (HAS)
Director
Health Safety & Regulation
Himachal Pradesh
Dated Shimla-02 the:

Endst. No. As above - 7734-35

Copy to the secretary Health to the Govt. of Himachal Pradesh for information please.

Sh. Sumit Khimta (HAS)
Director
Health Safety & Regulation
Himachal Pradesh

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No. HSR- H (Complaints) 5/2013-IV -3998 - 4001
Directorate Health Safety & Regulations
Red Cross Bhawan, Shimla -02

To

All the Chief Medical Officers,
Himachal Pradesh.

03 OCT 2020

The State Drug Controller,
Baddi, Himachal Pradesh

Dated Shimla-2, the

Subject: -

Curbing the practice of fake/ illegal medical practitioners/
Jholachap Doctors/Bengali Doctors in H.P., action taken report
thereof.

Sir/Ma'am

Your kind attention is invited towards the DO letter No. Health
-C-B (15)4/2019 dated 18th August 2020 from Sh. R.D. Dhiman, the then Additional Chief
Secretary (Health) to the Government of H.P. that was addressed to all the Chief Medical
Officers and the State Drugs Controller, Himachal Pradesh.

In the said DO letter detailed legal provisions under the
Clinical Establishment (Registration and Regulation) Act, 2010 and Drugs & Cosmetic
Act, 1940 were shared with the request to identify such illegal medical practioners, take
appropriate action and also share the action taken report in this regard with the Director
Health Safety & Regulations on Quarterly basis. It has also been decided that this item shall
form part of the bimonthly review meetings of CMOs.

In this regard, You are hereby requested to share the **action
taken report** as per format below on or before **12th of October, January, April and June
every year** through email at **dhsrshimla@gmail.com** henceforth:-

Sr. No	Total illegal Medical Practioners identified (Number)		Action taken on illegal Medical Practioners identified (Number)		If against No 04, the Number. is ≥ 1 then complete details (Name, Address, Legal Provisions of the Act etc) of the practioners and action taken	Remarks (if any)
	During the Quarter	Cumulative Year 20__	During the Quarter	Cumulative Year 20__		
01	02	03	04	05	06	07

Kindly ensure strict compliance in this matter.


Director
Health Safety & Regulation
Himachal Pradesh