

12

KENYA
50544

360

50577
REC
306120

Filed
by

1920

REPTR

MEDICAL PRACTITIONERS
ADMISSION OF INDIAN STANDARDS

Encloses memo. by P.M.O. Shree. His opposition to adoption of Indian standards. Suggests however inclusion of clause in Medical Practitioners' Act regarding extension of licence of a Retired Asst. or Sub Asst. Surgeon to enable him to undertake private practice after discontinuous Govt work.

Mr. P. S. ...
...

At present the Government ...
... may be ...
... for ...
... to ...
... of the ...
... to ...
... cases.

... people ...
... only ...
... and ...
... loyalty ...
... of the ...
... of service ...
... wishes ...

Copy to ...

Disapproval; he could well have carried
 on without them, & I only remember one
 man flouting about every way not having
 a single good reason.

If it is proposed to allow the Secretary
 our London Club regard to the London Club
 the only thing that is not common to
 the two is that they are not to be
 permitted to transfer the ground to any
 other person. The answer should be
 that the Club may have been in the
 past among the persons to whom a special
 opportunity for judging his suitability,
 but I do not think that this would be proved
 final.

Further,

(a) To extend the license of Mr. Nathan
 which if you will, and for such to make
 it final.

(b) The removal of the name at the end of their
 work of life comes to a complete stop
 both in the world.

One would like to have some persons
 but on the whole I do not think
 should be done. It is a pity.

I rather share Mr. Bottenley's views, though I
 should be disposed to risk the ill-feeling to which he
 refers under (a) above if it seemed worth while on other
 grounds; but this is a useful paper to have in hand when
 you meet the deputation from the B.M.A. tomorrow.

It will, of course, be understood that these Sub-Assistant Surgeons are none of them men who hold an Indian qualification that should entitle them to be placed on the British Register; whereas the Ceylonese, about whom we telegraphed the other day, would. All of them hold a licence in Medicine and Surgery of the Colombo Medical College, which is a qualification registrable in this country.

ME 27/1/20

see on p. 2
22488

H. J. R.
1/27/20

NAIROBI.
 50577
 24 September, 1920.
 REC^d
 RES^d 13 OCT 20

My Lord,

Ans/22778

Memorial

9-8-1920.

Prin. Med. Off.

39-7-1920.

I have the honour to refer to Your Lordship's despatch No. 257 of the 13th May and to forward a copy of the memorial from certain Sub Assistant Surgeons serving under this Administration, which was addressed to Sir Charles Bowring in February last on the subject of the admission of Indian standards for medical practitioners in East Africa.

2. There appeared to be force in the petitioners' contention of differential treatment as Government Servants and private individuals. Application was, therefore, made to the Director-General of the Indian Medical Service, and through his assistance the relative legislation and rules adopted by the Bengal, Bombay, Madras, Assam and United Provinces authorities were obtained and forwarded to the Principal Medical Officer. Doctor Milne's opinion, after considering these documents, is contained in the accompanying memorandum and I share his opposition to the adoption of Indian standards for the medical profession in this Colony.

Yours

RIGHT HONOURABLE
 VISCOUNT MILNER, P.C., C.C.S., G.C.M.G., &c., &c.,
 SECRETARY OF STATE FOR THE COLONIES,
 DOWNING STREET,
 LONDON, S.W.

It is an undoubted anomaly, however, that a retired Assistant Surgeon or Sub Assistant Surgeon, who has performed meritorious service for Government, should be disallowed the privilege of private practice on his retirement from public employment, and I would suggest that a clause might be included in Section 9 paragraph 2 of the Medical Practitioners and Dentists Ordinance, empowering the Board to extend the licences after the time named, should any applicant be considered suitable for this concession.

3. The subject formed part of my discussions with Your Lordship in connection with Indian policy and I desire to quote an extract bearing on the point at issue from the statement recently made by me to the Indian Association :-

"The question of medical and legal practice in the Colony is raised in the same memorial. The position in regard to medical practice is determined by the Medical Practitioners and Dentists Ordinance 1910, which was sanctioned after consultation with the General Council of Medical Education and Registration and the British Medical Association.

The greatest objection by the General Council in considering any medical diplomas brought before them and there is no reason to doubt that

"the holder of any diploma which is a guarantee
 "of fitness to practise would be declared by the
 "Council to be eligible for registration in the
 "United Kingdom.

"The existing Ordinance already provides
 "for the practice of systems of therapeutics
 "according to Native, Indian, or other Asiatic
 "method by persons recognised by the community
 "to which they belong to be duly trained in such
 "practice and Lord Milner is not therefore
 "disposed to suggest any amendment of the
 "Ordinance."

4. This pronouncement covers the issue under
 review and I do not propose to send any further reply
 to the petitioners unless they express a desire for
 a separate answer to their particular grievances.
 As the Indian Overseas Association has approached
 Your Lordship, however, on the subject of the
 recognition of Indian Medical degrees in East
 Africa, I consider it advisable to forward, for
 information, a copy of the memorial from local
 Sub Assistant Surgeons in Government employ.

I have the honour to be,
 Your Lordship's
 humble, obedient servant,

Edward Northey

GOVERNOR.

10/11/20 25.9. 02A

Nairobi,

9th February, 1920.

May it please Your Excellency,

The undersigned Sub-Assistant Surgeons of the Medical Department of this Protectorate most humbly and respectfully beg to submit the following memorial for favourable consideration of Your Excellency.

Most if not All of us are recruited from India for service in this Protectorate and some of us have completed over 12 years service in this Protectorate.

Recently one of us retired from the service and applied for permission to practise as a Medical man in this Protectorate but was informed by Honourable Colonel A.B.Milne C.M.G., that he would not be allowed to do so because the Medical Practitioner's Ordinance 1910 makes no provision for allowing Sub-Assistant Surgeons to practise in this Protectorate. A copy of the said application and letter of the Principal Medical Officer is annexed hereto for Your Excellency's perusal.

Your Excellency's memorialists submit that this restriction against us is not only unfair and disadvantageous to us but is also detrimental to the public interest of this country especially at the present time when there is dearth of Medical men in this Protectorate. It is also somewhat anomalous that a Sub-Assistant Surgeon while in Government service is considered fit to administer to the Medical

means

means of Districts in this Protectorate, the moment he retires after years of honourable service he should be forthwith considered unfit and unable to do the same work which he carried out as a servant of the Government.

We confidently believe that the Superior Medical Authorities are not averse to granting to us liberty to practise privately after our retirement in the same way as we practise while in Government service. But we are given to understand that unless necessary modifications are introduced in the present legislation they are unable to do so.

We therefore humbly beg to approach your Excellency with the request that your Excellency be graciously pleased to order the initiation of the necessary amendments to the present Ordinance whereby the existing disability imposed upon us be removed.

We feel certain that Your Excellency will not allow any continuance of this hardship whereby a man who has done honest work for the Government for a number of years is compelled on his retirement to leave a sphere where he will be of use to the public as well as to himself and to go into a country from which he has been absent for the best period of his life and where he could naturally be of little use in the process.

We respectfully beg for Your Excellency's long life and prosperity.

C. BOWRING, F.C.M.S., F.A.C.S.,
GOVERNOR, NAIROBI, K.A.F.
THE HON. LT. COL. MILNE, C.M.G.,
P.M.O., K.A.F.

We beg to remain, &c.,
Sd/- Milk Ram,
1st class S.A.S., I.M.B. and
24 others.

Minu Villa,

Duke Street, 367

Nairobi, November 3rd, 1919.

Respected Sir,

I most respectfully beg to request your honour to take it in favourable consideration the following few lines.

From the 1st of last month I am on pensioner's list of the Government servants of the East Africa Protectorate, and expect to practise privately in British East Africa. I respectfully request you to allow me to do so and very kindly oblige me by granting a license vide section 9 (2) of the Medical Practitioners and Dentists Ordinance of 1910.

I had served under you for good 19 years and tried my best to satisfy you thoroughly.

In my humble opinion there should absolutely be no objection on the part of the Government to my practising in this country wherever it would be suitable to my health and old age, as I did so many years as a Government servant (Sub Assistant Surgeon); and, the more, I should have the right to practise because still I am a Government servant, though on retired list, and have to abide by the code of regulations and other rules affecting the Government servants.

I therefore hope that I will be issued a license on usual payments and thanking your honour in

HONOURABLE,
COLONEL A. D. MILNE,
P.M.O. REGISTRAR,
NAIROBI.

Yours faithfully,
S. V. PANTWALDYA,
SUB ASSISTANT SURGEON.

(COPY)

P.O. Box No. 140

Tel. No. 420.

No. P/416.

368

MEDICAL DEPARTMENT,
HEAD OFFICES,

Nairobi, 1st December, 1919.

Mr. S. Pantvaidya,

Nairobi

I regret the delay in replying to your letter of November 3rd due largely to the difficulty of consulting the Solicitor General.

I have to inform you that you cannot be registered in this Colony as your qualifications do not come under those laid down in Section 5 of the Medical Practitioners and Druggists Ordinance. Though you are on the pensioners list, you are no longer in Government service and are not covered by Section 9.

Sd/- A. P. MILNE,

PRINCIPAL MEDICAL OFFICER.

P. A. P.

MEDICAL DEPARTMENT,
HEAD OFFICE,
BARRACK, 29th July 1920.

Sir,

Ref. Spl. No. S. 1102/8a, d/- 14.6.20.

The position presented by the Sub Assistant Surgeons in this service, requesting that the Medical Practitioners and Dentists Ordinance 1911 be amended so as to allow of their names being registered rather a very serious question. It seems to me that it is one which will have to be considered when the pronouncement is made on the general policy to be followed in regard to Asiatics.

The broad issue at stake is this - is the standard of medical efficiency in this country to remain as it is now, and as legislated for on the same basis as laid down for England; or are we to adopt the standards laid down by the Indian Governments for India. To accept the latter means putting on a footing of complete equality those Sub Assistant Surgeons who hold certificates from certain recognised colleges in India. These men hold their certificates on a 3 years' course of training, as against the 5 years' course presented by the British Medical Council. I personally am entirely against the proposal, and in this I feel I am backed by the whole consensus of opinion of the medical fraternity out here.

I think it would be very advisable to obtain the opinion of the Hon. Attorney General, as to whether we are bound to follow India's lead in this matter. (2) as

I have the honour to be,
Sir,
Your obedient servant,

SENIOR SECRETARY,
BARRACK,

PRINCIPAL MEDICAL OFFICER,

Downing Street,

370

15th November, 1930.

Sir,

I have the honour to acknowledge the receipt of your despatch, No. 1042 of the 24th of September, forwarding a copy of a memorial from certain sub-Assistant Surgeons on the subject of the admission of Indian Standards for medical practitioners in East Africa, and to inform you that I approve the inclusion in Section 9, paragraph 2 of the Medical Practitioners and Dentists Ordinance, 1930, of a clause as proposed by you in paragraph 2 of your despatch.

I have etc.,

(SGD.). MILNER.

FOR,

GENERAL SIR E. MORTREY, K.C.M.G., C.B.,

cc. cc. cc.