Annexure- 'A' (8)

No.V.25011/276/2009-HR
Government of India
Ministry of Health and Family Welfare
Department of Health Research

Nirman Bhawan, New Delhi
Dated 5th May 2010

ORDER

This order is passed in pursuance of High Court of Allahabad order dated 3.8.2009 in Civil Miscellaneous Writ Petition No. 31904 of 1991, in which the Court has directed that, "the petitioner may file a fresh representation before the Ministry of Health & Family Welfare, New Delhi, bringing on record various orders passed by various High Courts and that of the Supreme Court. If such a representation is made with regard to recognition of the course, the authority will consider and decide that matter by a reasoned and speaking order within six months from the date of the production of a certified copy of this order with the representation. If necessary, the petitioner would be accorded personal opportunity of hearing by the respondents".

The NEHM through Dr N K Awasthy filed a representation dated 28.10.2009 before the Secretary, which was received on 31.11.2009. The major issues raised in this representation are as follows:

1. Electropathy is a medical system based on herbal and its medicines are prepared from medicinal plants with the help of distilled water. Its medicines are therefore 100% safe and curative.
2. Not a single complaint/ case has been reported/ registered with the Government regarding death of any patient.
3. There have been various Court judgments supporting electropathy. In support of this contention, the representation has annexed copies of orders relating to these cases.
4. Apart from the Court cases, the representation has also submitted affiliation with World Council, Reports of GB Pant University of Agriculture & Technology, letters from Deputy Minister of Health & Family Welfare dated 14.6.91 & 17.6.91, letter from Government Medical Councils, answers to Parliament questions, notification of directorate of health services, Government of NCT of Delhi, private member bill, letter from former Minister of Health & Family Welfare, article published in the Indian Journal of Veterinary Medicine, Punjab Agricultural Magazine, Ludhiana, Notification of J &K Government and letter of SSP Agra (UP), letter of Government of MP, as well as some publications (books & magazines) on electropathy.
5. Dr Awasthy has represented that the Health Ministry should honour the judgment and give shelter to Electropathy Medical System by permitting NEHM for promotion, development & Research (Education & Practice) in Electropathy Medical System at least initially for 15 years so that the necessary criteria for the recognition of a new medical system may be achieved without any hindrances.

6. The representation was examined in the Ministry. The facts are as follows:

The following orders of the Court have been submitted:

i) Order dated 14.8.92 within Suit No 27 of 1992 by Additional District Judge, Delhi has directed that No public notice be issued concerning the activity of the plaintiff during the pendency of the suit.

ii) Order of High Court of Delhi dated November 1998, in FAO No. 1205 of 1998: In public notice it will not be stated that the persons possessing the diploma/ certificates from the respondent No 10 are not entitled to practice Electro Homeopathy system of Medicine.

iii) Order of Hon'ble Supreme Court made on 12.01.2000 in SLP No 11262/2000 (Union of India vs Naturo Electro Homeo Medicose of India):

"Learned counsel for the respondent has pointed out that as per his instructions the order made by the High Court in C.W.P No. 4015/96 to the extent indicated at page 4 of the paper book has been accepted by the petitioners and in view of the matter the impugned direction given by the High court is unexceptionable"

"In view of the order made by us on 12.10.2000 and that no proceedings having been initiated, challenging the order made in the C.W.P No.4015/96, we decline to entertain the matter."

iv) Order of High Court of Jabalpur, MP: 2957/94 dated 19.3.1999 which essentially stated that the degree/diploma obtained by them are not recognized under any law. The practice in alternative system of medicine is not regulated by any stature & hence in the absence of regulation/ prohibition they cannot be asked to stop practice. No legislation governing practice or teaching in alternate system of medicine has been enacted either by the Union or the State. In this case the MP Government has taken action under the MP Ayurvigyan Parished Adhiniyam 1990. The Court held that this Act applies only to allopathic system of medicine and also stated that no other law was brought to the notice of the Court. So long as a valid law is not made regulating this branch, therefore stopping the petitioners from practicing in alternative system of medicine or imparting education is illegal.

v) Order of High Court of Madhya Pradesh at Jabalpur bench, Gwalior in WP No 2462/08 in which directions were given that orders in WP 2957/94 shall apply.

Apart from the above, Letter D.O. No. 2921/ DM (H&FW)91/VIP dated 17.6.1991 from Dasai Chowdhry, Deputy Minister of Health & Family Welfare to Shri Jagannath Singh , MP has been annexed, which states that:

"I have authorized N E H M of INDIA for the Development Promotion & Research of electropathy in India"

The Government of India issued an Order No. R. 14015/25/96-U & H(R) (pt) dated 25th November 2003, based on the recommendations of a "Standing Committee of Experts" under the chairmanship of Director General ICMR, set up by the Government of India. Based on the recommendations of the Committee, the Government of India has given the following orders:

The committee did not recommend recognition to alternative medicines except Ayurveda, Siddha, Unani, Homeopathy & Yoga & Naturopathy which were found to fulfill the essential & desirable criteria developed by the Committee for recognition of a system of medicine.

The Committee further recommended that all systems of medicine not recognized as separate systems should not be allowed to continue full time Bachelor and Masters degrees and the term doctor should be used only by practitioners of systems of medicine recognized by Government of India. Those considered as mode of therapy can be conducted as certificate coursers for registered medical practitioners.

The Committee, however, recommended that certain practices as Acupuncture which qualified as modes of therapy, could be allowed to be practised by registered practitioners or appropriately trained personnel.

The Committee, based on the essential & desirable criteria, did not find electropathy to qualify as a system of medicine. Therefore, it is clear that, in accordance with this order, electropathy cannot run full time Bachelor and Masters degrees and those practicing this cannot use the term "doctor".

NEHM, as per the document submitted by them is conducting diploma and certificate courses, and not running full time Bachelor and Masters degrees.

In so far as recognizing the courses run by them, it is clarified that the concerned boards/statutory bodies like the Medical Council, give recognition to courses. Since electropathy is not recognized as a system of medicine, there is no system for recognition of any course run by them in the Health Ministry.

NEHM, has also not submitted any document according to which they fulfill the essential & desirable criteria developed by the Committee for recognition of a system of medicine.

However, the Order No. R. 14015/25/96-U & H(R) (pt) dated 25th November 2003, does not bar the Development & Research of Electropathy.

.....4/

In accordance with Orders of the High Court & Supreme Court quoted here, there is no proposal to stop the petitioners from practicing in electropathy or imparting education, as long as this is done within the provision of the Order No. R. 14015/25/96-U & H (R) (Pt) dated 25th November 2003. Once the legislation to recognize new systems of medicine is enacted, any practice or education would be regulated in accordance with the said Act. The representation of the petitioner dated 28.10.2009 is disposed off accordingly.

This issues with the approval of Secretary, Department of Health Research in this Ministry.

(MOHD. SALEEM)
Under Secretary to the Government of India of India
Tel No.23061986

To

N. E. H. M. of India, H.O. C-2 C/123, Pocket 12, Janak Puri, New Delhi - 110058.

Copy for information and necessary action to :

1. Shri Ravi Bhushan Singhal, Assistant Solicitor General of India, , 200 , Lukerganj, Allahabad. (U.P)
2. Shri Ravi Bhushan Singhal, Assistant Solicitor General of India, High Court of Allahabad, Allahabad. (U.P)

(MOHD. SALEEM)
Under Secretary to the Government of India of India

Annexure - 'B' (12)

No.C.30011/22/2010-HR
Government of India
Ministry of Health & Family Welfare
(Department of Health Research)
****

Nirman Bhawan, New Delhi;
Dated: 21.06.2011.

ORDER

Subject:- Regarding practice, education and research in alternative system of medicine

An order was passed on 11.10.2010 by the Lucknow Bench of the Hon. High Court of Judicature at Allahabad in the WP No.3992/2004 filed before the Hon. High Court of Judicature at Allahabad at Lucknow Bench. in Electro Homeo Medical Association of India vs. State of UP & 4 Ors. as under:

" *Heard Learned counsel for the parties and perused the record.*

With regard to it grievance, the petitioner may make a representation within a month from today . In the Light of the Government Order dated 5.5.2010 (No.V.25011/276/2009-HR) issued by the Government of India, Ministry of Health & Family Welfare Department of Health Research.

If the representation made by the petitioner within the aforesaid period, the same shall be decided by the Government of India within three months from the date of its filing.

With above observation, the writ petition is finally disposed of."

2. Consequently, in accordance with the said order, Sh. Taj Ali, Secretary, Electro Homeo Medical Association of India, Lucknow has filed a representation in the matter vide his letter dated 03.11.2010 in which he has made the following submissions and prayer:-

" *That the order dated 25.11.2003 addressed to different officials and copies sent, however, to all their subordinates was mis-interpreted as if the Government of India has altogether prohibited the development and research of Electropathy, however the order dated 05.05.2010 has clarified that there is no proposal to stop the petitioner from practicing in electropathy or imparting education as long as this is done within the parameters of the order dated 25.11.2003 and once the legislation to recognize new system of medicine is enacted any practice or education would be regulated in accordance with the said Act.*

On the basis of the order dated 25.11.2003 different authorities issued preventive orders as if there can be no teaching or practice in Electropathy/Electro Homoeopathy at all and that forced the applicant to file the above noted writ petition in the Hon'ble High Court Allhabad, Lucknow Bench, Lucknow. However in the meantime the order dated 05.05.2010 has clarified the position and the Hon'ble Division Bench in the light thereof has opined that now no detailed order is required to be passed and the petitioner may make the representation to the Government of India and Government of India may pass the order in the light of the order dated 05.05.2010.

It is, therefore, respectfully prayed that the authorities to whom the order No.R.14015/25/96-U&H(R)(Pt.) dated 25.11.2003 was issued, may kindly be communi-

2/-

cated to read the order in the light of the Government of India later order dated 05.05.2010 and act only in accordance with the same and may not cause any interference in contravention of the same."

3. As per the directions of the Hon. Lucknow Bench of the High Court of Judicature at Allahabad, the representation has been considered. It is clarified that the MH&FW Order No.R.14015/25/96-U&H(R)(Pt.) dated 25.11.2003 and No.V.25011/276/2009-HR dated 05.05.2010 would be treated as instructions of the Government of India related to practice, education and research with regard to alternative systems of medicine like electropathy, electro-homoeopathy, etc.

4. A copy of each of the said two orders viz. MH&FW Order No.R.14015/25/96-U&H(R)(Pt.) dated 25.11.2003 and No. V.25011/276/2009-HR dated 05.05.2010 is being forwarded herewith to each of the State Governments/UTs for information and necessary action. With this your representation is disposed off.

5. This issues with the approval of Secretary (Department of Health Research), Ministry of Health & Family Welfare, New Delhi.

(J. P. Mehta)
Director (HR)

To,

All Health Secretaries of State Governments/Union Territory Administrations.

Copy to:

1. Sh. Taj Ali, Secretary, Electro Homeo Medical Association of India, 8 - Lal Bagh, Lucknow – 226001 (Uttar Pradesh).
2. The Registrar, High Court, Lucknow Bench, Lucknow.

Annexure - 'C'

(14)

District : Hooghly.

In the High Court at Calcutta

Constitutional Writ Jurisdiction

(Appellate Side)

W.P. No. 5438 (W) of 2014 ;

In the matter of :

An application under Article 226

of the Constitution of India for the

issuance of a writ of Mandamus or any

other writ or writs as this Hon'ble

Court may deem fit and proper ;

And

In the matter of :

A Public Interest Litigation ;

And

In the matter of :

Article 14, 16, 19 & 21 of the

Constitution of India ;

And

In the matter of :

Failure or refusal on the part

Ministry of Health, Government of

India to the other Institutions estab-

lished for the same Electro Homeopathy

practice of Medicine and Education as

like as the Respondent No.2 ;

And

In the matter of :

Respondent No.1 violated the basic

Structure of the Constitution as it

has not considered the reasonable

classification under Article 14

violated the fundamental right to

speak and trade under Article 19,

infringed the right to education under

Article 16 and ultimately infringe-

ment of human liberty under Article

Article 21 of the Constitution of

India ;

Contd..P/2A.

And

In the matter of :

Impugned order dated 05.05.2010 vide No. V 25011/276/2009-HR dt. 05.05.2010 of the Government of India, Ministry of Health has no impact to the common people or other several Electropathy boards/societies especially for the boards/practitioners of Electro Homeopathy in West Bengal ;

And

In the matter of :

International Movement for Advancement of Education Culture Social Economic Development Corporate Office situated at 1/68, Sahid Gopi Nath Nagar, (IMAECSED),

Contd..P/3.

P.O. Mallickpara, P.S. Serampore,

District-Hooghly, West Bengal-712203,

India.

... Petitioner

-Versus-

1. Union of India, through the Secretary,

Ministry of Health & Family Welfare,

Govt. of India, A-Wing, Nirman Bhawan,

New Delhi-110001.

2. Naturo Electro Homeopathy Medicos of

India in short NEHM of India, C2C/123,

Pocket-12, Janakpuri, New Delhi-110058,

through its Chairman.

... Respondents

To

The Hon'ble Mr. Arun Mishra, Chief Justice and His

Companion Justices of the said Hon'ble Court.

The humble petition of the petitioner

abovenamed ;

Most Respectfully Sheweth :

1. That the petitioner No.1 is a registered NGO in India

16/5/14

working on various field of Education, Health, Human Rights and other social activities for the general interest of large Public. The registered Office of the organizations in Delhi and its Corporate Office is at West Bengal. Apart, the petitioner organisation has carried out movement against various social issues and National and International issues and hence competent to present this PIL.

2. That the respondent No.1 is Union of India through Health Secretary, Ministry of Health & F.W., responsible for overall functioning of Health & Medical affairs, regulatory and to control any other kind of Medicine, Medical Practice and education all over India.

3. That the respondent No.2 is NEHM of India is working for promotion, development & research of Electro Homeopathy System of Medicine. The practitioners of Respondent No.2 are misguiding tne general public and even the Government that tney are the only authorised practitioners to practice in electropathy. Respondent

No.1 has issued an order in favour of the Respondent No.2 vide No. V.25011/276/2009-HR dt. 05.05.2010. In accordance with the order of High Courts and Supreme Court there is no proposal to stop the Respondent No.2 in this case from practicing electropathy or imparting education. ~~A copy~~

A copy of the said order is being annexed herewith and marked as Annexure - P[illegible].

1. Several electropathy organizations are also functioning in this field which are not covered under the ambit of the order dated 05.05.2010 issued by the Respondent No.1 and as such the practitioners of other boards especially in West Bengal are not entitled to practice the system electropathy and thus they have approached the petitioner requesting to file PIL against the order dated 05.05.2010. Therefore the petitioner has no alternate but to file this PIL in this Hon'ble High Court for the benefit of common people. That the respondent

No.1 vide another notification/order No. C.30011/22/2010-HR dt. 21-06-2011 already sent the order dt. 05.05.2010 to Health Secretaries of all States including UTs stating therein the order dt. 05.05.2010 would be treated as instructions of the Govt. of India related to practice, education and research with regard to Alternative System of Medicine like electropathy/electro homeopathy.

A copy of the such order is being annexed herewith as Annexure P/2 to this petition.

4. That the PIL has been filed for general benefit of public at large as the petition brings out the general cause regarding the pride and honour of our nation India and is intended to restrain certain unqualified Medical Practitioners in Electro Homeopathy System of Medicine. But at the same time when the respondent No.1 issued any policy decision dt. 05.05.2010 which should be covered for all the practitioners/Boards engaged in the same medical system, instead it has been issued only for the respondent No.2. Due to these wrong policy of the respondent No.1 which favours only the respondent No. 2 and the

other Electro Homeopathy practitioners/Boards may be affected by this order. Some of the practitioners in the State of West Bengal approached the petitioner requesting that they are also the electropath practitioner of other boards/society and by the said order a large no. of people in the Country may be affected. The present PIL is confined only to the issues of general public interests especially for the practitioners of West Bengal and the petitioners has no personal interest in the cause.

5. That the petitioner is a social awareness organi-zationxxx and competent to espouse the cause in the present PIL. That if the present petition is ignored, may result in bringing the loss of human dignity and personal freedom to provide education, research and facility for practice in the same medicine by a large number of public, Institutions or Boards. It will concentrate only in one authority/or educational society which is the infringement of fundamental rights under our holy constitution. And it is most respectfully prayed if any appropriate action is

not taken to stop the operation of the order dated 05.05.2010 issued by the Respondent No.1, it may result in an ugly situation and hence present petition has been filed to maintain the dignity and prestige of the medical system and ultimately to restrain the electropathy organizations/societies to issue degree/diploma which has not even authorised by the Govt. of India of State Govt. and for the ultimate benefit of the patients who are in urgent need of proper medical treatment or consultation.

6. Being aggrieved by and dissatisfied with the Judgement and Order passed by the Respondent No.1, your petitioner beg to move this application amonget other :

G R O U N D S

I) For that the impugned order No. V 25011/276/2009-HR dt. 05.05.2010 of the Govt. of India, Ministry of Health has no impact to the common people or other several electropathy boards/societies ;

II) For that the impugned order of the Respondent No.1 could not reflect the other several boards/society

to come under the ambit of the order dated 05.05.2010. Also it failed to make any guideline for practical aspect of medical system. Only theoretical system is not a complete system of treatment in most cases required instrumental treatment like in other methods :

7. That the petitioner craves leave of this Hon'ble Court to add, alter or amend any of the above grounds and to file additional affidavit at a later stage if so advised.

8. That no other petition seeking the same relief has been moved or pending before this Hon'ble Court or any other Court including Supreme Court of India. The present writ petition is bonafide and made in the interest of justice.

In the facts and circumstances of the case, as mentioned above, it is therefore humbly prayed this Hon'ble Court may graciously be pleased to :

a) Pass an order directing the

(24)

respondent No.1 to issue a writ of Mandamus or any other appropriate writ or writs as this Hon'ble Court may seems fit and proper ;

b) Restrain the operation of policy decision/order dated 05.05.2010 issued by the respondent in 1 in favour of the Respondent No.2 to carry on Electropathy education and practice or to amend the said order and/or ;

c) To pass any other order or orders this this Hon'ble Court may deem fit and proper ;

And your petitioner as in duty bound shall ever pray.

International Movement for Advancement of Education Culture Social & Economic Development (Corporation by the
by the pen of
Samir kr Das Samir Kumar Das
Chairman

20.3.14

FILING CLERK
HIGH COURT
20 MAR 2014
CALCUTTA

A F F I D A V I T

I, Shri Samir Kumar Das, son of Late Rameswar Chandra Das, aged about 62 years, by caste - Hindu, by occupation - Social Service, residing at 1/68, Sahid Gopinath Nagar, P.O. Mallickpara, P.S. Serampore, Dist. Hooghly, West Bengal, India, Pin-712203, do hereby solemnly affirm and say as follows :-

1. Tnat I am the Chairman of the Petitioner NGO and representing the petitioner and I am well acquainted with the facts and circumstances of the Writ/PIL and I am ~~wsxk~~ authorized to swear this affidavit on behalf of the petitioner.

2. That the statements made in paragraphs 1 to 6 are true to my knowledge and rest are my humble submissions before this Hon'ble Court.

Prepared by me.
Samir kumar Das
Samir kr Das

Petitioner-in-person.

Samir kumar Das
Samir kr Das

Deponent is known to me.

Joydeb Ghosh
Clerk to Mr. S. Raychowdhury
Advocate

Solemnly affirmed before me
on this the 20th day of March,
2014.

Commissioner.

Commissioner of Affidavit
High Court, Appellate Side
Calcutta

M. 10

(5)

(26)

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature

25.03.2014
Sl. No. 1
ad/sd

W.P 9438(W) of 2014

International Movement for Advancement
Of Education Culture Social Economic Developmen
Vs.
Union of India & Anr.

Mr. Samir Kumar Das .....For the petitioner (In per

Mr. Rajarshi Bharadwaj ..... For the U.O.I

False averments have been made in the pet by the petitioner even otherwise the petition cannot be to be maintainable.

We deprecate the conduct of the petitione filing of such a petition based on false averme However, the petitioner has prayed for withdrawal of petition.

Accordingly, the writ petition is dismissed withdrawn with cost of Rs.2,500/- to be paid by petitioner to the Legal Aid Services Authority, High Co Calcutta, within a period of one month from date.

Sdf. J. Bagchi, J. Sd/- A. Mishra

(Joymalya Bagchi J.) **(Arun Mishra,C.**

SM
29.04.14

Annexure-'D' (27)

ITEM NO.1 COURT NO.13 SECTION IVB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 23572/2009

(Arising out of impugned final judgment and order dated 10/08/2009 in CWP No. 7493/2007 passed by the High Court Of Punjab & Haryana at Chandigarh)

G.G.S MED.INST OF & HOSP.OF ELECT.& ANR Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)
office report for direction)

WITH
SLP(C) No. 14388/2010
(With Office Report for Direction)

SLP(C) No. 29919/2011
(With Office Report for Direction)

SLP(C) No. 19046/2012
(With Office Report for Direction)

SLP(C) No. 21611/2012
(With Office Report for Direction)

Date : 22/01/2015 These petitions were called on for hearing today

CORAM :

HON'BLE MR. JUSTICE VIKRAMAJIT SEN
HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s) Mr. Anurag Dubey, Adv.
Mr. Meenesh Dubey, Adv.
Ms. Ila Haildia, Adv.
Mr. S. R. Setia, Adv.

Mr. Bharat Singh, Adv.
Mr. Ashish Kr. Upadhyay, Adv.
Mr. Amuit Pawan, Adv.

Mr. Chandra Shekhar, Adv.
Mr. Sanjay Kumar Tyagi, Adv.

Mr Vivek Chaudhari, Adv
Mr Pabnkaj Bhatia, Adv
Dr Kailash Chand, Adv

For Respondent(s) Mr. P.S. Narasimha, ASG
Mr. R.S. Suri, Sr.Adv
Mr. M.P. Gupta, Adv.
Mr. Chetan Chawla, Adv

Mr Mohan Prasad Gupta Adv
Mr D. S. Mahra, Adv.

Mr. Irshad Ahmad, AAG, UP
Ms.Archana Singh, Adv
Mr. Anurag Rawat, Adv.
Mr. Abhisth Kumar, Adv.

Mr Saurabh Ajay Gupta, Adv
Mr. Saurabh Singhal, Adv

For Intervenor Ms Niranjana Singh, Adv
Mr. Ram Bha[illegible], Adv

For Intervenor Mr. APS Shergill, Adv.
Mr. Kuldip Singh, Adv

UPON hearing the counsel the Court made the following

O R D E R

Learned Counsel for the Petitioners submit that in view of the counter affidavit filed by the Union of India, to the effect that there is no ban on the Medical Practice of Electro Homoepathy, the Petitioners do not wish to press the present Special Leave Petitions. It is also submitted that Circular dated 5th May, 2010 is also on similar lines. Therefore they have instructions not to press these Petitions. The Special Leave Petitions are dismissed as not pressed.

(USHA BHARDWAJ)
AR-CUM-PS

(SAROJ SAINI)
COURT MASTER

Annexure - 'E' (29)

T.L. THIRUMALAISAMY
CENTRAL GOVT. STANDING COUNSEL

Chamber :
No.236, 1st Floor,
New Addl. Law Chambers,
High Court, Chennai -104.
Cell : 94441 90867

Res :
F-3, B-Block, "Vesta's Dhyan",
5th Street, Annai Therasa Nagar,
Puzhuthivakkam, Chennai-91.
E-mail:tltsamy2001@yahoo.com

BY SPEED POST

14.02.2017

To

The Secretary,
NEHM of India,
C2C/123, Pocket-12,
Janak Puri, New Delhi – 110058.

Sir,

Ref : W.P.No.38388 of 2016, High Court, Madras.

I am herewith enclosing certified copy of final order passed in the above matter and you may kindly acknowledge the receipt of the same.

Thanking you,

Yours sincerely,

T.L.T.

(T.L.Thirumalaisamy)

Encl : As above

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No. 38388 of 2016
and
W.M.P. No. 32877 and 32878 of 2016

Dr. V. Sundara Rajan .. Petitioner

Versus

1. Union of India
   represented by its Secretary
   Ministry of Health & Family Welfare
   Nirman Bhavan, New Delhi

2. Government of Tamil Nadu
   rep. by its Secretary
   Health and Family Welfare
   Fort St. George
   Chennai - 600 009

3. NHEM of India
   rep. by its Secretary Dr. N.K. Aswathy
   New Delhi - 110 068

4. The Joint Director
   Rural and Medical Health Sciences
   Thiruvalluvar District

5. The District Collector
   Thiruvallur District
   Thiruvallur

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the proceedings Na.Ka.No.3796/Ni2/2016 dated 04.10.2016 issued by the fourth respondent and quash the same and consequently direct the respondents not to interfere with the petitioner's right to practice Electropathy/Electro Homeopathy in terms of the first respondent's letter dated 05.05.2010.

For Petitioner :Mr. N.G.R. Prasad
for M/s. Row & Reddy
For Respondent :Mr. T.L. Thirumalaisamy
Central Government Standing Counsel for RR1&3

Mr. A. Kumar
Special Government pleader for RR2, 4 and 5

ORDER

By the order dated 04.10.2016 of the fourth respondent, which is impugned in this writ petition, the fourth respondent rejected the request made by the petitioner to practice Electropathy/Electro Homeopathy inasmuch as he has not registered the qualification said to have been possessed by him in Ayurveda or Physiotherapy with Dr. MGR Medical University or any other recognised medical University.

2. Heard the counsel on either side. When the writ petition is taken up for hearing, the learned counsel appearing for the respondents 1 and 3 has produced a copy of the written instructions received by him on 08.11.2016 from the third respondent wherein it is stated as follows:-

"1. Order/Policy decision of Ministry of Health & F.W., Government of India dated 05.05.2010 pertains that ".....in accordance with orders of the High Court & Supreme Court quoted here, there is no proposal to stop the petitioners from practicing in Electropathy or imparting education. Once the legislation to recognise new system of medicines is enacted, any practice or education would be regulated in accordance with the said Act.

2. Central Government i.e., Ministry of Health & Family Welfare, Government of India has already submitted a counter affidavit before the Honourable Supreme Court of India in the matter of SLPSs 23572/2009 and 29919/2011 on 28.08.2012 that issue relating to alternative system of medicine has already been considered and disposed of by the Honourable Supreme Court and process of legislation is in progress. Till such time, education and practice of Alternative System of Medicine other than those already recognised, is not barred.

3. While disposing of above SLPs, Hon'ble Supreme Court of India ordered that .... in view of the Counter Affidavit filed by the Union of India to the effect that there is no ban on the medical practice of Electro Homeopathy.... It is also submitted that the Circular dated 5th May, 2010 is

Cv 0056019

also on similar lines.

4. The Joint Director of Health Department, Vellore (T.N.) has already clarified through RTI dated 18.10.2016 to Mr. V. Sundararajan i.e., thepetitioner that Ministry of Health and Family Welfare, Government of India order No.V.25011/276/2009-HR dated 05.05.2010 ordered that every State in India can rightfully practice Electro Homeopathy Medicine (BEMS) without hindrance. Hence there is no need to take permission from Joint Director of Health, Vellore District to practice Electropathy in Tamil Nadu (copy enclosed)."

3. In the light of the above statement made by the third respondent, this Court is of the view that no further orders is required to be passed in this writ petition. Accordingly, by recording the statement made by the third respondent in the letter dated 08.11.2016 addressed to the counsel for the respondents 1 and 3, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS-III)

//True Copy///

Sub-Assistant Registrar

To

1. The Secretary
Union of India
Ministry of Health & Family Welfare
Nirman Bhavan, New Delhi

2. The Secretary
Government of Tamil Nadu
Health and Family Welfare
Fort St. George
Chennai - 600 009

3. The Secretary Dr. N.K. Aswathy
NHEM of India
New Delhi - 110 068

4. The Joint Director
Rural and Medical Health Sciences
Thiruvalluvar District

5. The District Collector
Thiruvallur District
Thiruvallur

+1 CC to M/s. Row & Reddy, Advocate sr 69825
+1 CC to Govt. Pleader sr 70082
+1 CC to Mr.T.L. Thirumalaisamy sr 69542

KJ(CO)
sp/1/2

Annexure-'F' (34)

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.16392 of 2020
and
W.M.P.(MD)No.13713 of 2020

R.Justin Raj ... Petitioner

Vs.

1.The Union of India,
Rep. by its Secretary to Government of India,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi.

2.The Government of Tamil Nadu,
Rep. by the Principal Secretary,
Department of Health and Welfare,
Fort St. George, Chennai – 5.

3.Naturo Electro Homeopathy Medicos of India,
Rep. by its Secretary,
New Delhi- 110 058

4.The District Collector,
O/o. the District Collector,
Nagercoil, Kanyakumari District.

5.The Superintendent of Police,
O/o the Superintendent of Police,
Kanyakumari District.

6.The Joint Director Medical Service,,
O/o.Joint Director Medical Service,
Nagercoil, Kanyakumari District.

WEB COPY
http://www.judis.nic.in

7.The Inspector of Police,
Vadaseri Police Station,
Dindigul District. .... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the Respondents Nos.4 to 7 not to harass the Petitioner without any legally sustainable complaint and consequently forbearing the respondents from interfering with the petitioner's right to practice Electropathy Service as a mode of therapy.

For Petitioner : Mr.J.Pandi Dorai
For R-1 : Mr.S.Sivakumar
For R-2 to R-7 : Mr.R.Srinivasan
Government Advocate

ORDER

This Writ Petition has been filed directing the Respondents Nos.4 to 7 not to harass the Petitioner without any legally sustainable complaint and consequently forbearing the respondents from interfering with the petitioner's right to practice Electropathy Service as a mode of therapy.

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2. The learned counsel for the petitioner would submit that the petitioner is a certified practitioner of Electropathy/ Electro-homeopathy and he is published three books in the field of

http://www.judis.nic.in

Electropathy in Tamil and English languages to create awareness and give proper education to the scholars of Electropathy. At this juncture, officers claiming to be acting on the orders of the District Collectors and the Joint Directors of Health Department often in the name of search, are entering into our service and work places and premises, and through Police Personnel are filing false cases leading, at times, to continuous harassment. Hence, the petitioner had given a detailed representation, dated 08.10.2020, to the respondents 4 to 7 requesting them, not to interfere with the right of the petitioner to practice Electropathy service and consequently, not to harass the petitioner. So far, no action has been taken by the respondents. Hence, the present petition.

3.The learned Government Advocate appearing for the respondents would submit that the representation of the petitioner dated 08.10.2020 will be considered within a period of four weeks.

WEB COPY

4.Considering the submissions made on either side, the respondents are directed to consider the representation of the petitioner, dated 08.10.2020, on merits and in accordance with law,

within a period of four weeks from the date of receipt of a copy of this order and communicate the result to the petitioner so that he can work out his remedy in the manner known to law.

5.With the above direction, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

20.11.2020

Index:Yes/No
Internet:Yes/No
Ls/msa

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

1. The Principal Secretary,
Department of Health and Welfare,
Fort St. George, Chennai – 5.

2.The Secretary,
Naturo Electro Homeopathy Medicos of India,
New Delhi- 110 058

3.The District Collector,
O/o. the District Collector,
Nagercoil, Kanyakumari District.

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Annexure - 'G' (39)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22617 of 2023

Dr.S.Jahir Hussain ... Petitioner

Vs.

1. State represented by
   Inspector of Police,
   Bathalapalli HUDCO Police Station,
   Hosur,
   Krishnagiri District.

2. The Joint Director of Rural
   and Medical Health Services,
   Krishnagiri District. ... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents herein not to harass the petitioner at the instance of any complaint in respect of practice of Alopathy medicine without following due process of law.

For Petitioner : Mr.R.Tamaraiselvan

For R1 : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

ORDER

From the perusal of the petition, this Court finds no material to interfere that the petitioner was disturbed by the police carrying on lawful

WEB COPY

profession of Electropathy. Though, it is contended that based on the complaint given by Alopathy doctors, police are interfering in his profession as Electropathy doctor, this Court finds no material to substantiate the same.

2. The learned Government Advocate (Crl.Side) appearing for the State submits that on 24.09.2023, there was wordy quarrel between the petitioner and two others. Hence, petitioner has given a complaint to the police against Madhan Kumar and Naveen Kumar and the same has been enquired, except that, there is no adverse material come to the notice of the police so far against this petitioner. The police will not interfere unless there is a material to show that the petitioner is practising Alopathy under the guide of Electropathy.

3. Recording the above submission of the learned Government Advocate (Crl.Side), this Criminal Original Petition is disposed of.

05.10.2023

Index : Yes/No
Neutral Citation : Yes/No
mac/rpl

https://www.mhc.tn.gov.in/judis

To

1. The Inspector of Police,
Bathalapalli HUDCO Police Station,
Hosur,
Krishnagiri District.

2. The Joint Director of Rural
and Medical Health Services,
Krishnagiri District.

3. The Public Prosecutor,
High Court, Madras.

Dr.G.JAYACHANDRAN,J.

Annexure - 'H'

(42)

BEFORE THE APPELLATE AUTHORITY, MINISTRY OF HEALTH & FAMILY WELFARE, UNDER RTI ACT, 2005

ORDER

This is regarding an appeal dated 15.07.2011 received on 22.07.2011 in Hospital Division preferred by Dr. Ashok Kumar against the reply given by the CPIO vide Ministry's letter Dy.No. 201/RTI/2011-H dated 23.06.2011 to his RTI application dated 26.05.2011.

The CPIO in his reply has informed him that as per Section 2(h) of the Clinical Establishments (Registration & Regulation) Act, 2010, "recognized system of medicine" means Allopathy, Yoga, Naturopathy, Ayurveda, Homeopathy, Siddha and Unani Systems of medicine or any other system of medicine as may be recognized by the Central Government. Since Electropathy has not yet been recognized by Government of India vide Deptt. of Health Research's Order No. V.25011/276/2009-HR dated 05.05.2010, it is not covered under the Clinical Establishments(Registration & Regulation) Act 2010. The order dated 5.05.2010 is self explanatory.

It is found that the CPIO has already supplied the requisite information on the subject correctly. The applicant has now sought an opinion vide his appeal as to why electropathy should not be banned in the country since it is not covered under the Clinical Establishments (Registration & Regulation) Act, 2010.

I find this question seeking an opinion, beyond the purview of the RTI Act, 2005.

In view of above, the appeal is disposed of accordingly.

Appeal, if any, against this order may be preferred before the Central Information Commission (CIC) within ninety days of receipt of this order.

(DR ARUN K. PANDA)
APPELLATE AUTHORITY &
JOINT SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF HEALTH & FAMILY WELFARE.

Annexure - I

(43)

INDIAN MEDICINE AND HOMOEOPATHY DEPARTMENT

From
The Additional Chief Secretary/Commissioner,
Indian Medicine and Homoeopathy,
Chennai – 106.

To
N.Rangarajan,
S/o Natarajan,
Thozhupedu village,
Madurantakam Taluk,
Kancheepuram – 603 310.

Ref.No. 13976/P&D-4/2016, dated 24.10.2016.

Sir,

Sub: Planning and Development – Indian Medicine and Homoeopathy – N.Rangarajan – request to permit to practice Electropathy Medicine – Regarding.

Ref: Your letter ref No. Nil, dated 26.03.2016.

******

I invite your kind attention to the letter above cited, wherein it has been requested to grant permission to practice Electropathy Medicine. Since the subject matter of your petition is related to the policy decision of the Government of India, you are requested to approach the government of India and your petition is returned herewith in original.

Encl.: 1

Yours faithfully,

For Additional Chief Secretary/Commissioner of Indian Medicine and Homoeopathy

Annexure-'J' (44)

भारतीय चिकित्सा केन्द्रीय परिषद्

आयुष मंत्रालय, भारत सरकार के अधीन एक वैधानिक निकाय

कार्यालय 61-65, संस्थागत क्षेत्र, लोधी रोड, नई दिल्ली -110058

CENTRAL COUNCIL OF INDIAN MEDICINE

A STATUTORY BODY UNDER THE MINISTRY OF AYUSH, GOVT. OF INDIA

OFFICE: 61-65, INSTITUTIONAL AREA, JANAKPURI, D BLOCK NEW DELHI-110058

दूरभाष/ Phon
अध्यक्ष / President: 2852515
सचिव / Secretary: 2852584
कार्यालय /Office: 2852546
पंजीयन / Registration: 2852251
फैक्स / Fax: 2852087
www.ccimindia.or
secretary@ccimindia.or

सं. / Ref. No. 20-50/2018-(RTI)- II

दिनांक / Dated 02.02.2018

06

Sh. K.M.H. Habeeb Najjar,
S/o Sh. K.M. Hameed,
Annai Nivethaa Electropathy Medical,
College and Hospital, 57 Pillayarkoil Street,
Sivagangai-630561 (Tamilnadu)

Subject: Application under RTI Act, 2005 Regn. No. AYUSH/R/2018/00014 dated 12.01.2018.

Sir,

With reference to your above mentioned on line RTI application dated 12.01.2018 and Diary No. 531 dated 24.01.2018 in the Central Council of Indian Medicine on the subject mentioned above, I am sending herewith the desired information as under:-

(1 to 6) The Electropathy and Electro Homeopathy (Alternative Systems of Medicine) does not come under the purview of the Central Council of Indian Medicine. The CCIM deals only in Ayurveda, Siddha , Unani and Sowa-Rigpa Systems of Medicines.

(7) Pertains to Government of India, Ministry of Health & Family Welfare, New Delhi.

Yours faithfully,

(SHAMSHAD BANO)
ASSTT. REGISTRAR (UNANI) &
CENTRAL PUBLIC INFORMATION OFFICER.

APPELLATE AUTHORITY
DR. K. NATRAJAN,
SECRETARY

Copy for information to:

1. The President, Central Council of Indian Medicine, New Delhi – 110058.
2. Guard file.

(SHAMSHAD BANO)
ASSTT. REGISTRAR (UNANI) &
CENTRAL PUBLIC INFORMATION OFFICER

RTI English letter, 37

Annexure-'K' (45)

358/2020

No. I-11011/225/2020-HR
Government of India
Ministry of Health & Family Welfare
(Department of Health Research)

2nd Floor, IRCS Building,
1, Red Cross Road, New Delhi-110001
Dated the 30th June, 2020

To,

Shri R Ramkumar,
Door No. 276/1,
S.M. Road, Near Rajeshwari Theater,
Arni, Thiruvannamalai District
Tamilnadu - 632301

Subject: – Information sought under the RTI, Act 2005

Sir,

I am to refer to your 02 online RTI applications dated 19/05/2020 and 20/05/2020 bearing registration No. DOHRI/R/I/20/00063 and DOHRI/R/I/20/00067, which have been received in this Department on transfer from Department of Health & Family Welfare, MOHFW vide registration No. MOHFW/R/I/20/01385 and Ministry of AYUSH vide registration No.AYUSH/R/I/20/00299, respectively.

2. In so far as this Department is concerned, electrohomeopathy is not a recognised system of medicine, at present. A proposal seeking recognition of the system, is still under consideration by an Inter-Departmental Committee, constituted by this Department. However, there is no bar on practicing in electropathy or imparting education as long as this is done within the provision of this Ministry's Order No. R.14015/25/96-U & H (R) (Pt.) dated 25/11/2003 (copy enclosed).

3. The First Appellate Authority is Smt. Anu Nagar, Joint Secretary, Department of Health Research, Ministry of Health & Family Welfare, 2nd Floor, IRCS Building, 1, Red Cross Road, New Delhi – 110001.

Yours faithfully,
Digitally signed by DAULAT RAM MEENA
Date: Tue Jun 30 10:01:26 IST 2020
Reason: Approved

(D.R. Meena)
CPIO & Deputy Secretary to the Govt. of India
Tel. 23736901

Encl: As above

Annexure-2 (96)

भारतीय चिकित्सा पद्धति राष्ट्रीय आयोग
आयुष मंत्रालय, भारत सरकार
कार्यालय: 61-65, संस्थानिक क्षेत्र, जनकपुरी, डी.ब्लाक 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

ism
: प्राणायतनानाम्

अध्यक्ष / Chairman
सचिव / Secretary
कार्यालय /Office
पंजीयन / Registration
फैक्स / Fax
www.ncis
secretary@ncis

क्रमांक / Ref. No. 20-50/2023-(RTI) - V

दिनांक / Dated 02.05.2023

सूचना का अधिकार
RIGHT TO INFORMATIO

To,

Sh. Vijayan,
206/B, Vallimalai,
Katpadi-Taluk,
District -Vellore – 632520 (Tamilnadu)
E-mail ID: jshcl.bcms@gmail.com
Mob No. : 9787031464

Subject: **Online RTI Request Regn. Number: CCOIM/R/T/23/00117 dated 20.04.2023 transferred from Ministry of AYUSH on 20.04.2023 with reference Number: AYUSH/R/P/23/00104 to obtain the informations under RTI Act, 2005- regarding.**

Sir,

With reference to your above mentioned online RTI Request and Diary No. 64 dated 26.04.2023 received in the National Commission for Indian System of Medicine, New Delhi. As per information received from concerned Board/Section, It is to inform you that the desired information are as under:

(Point No.1, 2, 3 & 5) Electropathy course does not comes under the purview of NCISM. Hence no information available

(Point No. 4) PIO is not supposed to interpret information in respect of clarification/queries.

APPELLATE AUTHORITY
PROF. (VAIDYA). RAKESH SHARMA,
PRESIDENT B.o. E. & R.

Yours faithfully,

21/5/23

(DR. RAJIV BHARDWAJ)
CENTRAL PUBLIC INFORMATION OFFICER

Copy for information to:

1. The Chairperson, NCISM.
2. The CPIO, RTI Cell, Ministry of AYUSH, Govt. of India, AYUSH Bhawan, B-Block, GPO Complex, INA, New Delhi-110023 in reference to above mentioned Online RTI request.
3. Guard file.

(DR. RAJIV BHARDWAJ)
CENTRAL PUBLIC INFORMATION OFFICER