

No.V.25011/130/2012-HR
Government of India
Ministry of Health & Family Welfare
(Deptt. of Health Research)

By Special Officer

Nirman Bhawan, New Delhi
Dated the 29th June 2012

To
Sh Ashok Kumar,
(CMMEO Office)
Amar Maya Enclave, Chandpur Road,
Distt Bulendsahar, Uttar Pradesh-203001.

Sub: RTI application dated 06-06-2012 seeking information regarding Electropathy/
Electrohomeopathy.

Sir,

I am to refer to your RTI application dated 06-06-2012 on the above subject
and to furnish information as under:-

The Electropathy/Electrohomeopathy is governed by the Ministry of Health
and Family Welfare order No. C-30011/22/2010-HR dated 21-06-2011 along with
enclosures (which included order No V-25011/276/2009/HR dated 5/5/2010) on the
subject enclosed herewith is self explanatory. It is also informed that a Bill for
'Recognition of New System of Medicine' is under consideration of the Government,
and no futher information is available in the matter.

2. Sh S.K. Rao, Joint Secretary in the Department of Health Research is the appellate
authority under Section 19(1) of the RTI ACT-2005. His office address is Room No 252, A Wing
Nirman Bhawan, New Delhi-110011.

Yours faithfully

(R.K. Ahluwalia)

Under Secretary to the Govt. Of India

Copy to:

1. Cdn II Section with reference to their FTS No 45143/2012
2. Hindi Section for Hindi version

ITEM NO.1

COURT NO.13

SECTION IVB

145584

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.
office report for direction)

Respondent(s)

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)

Certified to be true copy
[Signature]
Assistant Registrar (Jrnl.)
28/1/15
.....2015
SUPREME COURT OF INDIA

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. S.R. Singh, Sr. Adv.
Ms. Savitri Pandey, Adv.
Dr. (Mrs.) Vipin Gupta, 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. Abhish Kumar, Adv.

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

For Intervenor


Ms. Niranjana Singh, Adv.
 Mr. Ram Bhaj, Adv.


For Intervenor

Mr. APS Shergill, Adv.
 Mr. Kuldeep 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 Homoeopathy, 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

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

405

ORDER

This order is passed in pursuance of High Court of Allahabad order date 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:

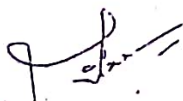
- i) Order dated 14.8.92 within Suit No 27 of 1992 by Additional District Judge, Delhi has directed that No public notice be issued concerning the activity of the plaintiff during the pendency of the suit.
- ii) Order of High Court of Delhi dated November 1998, in FAO No. 1205 of 1998: In public notice 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 12.04.2000 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 statute & 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 Ayurvedic/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.

.....3/-



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 Développement 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 courses 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".

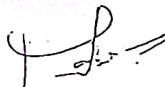
NEHM, as per the document submitted by them is conducting diploma and certificate courses, and not running full time Bachelor and Masters degrees.

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 fulfil the essential & desirable criteria developed by the Committee for recognition of a system of medicine.

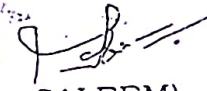
However, the Order No. R. 14015/25/96-U & H(R) (pt) dated 25th November 2003, does not bar the Development & Research of Electropathy.

.....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 Aliahabad, Allahabad. (U.P)


(MOHD. SALEEM)

Under Secretary to the Government of India of India

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 its 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 Allahabad, 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-

No./R140/5/25/96 U&H(R)(PT)

Govt. of India

Ministry of Health & Family Welfare
(Research Desk)

Nirman Bhavan, New Delhi

Dated the 25th November, 2003

ORDER

The Matter regarding grant of recognition to the various streams of alternative medicine including electropathy/electrohomoeopathy, has been under consideration of the Govt. In this process Govt. has considered the orders dated 18.11.98 of the Hon'ble High Court of Delhi in CWP No. 4015/96 & OM NO. 8468/97 which has inter-alia directed the Central/State Govts. to consider making legislation to grant of licenses to the existing and new institutes etc. to control & regulars the various 'unrecognised' streams of alternative medicines and also to give adequate publicity through media informing public about the 'Respondents' and similar other institutes not being recognized by the Govt. & affiliated with of the Councils.

Government constituted a 'Standing Committee of Experts' under the Chairmanship of Director General, Indian Council of Medical Research and members were drawn from various fields of medicine to consider & give its recommendations to the Government on the efficacy/merits of various streams of alternative medicine and also examine feasibility of making legislation as suggested by the Hob'ble Court.

The Committee developed essential & desirable criteria for grant of recognition to a new stream of medicine and analysed the different streams of 'Alternative medicine viz. Ayurveda, Siddha, Unani, Homoeopathy, Yoga, & Naturopathy, Electropathy / Eletrohomoeopathy, Accupuncture, magnetotherapy, Reiki, Reflexology, Urine Therapy / Autourine Therapy, Hypnotherapy, Aromatherapy, Colour Therapy, Pranic Healing, Gems & Stone Therapy and Music Therapy.

The committee did not recommended recognition to any of these alternative medicines except the already recognized traditional systems of medicines viz, Ayurveda, Siddha, Unani, Homoeopathy and Yoga & Naturopathy which were found to fulfill the essential & desirable criteria developed by the Committee for recognition of a system of medicine. The Committee has, however, recommended that certain

23 अगस्त, 2006 को पूछे जाने वाले प्रश्न का उत्तर

योग और प्राकृतिक चिकित्सा प्रेक्टीशनर

3047. श्री सुनील कुमार महतो :
श्री गिरधारी यादव:

स्वास्थ्य और परिवार कल्याण मंत्रालय के अंतर्गत योग और प्राकृतिक चिकित्सा प्रेक्टीशनरों के नियंत्रण और प्रवर्धन के लिए

(क) क्या योग और प्राकृतिक चिकित्सा को प्रेक्टिस करने वाले अपने नाम के आगे "डॉक्टर" लगा सकते हैं;

(ख) उस सरकारी अभिकरण का क्या नाम है जो योग और प्राकृतिक चिकित्सा की प्रेक्टिस करने वालों को लाइसेंस प्रदान करता है;

(ग) इस संबंध में नवीकरण प्रक्रिया का ब्योरा क्या है; और

(घ) योग और प्राकृतिक चिकित्सा प्रेक्टीशनरों के संबंध में सरकार का क्या रुख है?

उत्तर

स्वास्थ्य और परिवार कल्याण राज्य मंत्री (श्रीमती पानावाका लक्ष्मी)

(क) से (घ) योग और प्राकृतिक चिकित्सा मान्यताप्राप्त चिकित्सा पद्धतियां हैं और इन पद्धतियों के पंजीकृत चिकित्साभ्यारथी अपने नाम के आगे "डॉक्टर" शब्द लगा सकते हैं। इसे व्यवहार्य नहीं पाया गया है कि केंद्रीय स्तर पर योग और प्राकृतिक चिकित्सा के शिक्षण और अभ्यास को विनियमित किया जाए। आंध्रप्रदेश, कर्नाटक, तमिलनाडु और मध्य प्रदेश जैसे कुछ राज्यों ने इन पद्धतियों के अर्हताप्राप्त चिकित्सकों के पंजीकरण के लिए राज्य अधिनियमों को अधिनियमित किया है।