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By Speed Post

Sl. No. 37

No. R.14013/25/96-U&H(R) (Pt.)
Government of India
Ministry of Health & Family Welfare
(Research Desk)

Nirman Bhavan, New Delhi
Dated the 23rd November, 2003

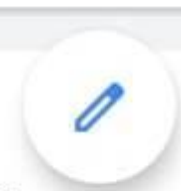
ORDER

The matter regarding grant of recognition to the various streams of alternative medicine including electropathy/electrohomeopathy, 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.4013/96 & OM NO.8463/97 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 & regulate 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 any 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 Hon'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, Homeopathy, Yoga & Naturopathy, Electropathy/Electrohomeopathy, Acupuncture, magnetotherapy, Reiki, Reflexology, Urine Therapy/Autourine Therapy, Hypnotherapy, Aromatherapy Colour Therapy, Pranic Healing, Gems & Stone Therapy and Music Therapy.

The Committee did not recommend recognition to any of these



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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:23061985

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

By Special Officer

Sd/-

No. R.14015/25/96-U&H(R)(Pt)
Government of India
Ministry of Health & Family Welfare



The Committee did not recommend recognition to any of these alternative medicines except the already recognized traditional systems of medicines, viz; Ayurveda, Siddha, Unani, Homeopathy 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 practices as Acupuncture and Hypnotherapy which qualified as modes of therapy, could be allowed to be practised by registered practitioners or appropriately trained personnel. The Committee further suggested that all those Systems of Medicine not recognized as separate Systems should not be allowed to continue full time Bachelor and Master's degree courses and the term "Doctor" should be used only by practitioners of Systems of Medicine recognized by the Government of India. Those considered as Mode of Therapy can be conducted as Certificate courses for registered medical practitioners to adopt these modes of therapy in their practice, whether modern medicine or Indian Systems of Medicine and Homeopathy.

After carefully examining the various recommendations of the Committee, the Government accepted these recommendations of the Committee. Accordingly, it is requested that the State/UT Govt. may give wide publicity to the decision of the Govt. They may also ensure that institutions under the State/UT do not grant any degree/diploma in the stream of medicine which have not been recommended for recognition and the term 'Doctor' is used by practitioners of recognized system of medicine.

This issues with the approval of Secretary (Health), Ministry of Health & FW.



Bhavan
(Bhavani Thyagarajan)
Joint Secretary

1. All Health Secretaries of States/UTs.
2. Secretary, UGC
3. Dental Council of India, Indian Nursing Council, Medical Council of India, Pharmacy Council of India, Indian Council of Medical Research
4. Secretary, Deptt. of ISM&H
5. CCRM, CCH, CCRAS, CCRYN, CCRH, CERUM

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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 14.8.97 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 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.

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[Signature]

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Apart from the above, Letter D.O. No. 2921/ DM (H&FW)91/VIP dated 17.6.1991 from Dasal 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 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 medicine, 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.

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 the State Governments for information and necessary action. With this your representation is disposed off.

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

14
R.K. Ahluwalia
(R.K. Ahluwalia)
Under Secretary (HR)

To,

1. The Health Secretary to the Government of Gujarat.
2. The Registrar High Court of Gujarat at Ahmedabad.
3. Jigneshaben S Patel AT-Post -Ukal, Taluka-Songadh, DIST -Tapi(GUJARAT).
4. Sanjaybhai Arjunbhai Chaudhari, AT-Post Taluka-Songadh, DIST -Tapi(GUJARAT).
5. Chetanbhai Jagannathbhai Patel, AT-Post -Ukal, Taluka-Songadh, DIST -Tapi(GUJARAT).
6. Sunilbhai Nathubhai Shendari, AT-Post -Ukal, Taluka-Songadh, DIST -Tapi(GUJARAT).
7. Abhaykumar Raghunathbhai Potli, AT- Post Songadh, Taluka-Songadh, DIST -Tapi(GUJARAT).