

For Private Use

Examiner Judicial Department
High Court of Punjab & Haryana
Authorised under Section 76,
of 1972 I.R. Act.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Writ Petition 16791 of 2000

Electrohomoepathic Doctor's Association Punjab through
its President, Dr. Manjit Singh Dhillon r/o H.No. 168,
B12, Near Harindra Nagar, Faridkot.

Petitioner(s)

Versus

- § 1. State of Punjab through Secretary Health Civil Secretariat, Punjab, Chandigarh
- § 2. State of Punjab through Secretary Home, Civil Secretariat, Punjab, Chandigarh
- § 3. Director, Health Services, Punjab, Chandigarh.
- § 4. Director General of Police, Punjab, Chandigarh.

Respondent (s)

Petition under article 226/227 of
the Constitution of India praying



ATTESTED
Registrar Judicial Department
High Court of Punjab & Haryana,
Chandigarh

PRAYER

In view of the facts and grounds as stated above, it is respectfully prayed that this Hon'ble Court may be pleased to:

1. (a) issue any other writ, order or direction for quashing the impugned letter dated 17.10.2K which directs the Civil Surgeons and they inturn every Medical Officer to get register FIR under section 15 of the Indian Medical Council Act against un-registered medical practitioners without distinction whether they are teaching and practice alternative system of medicine;
- (b) issue any writ, order or directions, declaring that so long as any act does not regulate or prohibits the teaching and practice of electrohomeo pathy and other alternative systems of health care, the state has no power to invoke its police powers under the Indian Medical Act to proceed against the members of the petitioner society who only teach and practice the alterna-

ATTESTED
Registrar Judicial Department
High Court of Punjab & Haryana
Chandigarh
33

tive system of health care known as electro homeo
pathy.

2. (a) issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case;
- (b) dispense with the filing of certified copies of annexures;
- (c) dispense with the requirement of advance notice to the respondents;
- (d) award the cost of this petition to the petitioner.

In view of the facts and circumstances referred above that operation of the impugned circular annexed as annexure P-1 may kindly be stayed.

CWP No.16791 of 2000

338 RECORDED
Examiner Judicial Department
High Court of Punjab & Haryana
Chandigarh

Electrohomeopathic Doctor's Association, Punjab

Versus

State of Punjab and Others

Present: Shri R.S. Bains, Advocate
for the petitioner.

Smt. Charu Tuli, Deputy Advocate General,
Punjab, for the respondents.

G.S. Singhvi A.C.J.

The petitioner is a society registered under the Societies Registration Act, 1860. Its members are practising and teaching Electro-Homeopathic System of medicines. It has invoked the jurisdiction of this Court under Article 226 of the Constitution of India for quashing circular letter dated 17.10.2000 (Annexure P-1) issued by the Director, Health and Family Welfare, Punjab, for checking unregistered medical practitioners in the State of Punjab by stating that the contents of the circular are being misused by the police authorities for harassing its members despite the fact that none of them is practising modern system of medicines in violation of the provisions of any statute.

In the written statement filed on behalf of the respondents, it has been averred that the impugned circular had been issued in pursuance of the direction given by the High Court in Civil Writ Petition No.1696 of

1997 and the main object of the circular is to restrain unregistered practitioners from practising modern system of medicines.

We would have discussed the issue raised by the petitioner in detail but the necessity of doing so has been obviated because, at the hearing, learned Deputy Advocate General stated that as per the impugned instructions action is required to be taken against those persons who are practising the modern system of medicines despite the fact that they do not hold the requisite qualifications and registration under the provisions of the Medical Council Act, 1956, or other corresponding provisions and the members of the petitioner-Association are not to be affected by the impugned circular. She further stated that she would advise the department to issue necessary instructions in this respect to the Civil Suregons and police authorities.

In view of the statement made by the learned Deputy Advocate General, the writ petition is disposed of with the direction that necessary instructions be issued by the Government/Director, Health Services, Punjab, within a period of two weeks from today.

Sd/- G.S. SIACHVI
Acting Chief Justice

Sd/- BAKHSHU KAUER
JUDGE

sls/vkg March 04, 2002

Handled
by issues
19-3-2002
Shree K. D.
W.B. 13/3/02
2002



Certified to be true Copy
Principal Judicial Department,
Punjab & Haryana,

1997 and the main object of the Director is to maintain
uninterrupted practice of medicine from practicing modern system
of medicine.
He would have discussed the issues raised by the
petitioner in detail but the necessity of doing so has
been omitted because of the hearing. Learned Deputy
Associate General stated that he has not impugned
institution's action is required to be taken against those
persons who are practicing the modern system of medicine
despite the fact that they do not hold the requisite
qualifications. He stated that under the provisions of

20717
40.02.06

No. of words
Copying fee Rs. 15/- (Urgent)
Urgent/Express Charges Rs. 15/-
Registration & Postage Charges
Agency fee Court fee
Total Rs. 45/-
Name of Copyist.....
Date of receipt of Record
Date of notification of the defects
Date of rectification of defects
Date of Preparation of Copy 26.02.06
Date of Delivery
mt

Cost Rs. 15/-
Fine Only

26.02.06



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.

.....2/-

"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 GOI 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 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.

In accordance with Orders of the High Court & Supreme Court quoted here, there is no bar on the practitioners from practicing in electropathy or imparting education, as

-4-

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. H. E. 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