

SPEED POST
RTI MATTER

V.25011/408/2011-HR
Government of India
Ministry of Health and Family Welfare
(Department of Health Research)

Nirman Bhawan, New Delhi
Dated the: 11th Nov, 2011

To

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The Chairman,
Vivekanand Medical Institute of Electropathy,
Ganesh Chowk,
Bolhegaon Road,
Ahmednagar Nagar- 414111. (Maharashtra)

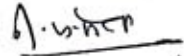
Subject:- Application under Right to Information Act 2005 regarding Electro Homeopathy.

Sir,

I am directed to refer to your application dated 20.9.2011 received in this section on 11.10.2011 on the subject mentioned above and to say that point wise information is as under:-

- Point No1,2&4 :- The MHFW order No. C.30011/22/2010-HR dated 21.6.2011 (copy enclosed) with which a copy of order No. V.25011/276/2009-HR dated 05.05.2010 is annexed as Annexure II is self explanatory in this regard.
- Point No. 3 :- A legislation titled " The recognition of New Systems of Medicine Bill" is under consideration.

Yours faithfully,



(J P. Mehta)
Director (HR)
Tele Fax: 23062666

Encl: As above

Copy to: 1. RTI Section w.r.t their endorsement no. 1352 dated 7.10.2011.

Case passed through RA see
 34 cases Health Security - SPW4 (I)

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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-Hik) 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 held 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

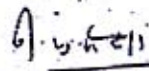
sh/ksd
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 I. R. Director
 Ministry of Health & Family Welfare
 Government of India


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, B.- Lal Bagh, Lucknow - 226001 (Uttar Pradesh).
2. The Registrar, High Court, Lucknow Bench, Lucknow.

shifad
J. P. Mehta
22/12/11
Secretary, Director
Ministry of Health & F.W.
Government of India

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 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 Ayurvigyan Parishad 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 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 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.

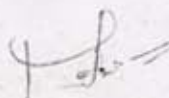
The Committee, based on the essential & desirable criteria, did not find electropathy to qualify as a system of medicine. Therefore, it is clear that, in accordance with this order, electropathy cannot run full time Bachelor and Masters degrees and those practicing this cannot use the term "doctor".

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.

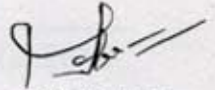
NEHM, has also not submitted any document according to which they fulfill the essential & desirable criteria developed by the Committee for recognition of a system of medicine.

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 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