

R.P.A.D

File No: SCA-102012/318/chh  
7/7, Health & Family Welfare Department,  
Sachivalay, Gandhinagar

Dated:-

~~06 JUN 2012~~

06 JUN 2012

To,

1. DR. JIGNASABEN S PATEL

AT- PO: - UKAI

TA: - SONGADH

DIST: - TAPI (GUJARAT)

2. DR. SANJABHAI ARUNBHAI CHAUDHARY

AT- PO. TA: - SONGADH

DIST: - TAPI (GUJARAT)

3. DR. CHETANBHAI JANNATBHAI PATEL

AT- PO. UKAI

TA: - SONGADH

DIST:-TAPI (GUJARAT)

4. DR. SUNILBHAI NATHUBHAI BHANDARI

AT PO. IKAI

TA:- SONGADH

DIST TAPI (GUJARAT)

5. DR. ABHAYKUMAR RAGHUNATHBHAI PATIL

AT:- PO. TA. SONGADH

DIST :-TAPI (GUJARAT)

SUB:- Regarding your representation dated 26/01/2012 with regards to the judgement of Hon'ble High Court dated 20/01/2012 in SCA 2902/2011/.

Sir/Madam,

With reference to your representation dated 26/01/2012 with regards to the judgement of Hon'ble High Court dated 20/01/2012 in SCA 2902/2011 , one hearing was given by the Principal Secetary, health and Family Welfare Department , Sachivalaya, Gandhinagar to you vide this department letter dated 22/02/2012 , but nobody had turned up for the same . The next hearing was also kept on 06/03/2012. Shri Rameshkuma Parmar, Jamnagar and Shri B.K. Singh of Surat <sup>and</sup> others Six representatives have remained present for the hearing of 06/03/2012.

During the hearing, the background and history of development of Electropathy/Electrohomoepathy was explained which shows that this system of medicine had started since 1865 in Italy and later on, it is started spreading throughout the world. In India it supposed to be started around 1920 A.D. and as on today around 114 colleges are supposed imparting such education in india and around 2500 diploma/ certificate holders of this system of medicine are in Gujarat.

Government of india , Ministry of Health and Family Welfare , Research Desk, New Delhi issued an order dated 25/11/2003 bearing No:- R.14015/25/96-U&H (R)

(Pt) with regard to the Hon'ble High Court of Delhi in CWP.NO.4015 of 1996 dated 18/11/98 and OM NO 8468/97 which has inter alia directed Central/State Governments to consider making legislation to grant of licenses to the existing and new institutes etc. to control and regulate the various "Unrecognized" 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 government and affiliated with any of the councils.

Accordingly, Government of India Constituted a standing Committee of expert under the Chairmanship of the Director General, Indian Council of Medical Research (ICMR) and members were drawn from various fields of medicine.

After carefully examining the various recommendation of the committee, the Government of India accepted the recommendations of the committee and accordingly, it was requested to the all the State/UT Governments to give wide publicity to the decision of the GOI. Further, they may also insure that institutions under the State/UT do not grant any degree or diploma in the stream of medicine which have not been recommended for reorganization and the term "Doctor" is used only by the practitioners of recognized systems of medicine.

Government of India , Ministry of Health and Family Welfare , Department of Health Research , New Delhi issued order dated 05/05/2010 bearing No:- V.25011/276/2009-HR. some of the parts of the above order are reproduced hereunder:-

" This order is passed in pursuance of High Court of Allahabad order dated 03/08/2009 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 H.F.W.D. New Delhi, bringing a record various order passed by High Court and that of Supreme Court. If such representation is made with regards to recognition of the course, the authority will consider and decide that matter by a reasoned and speaking order within six month 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". Accordingly the N.E.H.M. through Doctor N. K. Awasthy filed a representation dated 28/10/2009 which was received by secretary.

In this order, the order dated 25/11/2003 and the recommendations of the Standing Committee of experts constituted under the Chairmanship of Director General of ICMR are reiterated the same. Moreover , NEHM as per the documents submitted by them is conducting diploma and certificate courses, and not running full time bachelor and master degrees. In so far as recognizing the courses run by them, it was clarified that the concern Boards/Statutory Bodies like MCI give reorganization to courses. Since Electropathy is not yet recognized as a system of medicine, there is no system for recognition for any course run by them in the Health Ministry. Moreover N.E.H.M. has also not submitted any document according to which they fulfil the essential and desirable criteria developed by the Committee for recognized system of medicine.

In accordance of orders of the High Courts and Supreme Court quoted in that order, there is no proposal to stop the petitioner from practicing Electropathy or imparting education, as long a this is done within the provision of the order NO R:14015/25/96-U&H(R) (Pt) dated 25/11/2003. once the legislation to recognized 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 was disposed of accordingly.

Government of India , Ministry of Health and Family Welfare Department of Health Research , New Delhi issued order dated 21/06/2011 bearing NO:- C.30011/22/2010-HR., Some of the part of the above order is reproduced hereunder :-

An order was passed on 11/10/2010 by the Lucknow Bench of Hon'ble High Court of Judicature at Allahabad in the WP NO 3992/2004 filed before the Hon'ble Court of Judicature at Allahabad at Lucknow Bench. In Electro Homoeo Medical Association OF India vs. State of UP & 4 others. Conseuently , in accordance with the said order , Secretary, Electro Homoeo Medical Association of India Lucknow has filed a representation in the matter vide his letter dated 03/11/2010.

in para-3 of the order it is mentioned that , as per the directions of the Hon. Lucknow Bench of the High Court of the 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 25/112003 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. A copy of the both orders dated 25/11/2003 and 05/05/2010 has been forwarded to each of the State/ UT Governments for information and necessary actions.

Looking to the above mentioned facts, it is clerified to the petitioners as follows:-

It is not within the competence of the State Government to decide whether Electropathy/ Electrohomoeopathy practice is valid system of medicine or not. System such as this should be evaluated by an appropriate body ( as constituted a standing expert committee) of GOI in a scientific manner. It is only then the State Government can implement or allow the implantation of such an approved system of medicine.

Looking to the formation of MCI, CCIM etc., by Government of India , it can be understood that the Central Council for any such system of medicine which may be recognized by the Government of India Ministry of Health and Family Welfare , Department of Health Research then and then only the State Government may consider to implementation of such and approved system of medicine.

In absence of any regulatory Act/Rules enacted by Parliament of India, State Government is not competent enough to take any decision with regards to the representation made by the petitioner of SCA 2902/2011.

Yours faithfully,

(A.H. Mansuri)

Under Secretary

Health & Family Welfare Department  
Sachivalay, Gandhinagar

6 JUN 2012  
2010/22/HR  
YR

Copy to:

- 1. DIRECTOR,  
IDNAIN SYSTEM OF MEDICINE AND HOMOEOPATHY  
1, DR JIVRAJ MEHTA BHAVAN, GANDHINAGAR