

No. I-11011/275/2020-HR
 Government of India
 Ministry of Health & Family Welfare
 (Department of Health Research)

2nd Floor, IRCS Building,
 1, Red Cross Road, New Delhi-110001
 Dated the 11th August, 2020

To,
 Dr. Harpreet Singh Arora,
 1715, Raghomajra Patiala,
 Punjab - 147001.

Subject: - Information sought under the RTI, Act 2005.

Sir,

I am to refer to your online RTI application dated 16/07/2020 bearing registration No. DOHRE/R/E/20/00237. Insofar this Department is concerned, the point-wise reply is as under:

Point Nos.	Reply
A.	Copies of this Ministry's four orders, dated 25.11.2003, 05.05.2010, 21.06.2011 and 17.02.2012. These orders are self-explanatory.
B.	Proposal, seeking recognition of Electrohomoeopathy as a system of medicine, is under consideration by a committee, constituted by the Department of Health Research.
C.	It pertains to Department of Health and Family Welfare (DoH&FW) and your RTI application has already been transferred to them under section 6 (3) of the RTI Act, 2005.
D.	The orders mentioned against Point No. A above are self-explanatory.
E. to I.	Information concerning to the points E to I is not available in DHR. Your RTI application has been transferred to Department of Health and Family Welfare (DoH&FW) under section 6 (3) of the RTI Act, 2005 for providing information, if any.
J.	It pertains to Ministry of AYUSH and your RTI application has already been transferred to them under section 6 (3) of the RTI Act, 2005.
K.	MoH&FW's Order, dated 05.05.2010, did not call for any compliance report from the States/UTs.
L.&M.	In so far as Department of Health Research is concerned, Electropathy is not a recognised system of medicine, at present. Therefore, there is no recognised pharmacopeia for this system, based on which the information requested for could be provided.
N.	DHR has not undertaken or authorised any research in the matter. Hence, it does not have any research paper in these cases. RTI applicant may like to approach the Ministry of AYUSH also.

3. The First Appellate Authority is Smt. Anu Nagar, Joint Secretary, Department of Health Research, Ministry of Health & Family Welfare, 2nd Floor, IRCS Building, 1, Red Cross Road, New Delhi - 110001.

Encl. As above

Yours faithfully,
 Digitally signed by DAULAT
 RAM MEENA
 Date: Tue Aug 11 10:59:25 IST
 2020
 Reason: Approved (Meena)

CPIO & Deputy Secretary to the Govt. of India
 Tel. 23736901

(47)

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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 3.8.2009 in Civil Miscellaneous Writ Petition No. 31904 of 1991, in which court has directed that, "the petitioner may file a fresh representation before 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 may consider and decide that matter by a reasoned and speaking order within six weeks 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 31.11.2009 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 Court orders relating to these cases.

Apart from the Court cases, the representation has also submitted evidence of 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.

Dr Awasthy has represented that the Health Ministry should honour

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/-

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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".

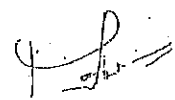
NEHM, as per the document submitted by them is conducting diploma and certificate courses, and not running full time Bachelor and Masters degrees.

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.

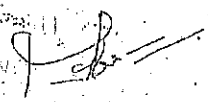
However, the Order No. R. 14015/25/96-U & H(R) (pt) dated 25th November 2003, does not bar the Development & Research of Electropathy.

.....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)

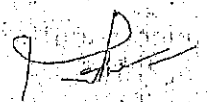
Under Secretary to the Government of India of India
Tel No. 23061986

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 :

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

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:-

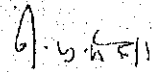
" That the order dated 25.11.2003 addressed to different officials and copies sent, however, to all their subordinates was mis-interpreted as if the Government of India has altogether prohibited the development and research of Electropathy, however the order dated 05.05.2010 has clarified that there 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-

ated 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 interference in contravention of the same."

3. As per the directions of the Hon. Lucknow Bench of the High Court of Judicature 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:

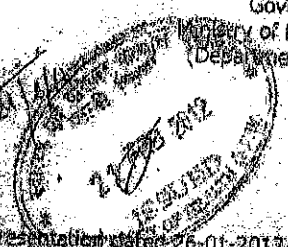
1. Sh. Taj Ali, Secretary, Electro Homeo Medical Association of India, 8 - Lal Bagh, Lucknow - 226001 (Uttar Pradesh).
2. The Registrar, High Court, Lucknow Bench, Lucknow.

S/W 12 (I)

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Shri. Jignasaben S. Patel
20/01/2012

No. C.30011/17/2011-HR
Government of India
Ministry of Health & Family Welfare
(Department of Health Research)



Nirman Bhawan, New Delhi;
Dated: 17-02-2012

ORDER

Subject: Representation dated 26-01-2012 of Jignasaben, S. Patel and ors-regarding.

An order was passed on 20.01.2012 by the Hon. High Court of Gujarat of Judicature at Ahmedabad in the SPA No.2902/2011 filed before the Hon. High Court by Jignasaben, S. Patel & Ors. as under:

"the petition is disposed of with a liberty to the petitioners to take out appropriate representation to all the concerned authorities and submit along with the Central Government order dated 05.05.2010 and in such an eventually, the concerned authority shall pass appropriate reasoned order in r/o the petitioners grievances. The petitioners shall approach within 2 (two) weeks from today and the authorities concerned shall pass order within 2 (two) weeks thereafter. In case if the order is adverse to the petitioners, it would be open for the petitioners to challenge the same in accordance with law with this observation, petition is disposed"

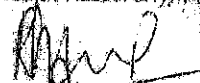
2. Consequently, in accordance with the said order, Jignasaben, S. Patel and the other petitioners have filed a joint representation vide letter dated 20-01-2012 in which following submissions and prayer has been made:-

"That kindly look into the matter at your honour's earliest, and issue appropriate reasoned orders. To the authorities and Government agencies concerned in accordance of the judgement of the honorable High Court of Gujarat Ahmedabad dated 20th January 2012. Along with the suitable instructions not to stop us from practicing in Electropathy and Electro-homeopathy system of medicine and surgery and also not to disturb our day to day's peaceful professional life for which we are entitled for by law"

3. As per the directions of the Hon. Gujarat High Court of Judicature at Ahmedabad, 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 the State Governments for information and necessary action. With this your representation is disposed off.

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


(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. Jignashaben S Patel, AT-Post -Ukai, Taluka-Songadh, DIST -Tapi(GUJARAT).
4. Sanjaybhai Arjunbhai Chaudhari, AT-Post Taluka-Songadh, DIST -Tapi(GUJARAT).
5. Chetanbhai Jagannathbhai Patel, AT-Post -Ukai, Taluka-Songadh, DIST -Tapi(GUJARAT).
6. Sunilbhai Nathubhai Bhandari, AT-Post -Ukai, Taluka-Songadh, DIST -Tapi(GUJARAT).
7. Abhaykumar Raghunathbhai Patil, AT- Post Songadh, Taluka-Songadh, DIST -Tapi(GUJARAT).

BY SPEEDY

STAC

Sh

Prasad
25/24

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

Nirman Bhavan, New Delhi
Dated the 25th November, 2007

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.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 & 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 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 & F.W.

30.5.1981
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[Signature]
 Bhavanil Thyagarajan
 Joint Secretary

- All Health Secretaries of States/UTs.
- Secretary, UGC
- Dental Council of India, Indian Nursing Council, Medical Council of India, Pharmacy Council of India, Indian Council of Medical Research
- Secretary, Dept. of I.S.M.C.
- CCIM, CCH, CCRAS, CCRVN, CCRFCRUM

Recd
[Signature]

Min. of Health