

हाईकोर्ट के न्यायाधीश श्री वी.पी.बनर्जी ने निर्णय में स्पष्ट लिखा है संविधान के एक्ट 19(1) जी के अनुसार अल्टरनेटिव सिस्टम आफ मेडिसिन में किसी को शिक्षा देने प्रशिक्षण देने हेतु संविधान में किसी लोजिस्लेटर को रोक लगाने का अधिकार नहीं है और न कोई लेजिस्लेटर (कानून नियंता) छलकपट से इस प्रकार के अध्ययन पर पाबंदी लगा सकता है। **Article 19(1)g did not provide any power upon the legislator to prohibit teaching or importing education in Alternative medicine not there was any legislator imposing any ban on studies.**

## **NO HARASSEMENT TO ALTERNATIVE MEDICAL PRACTITIONERS-HON'BLE SUPREME COURT**

**Latest: contents of the judgment of hon'ble supreme court of india Dated 24.11.2000  
(In The Judgment and order date 18.11.1998 in F.A.O.no 205/92)**

- प्रिन्ट मीडिया की नजर में –योग नेचुरोपैथी की डिग्री एमबीबीएस के समकक्ष फैसला केन्द्र सरकार ने उपचार में योग एवं नेचुरोपैथी के बढ़ते महत्व को स्वीकार करते हुए इस पद्धति में कार्य कर रहे हैं। चिकित्सा कर्मियों को अपने नाम के आगे डाक्टर लिखने की अनुमति देती है। इसी पैथी में कार्य करने वाले डॉक्टरों को एमबीबीएस,बीएएमएस और बीएचएमएस के समतुल्य माना जायेगा।
- सी.एम.एस. डिप्लोमाधारी चिकित्सा कार्य कर सकते हैं—दवाईया लिख सकते हैं मेडिकल सर्टीफिकेट दे सकते हैं, इन्हें सक्रामक रोगों,कुपोषण आदि तथा सामान्य बीमारियों के इलाज की अनुमति दी गई हैं। माननीय सुप्रीम कोर्ट द्वारा देय निर्णय 14 फरवरी 2002 माननीय न्यायाधीश श्री राजेन्द्र बाबू जी व श्री शिवराज पाटिल जी. जस्टिस सुप्रीम कोर्ट,भारत सरकार।
- उत्तराखण्ड हाइकोर्ट से सी.एम.एस. डिप्लोमा धारीयों को एलोपैथिक प्रैक्टिस हेतु स्टे मिला।
- जब कानून ही नहीं तो कालेज गैर कानूनी कैसे गैर कानूनी

**हाईकोर्ट का एक महत्वपूर्ण निर्णय—न्यायाधीश अमय नायक**

**(सामार—दैनिक जागरण, रीवा, भोपाल, 04/08/2007)**

## FROM THE CHAMBER OF OUR HIGH COURT'S

### LEGAL ADVISORS

अल्टरनेटिव चिकित्सा पद्धति में प्रैक्टिस करना कानूनी रूप से हाईकोर्ट सुप्रीम कोर्ट द्वारा मान्य है।

प्रस्तावित इयोम्स यूनीवर्सिटी-इण्डियन मेडिकल बोर्ड अल्टरनेटिव सिस्टम के लीगल एडवाइजर श्री एम० रंजन एडवोकेट एण्ड एट एल. हाईकोर्ट ने बताया कि विधि द्वारा स्थापित से रजिस्टर्ड संस्थाओं से अल्टरनेटिव मेडिकल सिस्टम में शिक्षा प्राप्त डाक्टर इलेक्ट्रॉन होम्योपैथी व अल्टरनेटिव मेडीसीन में भारतीय संविधान की धारा 19(1) सी तथा 19(1) जी, तथा फन्डामेंटल राइट्स के अनुसार इन चिकित्सा पद्धतियों में स्वतंत्र रूप से प्रैक्टिस कर सकते हैं। इनकी प्रैक्टिस पर कोई सरकारी रोक नहीं है। इसके लिए निम्न निर्णयों की Proceeding /Ruling को देखा जा सकता है।

1. Matter No. 545/88 dated 07/05/90 of Calcutta court c/j/91/vol-II page 173/187
2. W.P.I. No. 13975/93 dated 18/11/97 High court-Karnataka.
3. C.W.P. No. 4015/96 & C.M. No. 8468 of 97 decided on 18/11/98 page -38-56 Delhi High Courts.
4. W.P. No. 3108/98 Jabalpur High Court-Powerdin tirky &other Vs M.P. Govt.
5. W.P. No.432/2000 Jabalpur High Court –Dr Jahir Khan Vs Govt. decided 05/05/2000
6. Cr/W/P 304/96 dated 19-12-96 Bombay Nagpur Branch Maharstra decided 24.12.1996
7. CP No.231/2000 High Court Jabalpur M.P. decided on dated 17.7.2000 order no. Sr/Gen/2000/337
8. CMWP No. 42750/02 Allahabad High Court decided 21/10/02 etc.
9. CMWP No. 4674/02 Allahabad High Court decided 25/10/02 etc.
10. CWP 16971of 2000 Punjab, Haryana High Court Judgment.

नोट— उपरोक्त क्रम संख्या 4 में डॉक्टर पावरदीन तिकी उपरोक्त बोर्ड से रजिस्टर्ड डॉक्टर है, तथा क्रम संख्या 4 में डॉ. जहीर खान उपरोक्त बोर्ड से रजिस्टर्ड डॉक्टर है तथा अल्टरनेटिव कोर्स हेतु केन्द्र संचालक हैं।

### NO HARRASMENT TO ALTERMATIVE MEDICAL PRACTITIONERS –Hon'ble Supreme Court

Latest: Contents of the Judgment of Hon'ble Supreme Court of India Dated

24- 11-2000

(In the Judgment an order dt 18-11-98 in F.A.O. No.205/92)

For want of certain clarification etc. Delhi Govt. & Union of India (ministry of Health &F.W.) has filed an appeal (SLP) in the Hon'ble Supreme Court of India Challenging the order of Hon'ble Delhi High Court dt 18.11.98 Upon hearing an 12.10.2000 the Division Bench of Hon'ble Justice R.C. Lahoti & Hon'ble Justice Shivraj V. Patil has rejected the plea of Delhi Govt. & Union of India and finally on 24.11.2000 the bench of the Hon'ble Court comprising Justice Rajendra Babu and B.N. Aggarwal has declined to entertain the matter and SLP filed by petitioner (Delhi) Govt. &Union of India) has been dismissed. The Hon'ble Supreme Court of India also dt 18.11.98 by which it has been ordered that any legally constituted instruction imparting Educational facilities' in the field a Alternative Medicines may issue diploma /certificates and holders of such diploma /certificates are entitled to practice the particular faculty/facilities covered by the said Diploma/Certificates.



## **Approval Status**

### **Government of India**

#### **Approval Status**

1. In 1977, the “30<sup>th</sup> World Health Organization (WHO) assembly adopted a historic resolution urging interested Governments to Give” adequate importance to the utilization of their Traditional systems of medicines with appropriate regulations to suit their National Health Needs, Both developing greater interest and awareness in using traditional and indigenous health care resources in the implementation of their National Health Programs.

It has also emphasized the need for alternative traditional medicines to be evaluated given Due recognition and developed so as to improve its efficacy, safety availability and wider Application at low cost and advocating for the incorporation of these medicine in the government health systems so that health can be provide to all by 2000 A.D

Most of the advanced and develop countries have already accepted these resolutions and have set up various Research Institution for Alternative Medicines in their countries and have accepted this medicines as an Universal Remedy. The WHO Experts have reported that there are about 152 alternative Medicines in the world. Which are being practiced presently in various countries including India such as Acupuncture, Acupressure, Ayurveda, Aromatherapy, Bio- Chemic, Bach Flower Remedies, Magnet therapy, Electro – Homoeopathy etc.,

2. **Indian Medical Council Act 1956** – scope of the ACT- A system of Medicines known as Alternative system of Medicines devoid of any therapy by Chemicals and a system to get cure by controlling diets, sense and curing does not contravene any provision of the Act.

3. **Indian Medical Degree Act – 1916** – conferring, certificate, Diplomas, degrees, to successful students taught to cure disease by controlling diet, breathing etc. without any chemical therapy is not illegal. It contraveners no provision of the Act.

4. Thus Ayurveda and Homoeopathy which are recognized by the two Acts of 1971 and 1973 mentioned above are in fact system of Alternative Medicines. They were recognized by parliamentary acts only as recently as the beginning of the last decade. But before they were practiced only as system of Alternative Medicines without any formal recognition by the Indian Medical Council or any University.

5. **The Hon’ble Deputy Minister** for Health and Family Welfare, Govt. of India Sri Paban Singh Ghotowal has given his statement which has been published in “Pioneer Kanpur” on 07.08.1995 stating that “The Government of India is going to create separate Department to be headed by a Secretary to Popularize and promote various Alternative system of Medicines in India”

6. **The Hon’ble High court of Calcutta** in its final Judgments “Constitution writ Jurisdiction” matter no 546 of 1988 dt. 07.05.1990, which has been reported in Calcutta Law Journal 1991 (2) CLJ Page No. 173 to 187 held the following important points regarding the constitutional right and legal validity of Alternative systems of Medicines in India.

7. **The Hon’ble High Court of Karnataka** in its final judgment writ petition no. 17534 – 96/94 and no. 36960/94 noted the constitutional validity of section 16(2), 16(2A) etc. in order to develop, propagate and promote any alternative systems of medicines no permissions is required under any statue.

8. **The Hon’ble High Court of Delhi** stated in its judgment dt. 18.11.1998 of CWP No. 4015/1996 & OM No. 8468/1997 in which, the government has to take proper action to regularize and recognize the alternative medicines in India.

9. **The Hon’ble supreme court of Delhi**, stated in its final judgment of a case on alternative system of Medicine that “ the judgment of Hon’ble High court of Delhi must be strictly followed by the Govt. of India within eight weeks” to regularize and recognize the alternative system of medicines.



## **Govt. Of India Order Regarding Grant of Recognition for various streams of Alternative Medicine**

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 2003

### **ORDER**

The matter regarding grant of recognition to the various streams of alternative medicine including Electropathy / electro-homeopathy, 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 for 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, Homoeopathy, Yoga & Naturopathy, Electropathy / Electrohomoeopathy, 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 practiced 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 Homoeopathy.

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.

sd/-  
(Bhavani Thyagarajan)  
Joint Secretary

To

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. CC1M, CCH, CCRAS, CCRWS CCRH, CCRUM





**NO HARASSMENT TO ALTERNATIVE MEDICAL PRACTITIONERS-HON'BLE SUPREME COURT**

**LATEST: CONTENTS OF THE JUDGMENT OF HON'BLE SUPREME COURT OF INDIA DATED**

**(In the Judgment an order dt 18-11-98 in F.A.O. No.205/92)**

For Want of Certain clarification etc. Delhi Govt. & Union of India (Ministry of Health & F.W.) has filed an appeal (SLP) in the Hon'ble Supreme Court of India Challenging the order of Hon'ble Delhi High Court dt 18.11.98 Upon hearing an 12.10.2000 the division Bench of Hon'ble Justice R.C. Lahoti & Hon'ble Justice Shivraj V. Patil has rejected the plea of Delhi Govt. & Union of India and finally on 24.11.2000 the bench of the Hon'ble Court comprising Justice Rajendra Babu and B.N. Aggarwal has declined to entertain the matter and SLP filed by petitioner (Delhi) Govt. & Union of India) has been dismissed. The Hon'ble Supreme Court of India also dt 18.11.98 by which it has been ordered that any legally constituted institution imparting Educational facilities' in the Field of Alternative Medicines may issue Diploma/Certificate and holders of such diploma/Certificate are entitled to practice the particular faculty/facilities covered by the said Diploma/Certificates.



**ATTESTED**

**NOTARY PUBLIC**

**05 DEC 2012**



**LEGAL NOTICE IN ALL ADMINISTRATIVE INFORMATION**

**FROM THE CHAMBER OF OUR HIGH COURTS**

**Legal Advisors Proceeding/Ruling**

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1. Matter No. 545/88 dated 07/05/90 of Calcutta court c/j/91/vol-II page 173/187
  2. W.P.I. No. 13975/93 dated 18/11/97 High court-Karnataka.
  3. C.W.P. No. 4015/96 & C.M. No. 8468 of 97 decided on 18/11/98 page – 38-56 Delhi High Courts.
  4. W.P. No. 3108/98 Jabalpur High Court+Powerdin tirky & other Vs. M.P. Govt.
  5. W.P. No. 432/2000 Jabalpur High Court-Dr Jahir Khan Vs Govt. dedicked 05/05/2000
  6. Cr/W/P 304/96 dated 19-12-96 Bombay Nagpur Branch Maharstra decided 24.12.1996
  7. CP No. 231/2000 High Court Jabalpur M.P. decided on dated 17.7.2000 order no. Sr.Gen/2000/337
  8. CMWP No. 42750/02 Allahabad High Court decided 21/10/02 etc.
  9. CMWP No. 4674/02 Allahabad High Court decided 25/10/02 etc.
  10. CWP 16971 of 2000 Punjab, Haryana High Court Judgment.
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**Essential Drug**

1. Letter No. HPH/2069/dated 19/10/93 Director of Health Service Calcutta. Govt of West Bangal.
2. Letter No. 224/UP1/6505-12 dated 19/12/1993 Lucknow, Mahanideshak, Swasthaya Sewa Maha Nideshalya Swasthya Bhawan, Lucknow U.P.
3. Letter No. 13370-73 dated 24/09/1998 Nideshak Chikitsa Swasthya Sewayen, Jaipur Rajasthan.
4. Letter dated 15/06/1998 Director Health Service Family welfare, Chandigarh, Punjab.
5. Letter No. 6385-6407 dated 25/05/1999 the office of the Director of Health Service Assam Govt.