



भारतीय आयुर्विज्ञान परिषद्  
**MEDICAL COUNCIL OF INDIA**

पॉकेट - 14, सेक्टर - 8, द्वारका, नई दिल्ली - 110 077  
Pocket - 14, Sector - 8, Dwarka, New Delhi - 110 077

No. MCI-12(1)/2010-Med. Misc./729/6

Dated : 04/03/2011

The Secretary,  
A.G.S. Rashtriya Vidyapeeth,

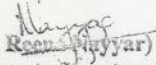
Tal. & Dist. Ahmednagar - 414005 (M.S.)

Sub : Permission/Recognition of Paramedical, Allopatent Medicine ( Allopathy ) &  
C.M.S. & E.D. Certificate & Diploma Course under your Council.

Sir,

With reference to your letter dated 24-1-2011, on the subject noted above, this is to inform you that Para-medical, Allopatent Medicine & C.M.S. & E.D. Courses do not come under the purview of Medical Council of India, New Delhi. As such, permission of the MCI is not required for starting/running Paramedical, Allopatent Medicine & C.M.S. & E.D. Courses in MCI as on date.

Yours faithfully,

  
(Dr. Reena Nayyar)  
Deputy Secretary

CASE NO.:  
Appeal (civil) 152 of 1994

PETITIONER:  
Subhasis Bakshi & Ors.

RESPONDENT:  
West Bengal Medical Council & Ors.

DATE OF JUDGMENT: 14/02/2003

BENCH:  
S. RAJENDRA BABU & SHIVARAJ V. PATIL

JUDGMENT:

J U D G M E N T

RAJENDRA BABU, J. :

"Thou shall not prescribe, but treat". Does this commandment stand the test of legal scrutiny? This is the stark and simple question to be decided in this case.

The long-winded facts of this case read as follows:

That about 337 persons, including the appellants had completed the diploma course of Community Medical Service in duly recognized institutions in the State of West Bengal and were posted in different parts of the State by the Government of West Bengal. On October 15, 1980 vide Notification No. Health/MA/7076/5M-5/80 the Government of West Bengal made an amendment in the Statute of the State Medical Faculty by introducing Article 6F under Part B, which reads verbatim as under:

"6F: Students who will undergo and complete the requisite course of studies in Medicine/Medical Science (as defined and detailed in the Schedule to this article and hereinafter called as the said Regulations for the Diploma course in Community Medical Services) in Medical Institutions, duly recognized by the State Medical Faculty of West Bengal, shall be admitted into examinations in the subjects laid down in the said regulations and the students passing the examinations shall be granted Diploma with the abbreviation "Dip. C.M.S.", by the Governing body of the aforesaid Faculty.

The Governing Body of the aforesaid Faculty shall also maintain a Register of such Diploma holders with a view to regulating, supervising and restricting their practice for the present."

The objective of the said Notification, as detailed therein, is as follows:

" I. Objectives:

- i). To provide medical training to a group of personnel to man the Health Centers and Subsidiary Health Centers.
- ii). Emphasis is to be given on comprehensive Health Care of the Community including promotive, preventive and curative aspects.
- iii). A candidate after successfully completing the course of studies will act as a Team Leader of various categories of Field Workers.
- iv). Training in curative medicines is to be imparted in such a way that after completion of training the trainees can treat common diseases among rural population including communicable diseases, malnutritional states, snake bite, insecticidal poisoning etc. Instructions on diseases requiring sophisticated treatment not practicable in Health Centers will be

**LATEST ELECTROPATHY/ELECTRO HOMOEOPATHIC ORDER BY  
GOVERNMENT OF INDIA**

No.C.30011/22/2010-HR

Dated 21.06.2011

Government of Indian  
Ministry of Health & Family Welfare  
(Department of Health Research)  
Nirman Bhawan  
New Delhi.

**ORDER**

**Subject :- Regarding practice, education and research in alternative system of Medicine.**

To,  
All Health Secretaries of State Governments / Union Territory,  
Administrations.

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 M H & 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 homeopathy, etc.

Sd/-

J.P. Mehta  
Director (HR)



भारतीय आयुर्विज्ञान परिषद्  
**MEDICAL COUNCIL OF INDIA**

पॉकेट - 14, सेक्टर - 8, द्वारका, नई दिल्ली - 110 077  
Pocket - 14, Sector - 8, Dwarka, New Delhi - 110 077

No. MCI-12(1)/2010-Med. Misc./540/011/06/01

Date : 01/06/2011

**Sub : Permission/Recognition of Paramedical, Allopatient Medicine ( Allopathy ) & C.M.S. & E.D. Certificate & Diploma Course under your Council.**

Sir,

With reference to your letter MCM/PMS dated 20 / 05 / 2011 on the subject noted above, this is to inform you that Para-medical, Allopatient Medicine & C.M.S. & E.D. Courses do not come under the purview of Medical Council of India, New Delhi. As such, permission of the MCI is not required for starting/running Paramedical, Allopatient Medicine & C.M.S. & E.D. Courses in MCI as on date.

Yours faithfully,

  
**(Dr. Reena Waryar)**  
Deputy Secretary

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 पांबंदी 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 न्याधीश 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 फण्डामेंटल 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 Maharashtra 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.

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 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 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 on 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 /certificates and holders of such diploma /certificates are entitled to practice the particular faculty/facilities covered by the said Diploma/Certificates.

**मान्यता सम्बन्धी शासनादेश**

प्रेषक

निदेशक

आयुर्वेदिक यूनानी सेवाएँ उ०प्र०

सेवा में

समस्त प्राचार्य राजकीय आयुर्वेद कॉलेज उ०प्र०

समस्त क्षेत्रीय आयुर्वेद युनानी सेवाये उ०प्र०

पत्र संख्या-7145/2218/76

दिनांक-1.5.80

विषय -प्राकृतिक चिकित्सा पद्धति को मान्यता

महोदय,

उपर्युक्त विषय पर आपकी सेवा मे शासनादेश संख्या 9/5-445/73 दिनांक 19/12/79 की प्रतिलिपि प्रेषित करते हुए निवेदन है कि शासन ने उपर्युक्त द्वारा प्राकृतिक चिकित्सा पद्धति को मान्यता प्रदान कर दिया है।

भवदीय

हस्ताक्षर(दयाशंकर वाजपेयी) उपनिदेशक

आयुर्वेद उ०प्र०

कृते-निदेशक

भारत सरकार द्वारा प्राकृतिक चिकित्सा को मान्यता

स्वास्थ्य एवं परिवार कल्याण मंत्रालय भारत सरकार ने आदेश संख्या-R14015/25/96-U&H(R)(pt) दिनांक 5 नवम्बर 2003 द्वारा प्राकृतिक चिकित्सा एवं योगा को अन्य पैथियो के समान मान्यता दी और इस पैथी मे कोर्स किये चिकित्सको को अपने नाम के साथ डॉक्टर शब्द का प्रयोग करने का अधिकार दिया।



## Special Doctors to head Out to India's villages

By Shri Mahendra Ved  
Times News Network on 03.08.2001

### FACT FILE

- There are over five lakh medical graduates in all disciplines
- 12.5 Lakh unlicensed Practitioner of medicine
- But rural India still without doctors
- New Government run course will train physician to work exclusively in rural areas
- There will be no private player in this scheme.

New Delhi: The Planning commission is examining a proposal to introduce a three year medical course to train physicians to serve exclusively in the rural areas.

The proposal still in the preliminary stage has been welcomed by the plan sody's steering committee for the 10<sup>th</sup> plan. The next stage is to consult the dates and the Medical Council of India (MCI) which overseas medical education.

Says K. Venkatesubramaniam, Planning Commission member in charge of education and health. For the last 50 years, we have been told that medical graduates do not want to serve in the villages. The situation is only getting worse with heavy capitation fee in medical colleges. It's time to build a special cadre of rural doctors ready to serve in the villages.

In essence, the proposal seeks to revive the pre-independence practice of trained licentiates – EMPs and LMSs qualified basically as physicians but also capable to perform minor surgery.

Such medicos worked mainly in Bengal and south India. Their numbers declined with the increase in trained medical graduates (MBBS). Accused of producing quacks the system suffered a decline.

The then west Bengal chief minister B. C. Roy himself a renowned doctor among those who disapproved of this system. Colleges were closed but in some states any medical practitioners, even though not qualified could get a license if he/ she had practiced for ten years.

This process should have ended years ago, but has not. These licenses can be bought for Rs. 200, Outside Patna railway station, says the K. Gopalkrishnan of Janani an NGO that works on the family planning in the rural areas of Uttar Pradesh and Bihar.

Against five lack medical graduates belonging to all disciplines there are 12.5 lack unlicensed practitioners. The two have remained exclusive. The new proposal plans to keep it that way, without affecting regular practitioners.

Venkatesubramaniam says the special cadre of medicos would need to be trained in government run institutions and the private sectors would need to be kept out. The fees would have to be low to keep the course within the reach of genuine rural people otherwise, we will have the same problem of high capitation fees and you will have licentiates who will want to serve the rural areas.



10. It is especially in such a context that alternative medicines are relevant as they are a cost – effective medical science for one and all. It has the advantage of being for more inexpensive than modern medicine has virtually no side – effects is more acceptable to people .

Established as per 1962 world health organization alma Ata Declaration and accorded international organization to make alternative medicines popular and based on the record of deeds dated September 1962 located at the public registry of deeds of the kazakhstan socialist soviet republic No.115620-6-30

Incorporated under the authority of Medicina Alternativa. Alma – Ata 1962. Affiliated by the Open International University for Complementary Medicines vide their letter No. MA/12/03 dated: 24<sup>th</sup> December 2003.

**(Established vide WHO Declaration of Alma – Ata 1962, Medicina Alternativa,  
And Gazette Notification of Government of India)  
AN INSTITUTION OF OPEN AND DISTANCE EDUCATION  
(A choice of quality education system in Open Stream Method)**

(Correspondence Course Only)

- Legality, Validity & Utility of the Training Courses. Practice and research in the Field of Alternative systems of Medicines are in Conformity with the Constitution of India and laws of the land.
- Successful and trained students of the Board can practice and profess the various systems of Alternative medicines in India as per rules and regulations of Registration from MCI, CCIM & CCH is not required to practice the alternative system of Medicines (ASM) as per their letters respectively No. MCI-CCH – 3372 dated 18.05.2011.
- The order issued by Govt. of India, Ministry of Health and Family Welfare, Dept. of Health Research No. V.25011/276/2009 – HR, Dt. 05.05.2010 & No. 30011/22/2010- HR, Dt. 21.06.2011.

Wind of changes is now softly blowing in the fields of natural medicines. This re-birth of the medicines of the past will help to humanize the scientific medicine of tomorrow and structures a new futuristic, integrated medicine for the 21st century.

First of all, I would like to thank you for showing interest in the alternative medicine therapies, which is becoming more and more popular throughout the world.

Natural and traditional medicines respond directly to the Third world's need of psychological health and physical well being. It is also congruent to a man's intense desire for spiritual and aesthetic fulfillment. For an oriental, traditional medicine represents the sum total to measures, ingredients, custom and creative procedure of several forms, both material and spiritual which since prehistoric times, have enabled him to remain healthy by protecting himself against diseases, alleviating human suffering and curing disorders. The majority oriental regard life as a total synthesis of the body, mind and spirit and in accordance with this firm conviction, they consider positive health as a blend of physical, mental, social, spiritual and moral wellbeing. Natural healers are therefore patronized and respected by members of the communities which they serve, the adoption of natural medicine in the grand design in the strategy of implementation of national health care programs make pragmatic sense. The "bare foot doctor" is a successful example of this strategy.

In 1977 the "30th **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 regulation to suit their national health needs. Both developing and developed countries have, thereafter displayed interest and awareness in using traditional and indigenous health care resources in the implementation of their national health programs.

Immediately in the 1977 WHO resolution, a worldwide promotional effort for traditional and natural medicines was launched. The success of this promotion may be measured by growing interest in these disciplines among many successful practitioners.

There is a growing volume of the articles and research papers on the related themes appearing in scientific journals and lay publications. Consequently many scientific institute and agencies are seeking to collaborate in research and training in traditional medicines.

Thus the traditional medicine program today is at historic crossroads. It has generated international awareness of the richness and importance of the subject. A development which represents the re-birth of the medicine of the past and one which may help to humanize the medicine of tomorrow.

A few decades ago, it was generally assumed by the scientific community that medicine plants, homeopathic doses, acupuncture needles, magnets, yoga etc could be safely relegated to no more than foot mote of medical history but this assumption has indeed, turned out to be very premature one. During the past two decades, the up surge of herbology, homeopathy acupuncture, yoga etc in every country, has been phenomenal. Manipulative medicine is being taken seriously note of, the world over, particularly in locomotors disorders. The complementary medicines are here to stay and need to be integrated with allopathic medicines, Sooner rather than later.

## 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.

**TRUE COPY**  
**No. V. 25017/4/90-R**  
**GOVT. OF INDIA**  
**MINISTRY OF HEALTH**  
**&**  
**FAMILY WELFARE**  
**(DEPARTMENT OF HEALTH, NEW DELHI)**

Dated the 16<sup>th</sup> May, 91

To,

The Director General of Health Services,  
Nirman Bhawan, New Delhi

**Sub: - Constitution of Expert committee on Electro- Homeopathy  
Electropathy system of Medicine –Reg.**

I am directed to refer to this Ministry letter no. R-14015/3/88- Homeopathy dated the 1<sup>st</sup> September, 1988 regarding constitution of Electropathy/Electro-homoeopathy system of Medicine inquiry Committee to investigate the Claims/merits of the Electropathy /Electro-homoeopathy system of Medicine for the purpose of its recognition as a new 5<sup>th</sup> system of medicine/treatment in India and to say that an assurance has been given by the Dy. Minister for Health & Family welfare during discussion the Lok Sabha on 22-02-91 on a private member's bill for constitution of in expert Committee to go into the recommendation of the inquiry committee set up during September, 1988 and to examine their feasibility before these could be Implemented

**In pursuance of the said assurance by the Hon'ble Dy. Minister for Health & Family Welfare, the Govt. of India is pleased to appoint an Expert Committee effect as under:-**

**Name of Committee:-**

The committee shall be known as Electropathy Electro- Homoeopathy system of Medicine recognition committee

## प्राकृतिक चिकित्सा को मान्यता



कम सं० 237

सरकारी गजट उत्तर प्रदेश  
उत्तर प्रदेशीय सरकार द्वारा प्रकाशित  
असाधारण

विधायी परिशिष्ट भाग - 1 खण्ड (क) (उत्तर प्रदेश अधिनियम)  
लखनऊ, शनिवार 17 अप्रैल, 1982, चैत्र 27 1914 शक संवत  
उत्तर प्रदेश सरकार

विधायिका अनुभाग - 1, संख्या 1227/सत्रह, दिनांक 01/03/1981, लखनऊ 17 अप्रैल, 1982  
अधिसूचना

प्रेषक

संख्या 7407 सं० 7407 सं० 9/5 - 445/73

श्री सुरेन्द्र नाथ गुप्ता  
विदेश सचिव उ०प्र० शासन

सेवा में

आयुर्वेदिक निदेशक  
उ० प्र० लखनऊ  
चिकित्सा अनुभाग - 9 लखनऊ

विषय - प्राकृतिक चिकित्सा पद्धति की मान्यता

महोदय,

उपयुक्त विषयक आपके पत्र सं० 3845 सामान्य दिनांक 04.10.79 के संदर्भ में मुझे यह कहने का निर्देश हुआ है कि अखिल भारतीय प्राकृतिक चिकित्सा परिषद नई दिल्ली ने प्राकृतिक चिकित्सा का महत्व बताते हुए इस शासन से अनुरोध किया था कि इस चिकित्सा पद्धति को मान्यता प्रदान कर दी जाए। शासन ने इस प्रस्ताव पर विचार करने पूर्व वर्ष 1978 में एक समिति का गठन किया था जिसकी संस्तुतियों शासन से प्राप्त हुयी। उपरोक्त समिति की संस्तुतियों पर विचारोपरांत राज्यपाल महोदय ने यह आदेश प्रदान करने की कृपा की है कि भारतीय चिकित्सा प्रणाली के अन्तर्गत प्राकृतिक चिकित्सा पद्धति को मान्यता प्रदान कर दी जाये।

भवदीय

संख्या (1) से क - 9 ..... दिनांक

रजिस्ट्रेशन प्रमाण पत्र से माननीय सुप्रीमकोर्ट व हाईकोर्ट के निर्णय की रूलिंग का आधार बनाकर प्राथमिक चिकित्सा की प्रैक्टिस कर सकते हैं कोर्ट के निर्णय का समाचार रजिस्ट्रेशन प्रमाण पत्र के पीछे छापा गया है। जिसे जॉच अधिकारी को दिखा सकते हैं। जिससे अधिकारी महोदय सन्तुष्ट हो जाते हैं।

**क्योंकि** सी0एम0एस0 का कोर्स सरकार से रजिस्टर्ड संस्था द्वारा चलाया जाता है। शासन द्वारा सी0एम0एस0 का कोर्स चलाने हेतु कोई हस्तक्षेप नहीं है क्योंकि यह सर्टीफिकेट कोर्स है तथा शासन द्वारा संचालित डिप्लोमा डिग्री पाठ्यक्रम की नियमावली के अर्न्तगत अभी नहीं आता है।

**क्योंकि** माननीय सुप्रीम कोर्ट ने अपने एक निर्णय मे सी0एम0एस0 डिप्लोमाचारक को प्राथमिक चिकित्सा कार्य करने की तथा मेडिकल सर्टीफिकेट जारी करने की अनुमति प्रदान की है। इस केस से सम्बन्धित डिप्लोमाधारक (याचिकाकर्ता) ने सी0एम0एस0 का डिप्लोमा कोर्स सरकार से रजिस्टर्ड संस्था द्वारा ही किया था शासन द्वारा इस तरह का कोई कोर्स नहीं करवाया जाता है।

(देखे सुप्रीम कोर्ट रूलिंग (2003) 9SCC269AIR2003SC)

**C.M.S/ D.C.M.S or C.M.S (E.D) Allopathy Courses  
(Clinical Medical Practice)**

हमारी ही तरह प्राथमिक चिकित्सा सहायता के क्षेत्र में कार्यरत संस्था आई आर एम ए ने अपने उद्देश्यों की पूर्ति हेतु सामुदायिक स्वास्थ्य कार्यकर्ताओं के प्रशिक्षण में सक्रिय एवं अग्रणी भूमिका निभायी है, संस्था ने विभिन्न सरकारों के स्वास्थ्य विभागों में पत्र लिखकर अपने कार्यक्रमों में सहायता व सहयोग करने हेतु निवेदन किया प्रत्युत्तर में कुछ सम्मानीय अधिकारी महोदयों ने अपने अधीनस्थ कर्मचारियों से संस्था के कार्यक्रमों को संचालित करने में सहयोग की अपील की अपेक्षा की जिससे सरकारी बल मिला ऐसे सभी अधिकारी बन्धु बधाई के पात्र हैं, पत्रों का संक्षिप्त विवरण इस प्रकार है, किसी भी पत्र का अवलोकन किया जा सकता है।

1. Letter No. HPH/2069/dated 19/10/93 Director of Health Service Calcutta Govt. of West Bengal.
2. Letter No. 224/UP/6505-12 dated 19/12/1993 Lucknow, Mahanideshak Swasthaya Sewa Maha Nideshlya Swasthya Bhawan, Lucknow U.P
3. Letter NO. 14337-73 dated 24/09/1998 Nideshak Chikitsa Swasthya Sewayen, Jaipur Rajasthan.
4. Letter dated 15/06/1998 Director Health Services Family Welfare, Chandigarh, Punjab.
5. Letter No. 6385-647 dated 25/05/1999 the office of the Director of Health Service Assam Govt.

**कुछ महत्वपूर्ण निर्णय**

देश के प्रत्येक नागरिक को प्राथमिक स्वास्थ्य सेवाएँ उपलब्ध हो इस विचाराधारा को ध्यान में रखते हुये हमारे देश को विभिन्न न्यायालय के विद्वान न्यायाधीशों ने समय – समय पर यथोचित निर्णय दिये है तथा सरकारी विभागों में माननीय अधिकारियों ने भी इस सम्बन्ध में कुछ सक्रिय कदम उठाये है, किन्तु सम्भवतः किन्ही विशेष परिस्थितियों के कारण कोई सकारात्मक परिणाम फलीभूत नहीं हुआ। सभी विद्ववान न्यायाधीशों तथा अधिकारी बन्धु बधाई के पात्र हैं माननीय न्यायाधीशों के निर्णयों का अवलोकन कर केन्द्र तथा राज्य सरकारों को स्वास्थ्य से सम्बन्धित योजनाएँ बनानी चाहिये।

सी0एम0एस0 डिप्लोमाधारी चिकित्सक प्राथमिक उपचार कर सकते है। दवाइयों लिख सकते है, मेडिकल सर्टीफिकेट दे सकते है। माननीय सुप्रीमकोर्ट द्वारा देय निर्णय 14 फरवरी 2002 माननीय न्यायाधीश श्री राजेन्द्र बाबू व श्री शिवराज पाटिल जी, जस्टिस सुप्रीम कोर्ट, भारत सरकार।



**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 instruction 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**

- 
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. dedicted 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.
- 

**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.

## **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