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IN THE SUPREME COURT OF INDIA

(CIVIL APPELLATE JURISDICTION)

956146

SPECIAL LEAVE PETITION (CIVIL) NO. 29919 OF 2011

IN THE MATTER OF:

Gurvidnder kaur

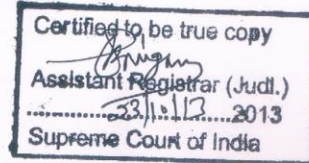
Petitioner

Versus

State of Punjab & Ors

..Respondent

REPLY AFFIDAVIT



I, B.L. Meena, S/o Shri Nathu Lal Meena, age about 40 years, Under Secretary, Ministry of Health and Family Welfare, Department of Health Research, New Delhi, do hereby solemnly affirm and declare as under:-

1. That in my official capacity I am conversant with the facts of the case and I am competent to swear this affidavit.

2. At Present, the modern system of medicine is regulated through the Indian Medical Council Act, 1956, the Homeopathic system of

medicine is regulated through the Homeopathy Central Council Act,

1978 and the three Indian Systems of medicine, namely Ayurveda,

Siddha and Unani are regulated through the Indian Medicine

Central Council Act 1970. For recognition of other systems of

medicine it is proposed to bring a legislation titled "The Recognition

of New System of Medicines Bill, 2011". The proposed Purport of

the draft Bill is 'to provide procedure for recognition of new

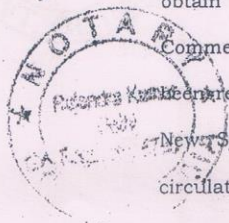
system of medicine for the purpose of practice and education



in that system and for matters connected therewith or incidental thereto.

3. The Hon'ble Supreme Court in its order dated 03.09.2002 (in the case of State of Maharashtra Vs. Afroz Khan and Ors) wanted to know from the Central Government how many instates/systems of medicines other than allopathic and ayurvedic institutes are recognized by the Government and further directed that an affidavit be filed mentioning therein what steps are taken by the Government to regulate such institutes. In pursuance of this order, an affidavit was filed on 18.11.2004 in which the Department of Health & Family Welfare had stated that a statutory framework should be provided. The Hon'ble Supreme Court also directed the draft legislation sought to be enacted be placed on record.

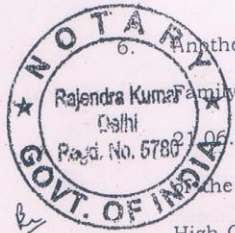
4. In this regard a Note was sent to the Cabinet on 15.11.2006 for obtaining its approval. The Cabinet considered the proposal on 23.11.2006 and the proposal was withdrawn. Secretary (H&FW) directed to circulate the Note again to obtain revised comments of the concerned agencies. Comments of the concerned Ministries/ Departments have been received. A draft of the Bill titled "The Recognition of New Systems of Medicines Bill, 2011" has again been circulated in August, 2011 among the concerned



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Ministries/Departments/ Organization for their comments and suggestions.

5. Subsequent, to impugned order of the Ministry of Health & Family Welfare issued vide No. R. 14015/25/96-&H(R)(Pt.) dated 25.11.2003 (copy enclosed as **Annexure - I**), another order has been issued by the Ministry of Health & Family Welfare vide No. V/ 25011/276/2009-HR dated 05.05.2010 (Copy enclosed as **Annexure - II**). According to these orders, in accordance with Order of the Hon'ble 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 25<sup>th</sup> 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.



6. Another order has been issued by the Ministry of Health & Family Welfare vide Order No. C.3011/22/2010-HR dated 21.06.2011 (Copy enclosed as **Annexure - III**) in pursuance of the order passed by the Lucknow Bench of the Hon'ble High Court of Judicature at Allahabad in WP No. 3992/2004 and copy of this order has been sent to the Health Secretaries of all the State Governments/Union Territory Administrations.

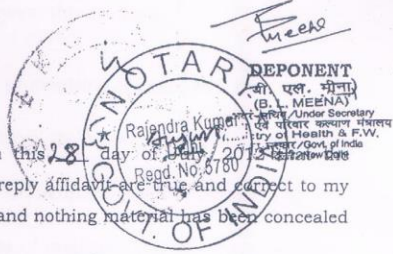
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- 7. That very recently yet another order has been issued by the Ministry of Health & Family Welfare vide Order No. C.30011/17/2011-HR dated 17.02.2012 (copy enclosed as *(Pg 161-162)* Annexure - IV in pursuance of the order passed by the Hon'ble High Court of Gujarat of Judicature at Ahmedabad in the SPA No. 2902 of 2011 and copy of this order has been sent to the Health Secretary of the State Government of Gujarat besides the petitioners. *That no new fact, which was not pleaded below Court has been pleaded in this counter affidavit,*
- 8. Thus it may be seen that issue relating to alternative systems of medicine has already been considered and disposed of by the Hon'ble Supreme Court and process of legislation is in progress. Till such time, the education and practice of alternative systems of medicine other than those already recognized, is not barred.



**VERIFICATION:**

Verified at New Delhi on this 28<sup>th</sup> day of August, 2012  
 contents of paras 1 to 8 of this reply affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.



CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT EXCITANT WHO IS SEEMED TO UNDERSTAND & AFFIRMED BEFORE ME AT DELHI ON 28.08.2012

**ATTESTED**  
 RAJENDRA KUMAR  
 NOTARY, DELHI  
 REGN NO. 5785  
 GOVERNMENT OF INDIA  
 28.08.2012

**DEPONENT**  
 B. L. MEENA  
 Under Secretary  
 Ministry of Health & F.W.  
 Govt. of India  
 New Delhi

(Sushmi Singh)  
 2338/225