

(2010) 07 MAD CK 0321

Madras High Court

Case No: Contempt Petition No. 775 of 2010

Tamil Nadu Siddha Medical
Graduates' Association

APPELLANT

Vs

Letika Saran, I.P.S.

RESPONDENT

Date of Decision: July 23, 2010

Acts Referred:

- Indian Medicine Central Council Act, 1970 - Section 17(3)B, 2(1)(e)

Citation: (2010) 4 CTC 798

Hon'ble Judges: F.M. Ibrahim Kalifulla, J

Bench: Single Bench

Advocate: Prabhakaran, for the Appellant; M. Dhandapani, Special Government Pleader,
for the Respondent

Judgement

F.M. Ibrahim Kalifulla, J.

This Contempt Petition has been filed alleging violation of the order of this Court dated 07.04.2006 passed in W.P.M.P. No. 10746 of 2006 in W.P. No. 9648 of 2006. The specific order was to the following effect:

There will be an order of interim injunction restraining the 4th Respondent from interfering with the professional practice of such of those members of the Petitioner's Association who hold valid registration certificate issued by the 3rd Respondent Council and till such time such registration continue to hold valid to practice as registered Siddha Medical Practitioners as prescribed u/s 2(1)(e) of the Indian Medicine Central Council Act, 1970 as well as per the notifications issued under the said Act dated 30.10.1996, 22.1.2004 and 19.5.2004.

Notice.

The grievance of the Petitioner is that subsequent to the said order, the Principal Secretary to Government in his communication addressed to Director General of

Police with a copy marked to the Registrar of Tamil Nadu Homeopathy Medical Council enclosed a further communication dated 15.6.2010 wherein he made it clear that Institutionally qualified Practitioners of Ayurveda, Siddha and Unani who are registered in the Tamil Nadu Board of Indian Medicine are eligible to practice in the respective system with Allopathy based on the training and teaching they had in the Course and that they cannot exclusively do the practice in Allopathy Medicine. In the very same communication, a further direction was issued to the following effect:

I am therefore to request you to instruct the Police Officers in the Districts not to intervene with the Practice of Registered Practitioners of Siddha, Ayurveda, Unani and Naturopathy who are registered in the Tamil Nadu Siddha Medical Council and Tamil Nadu Board of Indian Medicine. If any of these ISM Doctors are exclusively doing practice in Allopathy Medicine, names of these Doctors may be intimated to the Council and the Government for taking action against them under the Tamil Nadu Sidha System of Medicine (Development and Registration of Practitioners) Act, 1997 and Tamil Nadu Board of Indian Medicine Rules. The cases of the Doctors who are already under arrest may be reviewed with reference to the above clarification.

2. However, Mr. Prabhakaran, learned Counsel for the Petitioner brought to the notice of this Court certain arrest of members of the Petitioner-Association was made between 09.1.2009 and 12.6.2010 in violation of the orders of this Court dated 07.04.2006. When the Contempt Petition was moved on 09.7.2010, learned Special Government Pleader was directed to get instructions about the action taken based on the communication of the Principal Secretary to the Government dated 16.10.2010 as well as the compliance of the order dated 07.04.2006. To day, the Special Government Pleader placed before the Court, a Circular Memo issued by the Respondent dated 19.6.2010 which reads as under:

Rc. No. 147472/Cr. IV(2)/2010, Office of the Director General of Police, Chennai-600 004, dated: 19.06.2010

CIRCULAR MEMORANDUM

Sub: Indian System of Medicine-Police action against qualified Indian Medicine Doctors-Instructions issued-Regarding.

Ref: Govt. Lr. No. 22715/Lmll(2)/Health Family Welfare Department, dated 15.06.2010 & 16.06.2010.

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In the reference cited, the Government have stated that the Police Department in the course of their action against the Quacks has inspected the clinics run by the registered medical practitioners in Siddha, Ayurveda, Homeopathy and Unani and arrested some of them as if they had practiced Allopathy System of Medicine. The Government have informed that as per Section 17(3)-B of the Indian Medicine Central Council Act, 1970 the institutionally qualified practitioners of Siddha,

Ayurveda and Unani Tibb Homeopathy are eligible to practice respective systems with modern scientific medicine including Surgery and Gynecology Obstetrics, Anesthesiology, ENT, Ophthalmology, etc. based on the training and teaching.

(2) Hence all Commissioners of Police/Inspectors General of Police, Deputy Inspector General of Police and Superintendents of Police are requested to instruct the Police Officers in the Cities and Districts not to intervene with the practice of registered practitioners of Siddha, Ayurveda, Unani, Homeopathy and Naturopathy who are registered in the Tamil Nadu Siddha Medical Council, Tamil Nadu Board of Indian Medicine and Tamil Nadu Homeopathy Medical Council. If any cases of the Doctors who are already under arrest may be reviewed with reference to the above clarification.

(3) The letter from the Health & Family Welfare Department at 15.06.2010 is enclosed for perusal.

(4) The instructions should be scrupulously followed.

(5) Receipt of this Circular Memo may be acknowledged.

Sd/-K. Radhakrishnan
ADGP (Law & Order)

To:

All Commissioners of Police in the Cities.

All Inspectors General of Police in Zones.

All Deputy Inspectors General of Police in Range.

All Superintendents of Police in the Districts.

/True Copy/Forwarded/By Order/
Personal Assistant (Admn)

3. In the light of the said Circular, it is imperative that no proceedings can be initiated against any of those registered practitioners in Siddha, Ayurveda, Homeopathy and Unani, who are eligible to practice irrespective of the respective system also with Modern Scientific Medicine including Surgery and Gynecology Obstetrics, Anesthesiology, ENT, Ophthalmology, etc. Such registration of the medical practitioners with Tamil Nadu Siddha Medical Council, Tamil Nadu Board of Indian Medicine and Tamil Nadu Homeopathy Medical Council as well as such of those qualified doctors who were recognised as such by the Madurai Kamaraj University and Tamil Nadu Dr. MGR Medical University who have been qualified respectively in the system of bachelor of Siddha Medicine and Surgery. If any action had been taken against such of those medical practitioners referred to above, it is needless to state that, such action should be dropped forthwith pending further orders in the Writ Petition. Contempt Petition is closed recording the above Circular memorandum issued by the Director General of Police. The Respondent is directed

to communicate a copy of the order to the concerned authorities for its due implementation.