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V.Sunil Kumar vs the State of Kerala

V.Sunil Kumar vs the State of Kerala

SooperKanoon Citation : sooperkanoon.com/1823640

Court : Kerala

Decided On : Oct-14-2020

Judge : Honourable the Chief Justice Mr.S.Manikumar,Honourable Mr. Justice Shaji P.Chaly

Appeal No. : WP(C)/20279/2011

Appellant : V.Sunil Kumar

Respondent : The State of Kerala

Judgement :

I N THE HI GH COURTOFKERALA ATERNAKULAM PRESENT THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 21419OF2009(V) PETI TIONER/ S:

CENTRALCOUNCI LOFINDIAN MEDICINE 61-65,I NSTI TUTI ONALAREA, ,J A/NAKPURI,NEW DELHI-110058,,REP.BYITSSECRETARYSRI. VAIDYA PREM RAJ SHARMA. BYADVS. SRI .N.NANDAKUMARA MENON (SR.) SRI .K. T.THOMAS SRI .S. MANU S: RESPONDENT/ 1 STATE OFKERALA AND ANOTHER SECRETARYTO GOVERNMENT,

,DEPARTMENTOFHEALTH & FAMILYWELFARE (G),,GOVERNMENTOFKERALA, SECRETARIATCOMPLEX, ,THI RUVANANTHAPURAM,KERALA. 2 THE REGI STRAR TRAVANCORE-COCHI N MEDICALCOUNCI L,,RED CROSSROAD, THIRUVANANTHAPURAM-37.

3 ADDL.R3VANCHI YOOR MADHOM DHANWANTHARI SANNI DHANAM (REGN.NO.T1894/1998) ,V. P18/6,KUNDAMON BHAGAM,PEYAD P.O. ,THIRUVANANTHAPURAM,REPRESENTED BYI TS PRESIDENT,DR.V.N PARAMESWARAN POTTY,RESI DING AT VANCHI YOOR MADHOM V.P18/5,KUNDAMON BHAGAM,PEYAD P.O. ,THIRUVANANTHAPURAM- 695573.(ADDL.R3IMPLEADED VIDE ORDER DATED 03/ 08/ 2009INIA.9569/ 2009) 4 ADDL.R4DIVAKARAN P. V AGED 50YEARS W.P.(C) No. 21419/2009 & batch 2 S/O VELAYUDHAN,PULLANKOTTU HOUSE,PANICHIPARA, POONJ AR P. O.((ADDL.R4IMPLEADED VI DE ORDER DATED 2010I NI A.396/ 2010) R1BYADV.SMT.ANNIE GEORGE R1BYADV.SRI .BIJ U ABRAHAM R1BYADV.DR. SEBASTI AN CHAMPAPPI LLY R1BYADV.SRI .N.RAGHURAJ ,SC,TCMC KNMC THISWRI TPETITION (CIVIL)HAVI NG BEEN FINALLYHEARD ON 14. 10.2020, ALONG WI TH WP(C)NO.16400/ 2009,13589& 13123of2010, 12533,6554,6610,7658,8755 & 6503 of2011,25120 & 23398 of2009, 20823& 7406of2010& 28222of2013,21869/ 2010,20279& 20495/ 2011, DELIVERED THE FOLLOWI NG:

W.P.(C) No. 21419/2009 & batch 3 I N THE HI GH COURTOFKERALA ATERNAKULAM PRESENT THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 16400OF2009 PETI TIONER/ S: VANCHIYOOR MADHOM DHANWANTHARI SANNIDHANAM,(REGN.NO. T.1894/98) ,V. P.18/ 6,,KUNDAMON BHAGAM,PEYAD P.O. ,THIRUVANANTHAPURAM, ,REP. BYITS PRESIDENT,DR.V. N.PARAMESWARAN POTTY, ,RESIDI DING AT VANCHIYOOR MADHOM V.P. P. O.,THIRUVANANTHAPURAM- 695573.

BYADVS. DR. SEBASTI AN CHAMPAPPI LLY SMT.ANNI E GEORGE SRI .T.C.DIPI N SRI .M. P. RAJU RESPONDENT/ S: 1 THE SECRETARYTO GOVERNMENT, HEALTH AND FAMILYWELFARE DEPARTMENT, ,GOVERNMENT SECRETARIAT,,THI RUVANANTHAPURAM. 2 THE REGI STRAR, COUNCILOFINDIGENOUSMEDI CI NE,OFFI CE OFTHE MEDICALCOUCNIL,RED CROSSROAD, THI RUVANANTHAPURAM. ADDL.R3 & R4 I M PLEADED: W.P.(C) No. 21419/2009 & batch 4

3 KERALA AYURVEDA PARAMPARYA VAIDYA FORUM REGD.NO.Q.292/2001,POOYAPPALLILASLAMI ,S. R.P. MARKET.P.O. ,KOLLAM,KERALA- 690539,REPRESENTED BYI TS PRESI DENT,K.YESODHARAM VAI DYAR.

(ADDL. R3I SIMPLEADED ASPER ORDER DATED 03. 08. 2009I N I .A. NO.7555/ 2009IN W. P.(C)NO.16400/ 2009) 4 M.S.SUBHASH VAI DYAN AGED 60YEARS,S/O.KALLADIN SOMASEKHARAN VAI DYAR, MANI MANDIRAM P.O.,KALLAD,ALWAYE TALUK,ERNAKULAM DISTRICT. (ADDL.R4IMPLEADED ASPER ORDER DATED 03. 08. 2009I N I .A. NO.9663/ 2009I N W.P. (C)NO.16400/ 2009) 5 ADDL. R5 & R6 I M PLEADED:

GURUKULA VAIDYA SAMAJAM A SOCIETYREGISTERED UNDER THE TRAVANCORE COCHI N, LITERARY,SCI ENTI FI C AND CHARITABLE SOCIETI ES REGISTRATION ACT,HAVING I TSREGI STERED OFFICE AT HIMALAYA PHARMACYTELLI CHERRY,KANNUR DI STRICT REPRESENTED BYI TSSECRETARY,SRI.CHANDRAMANI .

(ADDL.R5IMPLEADED ASPER ORDER DATED 15. 09. 2009I NI. A. NO.10379OF 2009 IN W. P.(C)NO.16400/2009) 6 C. P.SASI KUMAR VAI DYAN S/ O PADMANABHAN VAI DYAN,J IJO BHAVAN,KOTTUKAL. P.O. , ANCHAL,KOLLAM - 691519. (ADDL. R6I MPLEADED ASPER ORDER DATED 15. 09. 2009I N I .A. NO.10646/ 2009) 7 ADDL. R7 TO R14 I M PLEADED: KERALA PARAMPARIYA NATTUVAI DYA SAMSTHAPANAM 10/ 543,PUTHUR,PALAKKAD 678001REPRESENTED BYITS PRESIDENTMANNAR G. RADHAKRISHNAN. (ADDL. R7I MPLEADED ASPER ORDER DATED 23. 09. 2009I N W.P.(C) No. 21419/2009 & batch 5 I .A. NO.11316/ 2009)

8 DR.ABDULRASHEED.K. S/ O.MAHAMOOD,AGED 50YEARSRESI DING ATSRUTHI , C. P.WOOD,28/ 85,KANNUR -3,GENERALSECRETARYOF MALABAR HOMEO FEDERATION,VADAKARA. (ADDL.R8I MPLEADED ASPER ORDER DATED 23. 09. 2009I NI. A. NO.1459/ 2009) 9 MALABAR AYURVEDA PARMAPARYA VYDIA COORDINATION COMMI TTEE,REPRESENTED BYITSPRESI DENTT.V. MADHAVAN VAI DYAR,VELLUVAMBRAM (PO) ,MALAPPURAM DISTRI CT. (ADDL.R9ISIMPLEADED ASPER ORDER DATED 24.03. 2010I N I. A.NO.1146/2010) 10 K. C.RAJAN GURUKKAL AGED 52YEARS,S/ O.K.P. CHOZHY,KANDAM PULLIVEEDU, RAMAPURAM ROAD,THRI SSUR DI STRI CT. (ADDL.R10IMPLEADED ASPER ORDER DATED 09. 04. 2010i nI. A. NO.5034/ 2010) 11 HAHNEMANI A MEDICALASSOCIATI ON KERALA (REG.NO.1580/ 87)NIRMALA HOMOEO STORIES,POST OFFICE ROAD,THRISSUR,REPRESENTED BYI TSPRESI DENT DR.V.RAVUNNINAI R,11/86,MANALARKKARU ROAD,VIYYOOR, THRISSUR. 12 DR. VIJAYAN KUTTIKATTU RAMAVARMAPURAM,STATE SECRETARYOFHAHNEMANNI A MEDICALASSOCI ATION,KERALA (REG.NO.180/87,NI RMALA HOMOEO STORES,POSTOFFI CE ROAD,THRISSUR. (ADDL.R11& R12IMPLEADED ASPER ORDER DATED 23.12. 2010I NI . A.NO.17176/ 2010) 13 MALABAR AREA HOMEO PRACTITIONERSPROTECTI ON COUNCILREG.NO.238/98,MALAPPURAM,REP.BYI TS CONVENER DR.P. A.JOSEPH,S/O.ANTONY,AGED 52YEARS, PADI NJARAVELI,HAHNEMANN HOMEO HOUSE,ULLANAM. P.O. , W.P.(C) No. 21419/2009 & batch 6 676303,PARAPPANANGADI ,MALAPPURAM . (ADDL. R13I MPLEADED ASPER ORDER DATED 17. 08. 2011I N I .A. NO.12950/ 2011) 14 VAIDYAN.K.N.RAVI AGED 59YEARS,S/O.NARAYANAN,NOW RESIDING AT THALAPARAMBATH HOUSE,VENPALA. PO. ,THI RUVALLA (GENERALSECRETARYOFKERALA AYURVEDA PARAMPARYA VAIDYA FEDERATI ON,H.O.THIRUVANANTHAPURAM. (ADDL.R14ISIMPLEADED ASPER ORDER DATED 07. 02. 2012I N I .A.NO.4195/ 2010)

R1BYSRI.TEK CHAND,SR.GOVERNMENTPLEADER R2BYSRI. N.REGHURAJ ,SC,HIGH POWER COMMI TTEE FOR SABARI

MALA,TRAVANCORE DEVASWOM BOARD R3BYADV.SRI.C.K.VIDYASAGAR R3BYADV.SRI.P.CHANDYJ OSEPH R4BYADV.SRI.T.A.SHAI N R5BYADV.SRI.ASWI N GOPAKUMAR R6BYADV.SRI.S.SUBHASH CHAND R7BYADV.SRI.PHI LI PT. VARGHESE R8BYADV.SRI.C.JAYACHANDRAN R8BYADV.SRI.R.PARTHASARATHY R9,BYADV.SMT. SEEMA R10BYADV.SMT. K.S.SANGEETHA R10BYADV.SMT. S.SIMY R11-12BYADV.SMT. DHANYA P.ASHOKAN R13BYADV.SRI . A.X.VARGHESE

THISWRITPETITION (CIVI L)HAVING BEEN FINALLYHEARD ON 14. 10. 2020, ALONG WI TH WP(C).NO.21419/ 2009 AND CONNECTED CASES,THE COURTON THE SAME DAYDELI VERED THE FOLLOWI NG: W.P.(C) No. 21419/2009 & batch 7 I N THE HI GH COURTOFKERALA ATERNAKULAM PRESENT THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 13589OF2010 PETI TIONER: AYURVEDA MEDI CALASSOCIATION OFINDI A REG.NO.74/1996,REPRESENTED BYTHE,PRESIDENTT.A. SALI M,AYURVEDA BHAVAN, ,XVIII /2- A,P. B.NO.93,ANGAMALY- 683572, ,ERNAKULAM DI STRICT,KERALA.

BYADVS. SRI .KURIAN ANTONYEDASSERY SMT.ANN EMILJOSEPH SMT.ANNIE GEORGE SRI .GEORGE CLEETUS S: RESPONDENT/ 1 THE SECRETARYTO GOVERNMENT, HEALTH AND FAMI LYWELFARE DEPARTMENT, GOVERNMENTSECRETARI AT,THI RUVANANTHAPURAM. 2 THE REGI STRAR COUNCILOFINDIGENEOUSMEDI CI NE,OFFI CE OFTHE MEDICALCOUNCIL,RED CROSSROAD, THI RUVANANTHAPURAM - 37.

3 THE UNION OFINDI A REPRESENTED BY THE SECRETARY,MI NISTRYOFHEALTH AND FAMI LY,WELFARE DEPARTMENT,AYUSH,IRCSBUILDINGS,,1,RED CROSSROAD, THIRUVANANTHAPURAM. ADDL.R4TO R8I MPLEADED: W.P.(C) No. 21419/2009 & batch 8

4 INDIAN NATUROPATHYAND YOGA GRADUATESMEDI CAL ASSOCI ATION (INYGMA) REG.NO. BLU-5477-2006-07,KAVILBHAVAN, PUTHARI YADUKKAM PO. ,NEELESWARAM,KASARAGODE DI ST. , PIN-671314,REPRESENTED BYI TSGENERALSECRETARY DR.SHI MJIP. NAI R,S/O. MR. P. KRISHNAN NAIR,AGED 35YEARS, RESIDING ATKRI SHNAKRI PA MANI MOOLA PO.,BANDADUKKA, KASARAGODE DI STRICT,KERALA STATE.

(ADDL.R4IMPLEADED ASPER ORDER DATED 07. 06. 2020I NI. A. NO.6495/ 2010) 5 M/S. SELFEDUCATED NATUROPATHYPRACTI TI ONERS ASSOCI ATION REGD.NO.S. NO.219/ 10,MNC CENTRE,TALI PARAMBA, KANNUR-670141,REPRESENTED BYS. K.MADHAVAN. (ADDL.R5IMPLEADED ASPER ORDER DATED 02. 07. 2010I NI. A. NO.8260/ 2010) 6 HAHNEMANI A MEDICALASSOCI ATI ON KERALA (REG.NO.1580/ 87)NI RMALA HOMOEO STORES,POST OFFICE ROAD,THRISSUR,REPRESENTED BYITSPRESI DENT DR.V.RAVUNNINAI R,11/86,MANALARKKARU ROAD,VIYYOOR, THRISSUR. 7 DR. VIJAYAN KUTTIKATTU RAMAVARMAPURAM,STATE SECRETARYOFHAHNEMANNI A MEDICALASSOCI ATION,KERALA (REG.NO. ,NI RMALA HOMOEO STORES,POSTOFFI CE,ROAD,THRISSUR. (ADDL. R6& R7I MPLEADED ASPER ORDER DATED 21. 12. I NI. A.NO.17214/ 2010) 8 ALLKERALA HOMEOPATHI C ASSOCIATI ON REGISTERED NO.13/ 68,ALAPPUZHA,SECRETARY, K.S. SADANANDAN,S/ O.LATE SANKARAN,AGED 78YEARS, RESIDING ATKEECERUKKAN VELI ,AVALOOKUNNU PO. , ALAPPUZHA. (ADDL. R8I MPLEADED ASPER ORDER DATED 09. 01. 2012I N W.P.(C) No. 21419/2009 & batch 9 I .A. NO.20574/ 2011)

BYADV.SHRI.K.A.MANZOOR ALICGC BYADV.SMT.LAI LA I. S.CGC R6& R7 BYADV.SMT. DHANYA P.ASHOKAN BYADV.SRI. JACOB CHACKO BYADV.SRI. B.V.JOYSANKER BYADV.SMT.JANCYALEX BYADV.SRI. P.M.KUNJ IMOIDEENKUTTY BYADV.SRI. LALK. JOSEPH R8BYADV.SMT. I.SHEELA DEVI BYADV.SRI. KKM. SHERI F BYADV.SRI. V.S.SHI RAZBAVA R2BYADV.SRI . N. RAGHURAJ

,SC,TCMC KNMC R4BYADV.SRI . THAMPAN THOMAS R5BYADV.SRI . A. A.ZI YAD RAHMAN R3BYADV.SMT. LAI LA I. S.,CGC R3BYADV.SHRI .P.VIJ AYAKUMAR,ASG OFI NDI A R1BYSRI.TEK CHAND,SR.GOVERNMENTPLEADER

THISWRITPETITION (CIVI L)HAVI NG BEEN FINALLYHEARD ON 14. 10. 2020, ALONG WI TH WP(C). NO. 21419/2009 AND CONNECTED CASES,THE COURTON THE SAME DAYDELI VERED THE FOLLOWING: W.P.(C) No. 21419/2009 & batch 10 I N THE HI GH COURTOFKERALA ATERNAKULAM PRESENT THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 13123OF2010 PETI TIONER: PRIVATE AYURVEDA MEDICALPRACTITIONERS' ASSOCI ATI ON,REPRESENTED BYI TSGENERALSECRETARY, DR.VINOD KRISHNAN,PARATHUVAYALILHOSPI TAL, , NO.VII/ 361A,M.C. ROAD,P.B.NO. 9,KEEZHILLAM P. O., , ERNAKULAM DI STRICT- 683541. BYADVS. SRI .K.J AYAKUMAR (SR.) SRI .N.AJITH SMT.GEETHA P. MENON SRI .P. B.KRISHNAN SRI .P. M. NEELAKANDAN SRI .R.SURAJKUMAR RESPONDENTS: 1 STATE OFKERALA REPRESENTED BYTHE SECRETARY,HEALTH & FAMILYWELFARE DEPARTMENT, , GOVERNMENTSECRETARI AT,THI RUVANANTHAPURAM. 2 THE REGI STRAR TRAVANCORE-COCHIN MEDICALCOUNCI L,RED CROSSROAD,, THI RUVANANTHAPURAM- 37. 3 THE UNI ON OFI NDI A REPRESENTED BY W.P.(C) No. 21419/2009 & batch 11

THE SECRETARY,MINISTRYOFHEALTH & FAMI LYWELFARE, DEPARTMENTOFAYUSH,I RCSBUI LDING,1,RED CROSS, ROAD,NEW DELHI - 110001. R1BYADV.SRI .S. JAMALCGC R1BYADV.SRI .N.RAGHURAJ,SC,TCMC KNMC R3BYADV.SHRI. P.VI JAYAKUMAR,ASG OFINDI A THISWRI TPETITI ON (CIVIL)HAVING BEEN FINALLYHEARD ON 14. 10.2020,ALONG WITH WP(C). THE COURTON THE SAME DAYDELI VERED THE FOLLOWING:

W.P.(C) No. 21419/2009 & batch 12 I N THE HI GH COURTOFKERALA ATERNAKULAM PRESENT THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 12533OF2011 PETI TIONERS: 1 DR. SAJEESH KUMAR B, ' PREM NIVAS' ,KOTHERY,,MATTANNUR P. O.,KANNUR- 670702. 2 DR.SADATH D.R. ' UDAYAGIRI'(KOOTTUNGALHOUSE) ,,SAKTHI KULANGARA P. O., , KOLLAM-691581. 3 DR. DEVI DASAN M. ' GANAM',RAVI PURAM,KOCHI -16. 4 DR.VI NEED S. THEKKINI YEDATH MANA,,KALLUVAZHIP. O.,PERUMBAVOOR, , ERNAKULAM DISTRI CT. BYADVS. SRI .E.K.NANDAKUMAR (SR.) SRI .P. BENNYTHOMAS SRI .K.JOHN MATHAI SRI .JAYASANKAR A. K RESPONDENTS:

1 UNION OFINDIA, REP.BYTHE SECRETARY, ,MINISTRYOFHEALTH AND FAMILY WELFARE,,NIRMAN BHAVAN,MAULANA AZAD ROAD, ,NEW DELHI-110108. 2 THE STATE OFKERALA W.P.(C) No. 21419/2009 & batch 13 REP.BYTHE SECRETARY, ,HEALTH AND FAMILYWELFARE DEPARTMENT,,GOVERNMENTSECRETARI AT, , THIRUVANANTHAPURAM-695001. 3 CENTRALCOUNCILOFINDIAN MEDICINE J AWAHAR LALNEHRU BHARTI YA CHIKI TSA AVAM, HOMOEOPATHYANUSANDHAN BHAWAN, ,61-65, INSTI TUTI ONALAREA,JANAKPURI, ,NEW DELHI -110058. 4 THE TRAVANCORE -COCHIN MEDICAL COUNCI LS,,COMBI NED COUNCILBUILDING, ,RED CROSS ROAD,THI RUVANANTHAPURAM-695035. 5 SRI.K. CHANDRAN VAIDYAR P. P.K.MEMMORIALVAIDYASSALA, ,CHAVASSERYP.O. , MATTANNUR VIA. ,,KANNUR DISTRI CT-670702. ADDL.R6 & R7I MPLEADED: 6 K.V.MADAVA WARRIER NI RMALA BHAVAN, KALLERI ,P. O.PERUVAYAL,KOZHI KODE DI STRICT. 7 K.SASI DHARA KURUP PERUVANIYAM VETTI L,P. O-ULLI ERI ,KOZHI KKODE DI STRI CT. , (ADDLRESPONDENTS6AND 7I MPLEADED ASPER ORDER, DATED 17. 08. 2011I NIA. 10824/ 11.) ADDL. R8I MPLEADED: AKHILA KERALA PARAMPARYA VAI DYA FEDERATION REG.NO.ER 172/ 83REPRESENTED BYI TSGENERAL SECRETARY,OFFI CE OFTHE AKHI LA KERALA PARAMPARYA VAI DYA FEDERATI ON,MARKETSOUTH GATE,ERNAKULAM. (ADDL.R8IMPLEADED ASPER ORDER DATED 07. 02. 2012I NI. A. NO.9356/ 2011) ADDL. R9& R10I

MPLEADED: MR. K.K. KUNHI MOOSA GURUKAL W.P.(C) No. 21419/2009 & batch 14 AGED 66YEARS S/ O ABOOBAKAR,RESIDING ATKARI PPI DIPOYILHOUSE, P. O.KIZHAKKOTH,KODUVALY,KOZHI KODE DI STRI CT, PIN -673572. 10 P. P.MUHAMMED GURUKAL T. P.HOUSE,P.O.CHELAVOOR,KOZHI KODE DI STRI CT, PIN -673571. (ADDL. R9& R10I MPLEADED ASPER ORDER DATED 27. 11. I NI. A.NO.15900/ 2014) ADDL. R11I MPLEADED: KERALA PARAMBARYA NAATTU VAI DYA SAMSTHAPANAM P. B.NO.117,PALAKKAD -678001,REPRESENTED BYITSSTATE PRESIDENTDR. M.G. RADHAKRI SHNAN (ADDL.R11IMPLEADED ASPER ORDER DATED 27. 11. 2014I N I .A.NO.8992/ 2014) R1,R3BYADV.SRI.CHERI AN VARGHESE R1BYADV.SRI. P.PARAMESWARAN NAIRASG OFI NDI A R11BYADV.SRI . C.S. MANU R8BYADV.SRI . T.MADHU BYADV.SRI. S.K.PREMRAJ BYADV.SRI. K.RAKESH ROSHAN R4BYADV.SRI . N.RAGHUAJ ,SC,TCMC KNMC BYADV.SMT.THUSHARA. V R6& R7BYADV.SRI .C.VATHSALAN R9& R10BYADV.SRI .C.VALSALAN R1& R3BYADV.SHRI . P.VIJ AYAKUMAR,ASG OFI NDI A R2BYSRI.TEK CHAND,SR.GOVERNMENTPLEADER THISWRITPETITION (CI VI L)HAVI NG BEEN FINALLYHEARD ON 14. 10. 2020,ALONG WI TH WP(C) .NO.21419/ 2009 AND CONNECTED CASES,THE COURTON THE SAME DAYDELI VERED THE FOLLOWI NG: W.P.(C) No. 21419/2009 & batch 15 I N THE HI GH COURTOFKERALA ATERNAKULAM PRESENT THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 6554OF2011 PETI TIONER/ S: 1 AYURVEDA HOSPI TAL-MANAGEMENTS ASSOCIATION (AHMA) ,REPRESENTED BYITSGENERAL, SECRETARY,DR. BABYKRISHNAN,AGED 55YEARS,,AYSWARYA HOSPITAL,POOKATTUPADY,ALUVA,,PIN -683561. 2 DR.J ITHESH C. ,AGED 25YEARS S/ O.CHANDRAN N. K.,SDK HEALTH COMPLEX,CHELAVOOR, , CALICUT,RESI DI NG AT"SREELAKSHMI " ,VILLI APPALLY, AMSOM DESOM,VATAKARA TALUK, CALICUTDISTRICT-673001. 3 DR.SANALKUMAR KURUNHI KKATTI L, AGED 42YEARS,S/O. LATE KUNHIRAMAN VAI DYAR, , KURUNHI KKATTI LAYURVEDA HOSPI TAL,VENGARA,,RESIDI NG

ATKURUNHI KKATTIL,OORAKAM DESAM, ,KEEZHMURI AMSOM,TI RURANGADITALUK,OORAKAM VI LLAGE,,OK MURI, VENGARA,MALAPPURAM DI STRICT-676505. BYADVS. DR. SEBASTI AN CHAMPAPPI LLY SMT.ANNIE GEORGE SRI .M.P. RAJU S: RESPONDENT/ 1 STATE OFKERALA,REPRESENTED BYTHE SECRETARYTO GOVERNMENT,,HEALTH & FAMI LYWELFARE W.P.(C) No. 21419/2009 & batch 16 DEPARTMENT,,GOVERNMENTSECRETARI AT, THIRUVANANTHAPURAM - 655001. ADDL. R2& R3I MPLEADED: MALABAR AYURVEDA PARAMPARYA VAI DYA SANGHAM REPRESENTED BYGENERALSECRETARY,BABU GURUKAL, S/ O.APPUTTYNAIR,AGED 47YEARS,RESIDING ATJ AYA NI VAS, VELIMUKKU (S)P.O. ,MALAPPURAM DI STRI CT (ADDL.R2I MPLEADED VI DE ORDER DATED 7. 02. 2012I NI. A 6252/ 2011) 3 MALABAR MEKHALA PARAMPARYA AYURVEDA VAIDYA SAMI TI REPRESENTED BYITSPRESI DENTT. V.MADHAVAN VAIDYAR, RESIDI NG ATTHAZHATH VEEDU,PULPATTA P. O., MALAPPURAM DISTRICT. (ADDL.R3 I MPLEADED VI DE ORDER DATED 7. 2.2012I NI. A 6258/ 2011) R1BYSRI.TEK CHAND,SR.GOVERNMENTPLEADER R2& R3BYADV.SRI.R. PARTHASARATHY THISWRITPETITION (CIVI L)HAVING BEEN FINALLYHEARD ON 14. 10. 2020, ALONG WI TH WP(C).NO.21419/ 2009 AND CONNECTED CASES,THE COURTON THE SAME DAYDELI VERED THE FOLLOWI NG: W.P.(C) No. 21419/2009 & batch 17 I N THE HI GH COURTOFKERALA ATERNAKULAM PRESENT THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 6610OF2011 PETI TIONER: PRIVATE AYURVEDA MEDICALPRACTITI ONERS' ASSOCI ATI ON,PARATHUVAYALILHOSPITAL, ,P. B.NO. 9, KEEZHI LLAM P.O. ,PERUMBAVOOR,,ERNAKULAM DI STRI CT, PIN-683541,,REPRESENTED BYI TSGENERALSECRETARY. BYADVS. SRI .P. B.KRISHNAN SRI .N.AJI TH SMT.GEETHA P. MENON SRI .R.SURAJKUMAR SRI .P. B.SUBRAMANYAN RESPONDENT/ S: 1 STATE OFKERALA,REPRESENTED BY THE SECRETARYTO GOVERNMENT,DEPARTMENT,OFHEALTH & FAMILYWELFARE,GOVERNMENTOFKERALA, GOVERNMENTSECRETARI AT,

,THIRUVANANTHAPURAM- 001.

2 THE REGI STRAR,COUNCILOFI NDI AN SYSTEMSOFMEDI CINE,OFFI CE OFTHE MEDICALCOUNCI L, RED CROSSROAD,,THI RUVANANTHAPURAM-695037. 3 THE REGI STRAR,TRAVANCORE-COCHI N MEDICALCOUNCIL,RED CROSSROAD,, W.P.(C) No. 21419/2009 & batch 18 THI RUVANANTHAPURAM-695037. 4 CENTRALCOUNCI LOFINDIAN MEDICINE 61- 65,I NSTITUTI ONALAREA,J ANAKPURI,, NEW DELHI -110058,REPRESENTED BYITS,SECRETARY. 5 ADDL.R5 I M PLEADAED: K. C.RAJ AN GURUKKAL, AGED 52YEARS, S/ O.K.P.CHOZHY, KANDAMPULLIVEEDU, RAMAPURAM ROAD, THRI SSUR DI STRI CT. (ADDL. R5IMPLEADED ASPER ORDER DATED 07. 02. 2012I N I .A. NO. 15915/ 2011)

BYADV.SRI. S.KANNAN BYADV.SMT.K.S. SANGEETHA BYADV.SMT.S.SI MY BYADV.SRI. V.M.KURIAN BYADV.SRI. MATHEW B.KURI AN R2&R3BYSRI .N.RAGHURAJ ,SC,TCMC & KNMC R2BYADV.SRI.K.T. THOMAS R4BYSRI.MANU. S,CGC R1BYSRI.TEK CHAND,SR.GOVERNMENTPLEADER THIS WRIT PETITI ON (CI VIL) HAVING BEEN FI NALLY HEARD ON 14. 10. 2020, ALONG WI TH WP(C).21419/ 2009 AND CONNECTED CASES,THE COURTON THE SAME DAYDELI VERED THE FOLLOWING: W.P.(C) No. 21419/2009 & batch 19 I N THE HI GH COURTOFKERALA ATERNAKULAM PRESENT THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 7658OF2011 PETI TIONER/ S:

COUNCI LOFAYURVEDA STUDENTSI N KERALA (CASK)REG.NO.T3070,OFFI CE ATGOVERNMENTAYURVEDA COLLEGE,STUDENT' S'UNI ON,GOVT.AYURVEDA COLLEGE,THI RUVANANTHAPURAM,REPRESENTED BYI TS GENERALSECRETARY, SHRI.GI KKU ALIASBENNY,AGED 23 YEARS,S/O.BENNYMON VARGHESE, CHAMAKANDATHI L HOUSE,PI RAMADOM P. O. MUVATTUPUZHA,MEMURYVI LLAGE, MUVATTUPUZHA TALUK,ERNAKULAM DI STRICT,PI N-686667.

BYADVS. SRI .KURIAN ANTONYEDASSERY SRI .M.RETHEESH RESPONDENT/ S: STATE OFKERALA REPRESENTED BYTHE SECRETARYTO GOVERNMENT,HEALTH AND FAMILYWELFARE,DEPARTMENT,GOVERNMENT SECRETARIAT, ,THIRUVANANTHAPRUAM.695001. THIS WRIT PETITI ON (CIVI L) HAVI NG BEEN FI NALLY HEARD ON 14. 10. 2020, ALONG WITH WP(C) .NO.21419/2009 AND CONNECTED CASES,THE COURTON THE SAME DAYDELI VERED THE FOLLOWING: W.P.(C) No. 21419/2009 & batch 20 I N THE HI GH COURTOFKERALA ATERNAKULAM PRESENT THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 8755OF2011 PETI TIONER: VANCHIYOOR MADHOM DHANWANTHARI SANNIDHANAM,(REGN.NO.T1894/ 98),V. P.18/ 6,,KUNDAMON BHAGAM,PEYAD P.O. ,THIRUVANANTHAPURAM. ,REP.BYI TS PRESIDENT,DR.V. N.PARAMESWARAN POTTY, ,RESIDING AT VANCHIYOOR MADHOM,V. P. P. O.,THIRUVANANTHAPURAM -695573. BYADVS. DR. SEBASTI AN CHAMPAPPI LLY SMT.ANNIE GEORGE SRI .M.P. RAJU RESPONDENT: STATE OFKERALA,REPRESENTED BYTHE SECRETARYTO GOVERNMENT, ,HEALTH & FAMI LYWELFARE DEPARTMENT,,GOVERNMENTSECRETARI AT, THIRUVANANTHAPURAM. 695001. R1BYSRI .TEK CHAND,SR.GOVERNMENTPLEADER THIS WRIT PETITI ON (CIVI L) HAVI NG BEEN FI NALLY HEARD ON 14. 10. 2020, ALONG WITH WP(C) .NO.21419/2009 AND CONNECTED CASES,THE COURTON THE SAME DAYDELI VERED THE FOLLOWING: W.P.(C) No. 21419/2009 & batch 21 I N THE HI GH COURTOFKERALA ATERNAKULAM PRESENT THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 6503OF2011 PETI TIONER: AYURVEDA MEDI CALASSOCIATION OFINDIA REGN.NO.74/1996,REPRESENTED BYITSPRESI DENT,, DR.T. A.SALI M,AYURVEDA BHAVAN,ANGAMALY, ,POSTBOX NO.93,ERNAKULAM.PI N - 683572. BYADVS. SRI .KURIAN ANTONYEDASSERY SMT.ANN EMILJOSEPH SMT.ANNIE GEORGE SRI .GEORGE CLEETUS S: RESPONDENT/ STATE

OFKERALA SECRETARYTO GOVERNMENT,HEALTH & FAMILY,WELFARE DEPARTMENT,GOVERNMENTSECRETARI AT,, THIRUVANANTHAPURAM. SRI .TEK CHAND,SR.GOVERNMENTPLEADER THIS WRIT PETITI ON (CI VIL) HAVING BEEN FINALLY HEARD ON 14. 10. 2020, ALONG WITH WP(C).NO.21419/2009 AND CONNECTED CASES,THE COURTON THE SAME DAYDELI VERED THE FOLLOWING: W.P.(C) No. 21419/2009 & batch 22 I N THE HI GH COURTOFKERALA ATERNAKULAM PRESENT THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 25120OF2009 PETI TIONERS: 1 BHARATEEYA PARAMPARYA NAATTU CHI KI TSA SANGHOM (1558/ 97)A SOCIETYREGISTERED UNDER,THE TRAVANCORE COCHI N LI TERARY,SCI ENTIFIC,CHARI TABLE SOCITI ESREGI STRATION ACT,1955HAVING,I TSREGI STERED OFFICE ATKATTAPPANA,PO PIN 685508, REPRESENTED BYI TSSECRETARY,SRI .BALAKRISHNAN VAI DYAN. 2 BALAKRISHNAN VAIDYAN AGED 65YEARS,S/O.VELAYUDHAN,PUTHUPARAMBU THAKIDIYEL,PAMPATTOM PARA P. O,NEDUNGANDOM VI A, IDUKKIDISTRICT. BYADV.SRI .ASWI N GOPAKUMAR RESPONDENTS: STATE OFKERALA REPRESENTED BYITSSECRETARY,DEPARTMENTOFHEALTH AND FAMILYWELFARE,GOVERNMENTSECRETARIAT, THIRUVANANTHAPURAM. THIS WRIT PETITI ON (CI VIL) HAVING BEEN FINALLY HEARD ON 14. 10. 2020, ALONG WITH WP(C).NO.21419/2009 AND CONNECTED CASES,THE COURTON THE SAME DAYDELI VERED THE FOLLOWING: W.P.(C) No. 21419/2009 & batch 23 THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 23398OF2009 PETI TIONER/ S:

1 TRADITIONALI NDIGENOUSMEDI CALPRACTI ONERS ASSOCIATION,(ER 924/04),A SOCIETYREGI STRED UNDER THE TRAVANCORE COCHI N LITERARY,SCIENTIFIC CHARITABLE SOCIETIESREGI STRATION ACT,1955,HAVI NG ITSOFFICE AT SIDDHAKUDEERAM,KURI KKAD P. O.,THI RUVANKULAM,REP.

BYITSSECRETARYSRI .BALAMURALEEKRI SHNAN,AGED 50 YEARS,S/O.V. N.KESAVAN NAI R,VANDANALI LHOUSE, ,AYROOR (NORTH),VELIYARA P.O.,PATHANAMTHI TTA.

2 GRAMEENA VAI DYA PUNARUDDHARANA SANGHOM, E. R NO.594/2003,MANJAKKAATTIL,THIRUVANKULAM P. O., ERNAKULAM,REPRESENTED BYI TSSECRETARY SRI. D.KALESHAN,AGED 55YEARS,S/ O. DAMODARAN VAIDYAR, RESIDING ATKUCHIANJ ILI KKAL,MANAPPURAM P.O., CHERTHALA. 3 SUKUMARAN VAI DYAN.P. K., S/O. KUMARAN,PUZHAKKARAYEDATHU,MUTTI NAKOM, VARAPPUZHA P. O.,ERNAKULAM DI STRI CT. 4 KOCHUKUTTY, S/ O.KELAN,NAMBIARKULANGARA,POOTHOTTA P. O., ERNAKULAM-682307. BYADV.SRI .ASWI N GOPAKUMAR S: RESPONDENT/ 1 UNI ON OFI NDI A, W.P.(C) No. 21419/2009 & batch 24

REPRESENTED BYTHE SECRETARY(HEALTH AND FAMI LY WELFARE),NI RMAN BHAVAN,MAULANA AZAD ROAD,NEW DELHI. 2 STATE OFKERALA, REPRESENTED BYITSSECRETARY,DEPARTMENTOFHEALTH AND FAMILYWELFARE,GOVERNMENTSECRETARIAT, THIRUVANANTHAPURAM. R1BYSRI.P.VI JAYAKUMAR,ASSISTANTSOLICI TOR GENERAL R1BYADV.SHRI . P.VI JAYAKUMAR,ASG OFI NDIA R2BYSRI.TEK CHAND,SR.GOVERNMENTPLEADER

THIS WRIT PETITI ON (CI VIL) HAVING BEEN FI NALLY HEARD ON 14. 10. 2020, ALONG WI TH WP(C).21419/ 2009 AND CONNECTED CASES,THE COURTON THE SAME DAYDELI VERED THE FOLLOWING: W.P.(C) No. 21419/2009 & batch 25 I N THE HI GH COURTOFKERALA ATERNAKULAM PRESENT THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 20823OF2010 PETI TIONER/ S: 1 THE MALABAR AREA TRADITIONALAYURVEDIC MEDICALPRACTI TI ONERSASSOCI ATION (REGD.NO.918OF, 2005) ,(P. O.)MAVOOR,KOZHI KODE DI STRICT, ,REPRESENTED BYIT' SSECRETARYK. V.M.VARIER. 2 SRI. K.V. MADAVA VARI ER NIRMALA BHAVAN,KALLERI ,P.

O.PERUVAYAL, ,KOZHI KODE- 24. 3 SRI. M. R.BHASKARAN VAIDYAR S/ O.V.G.RAMAN PILLAI,AGED 71YEARS, ,SOUPARNIKA,HOUSE NO.28/2674,(P.O.)NELLIKKODE,,KOZHIKODE DI STRICT.

4 SRI. K.SASI DARA KURUP PERUVANIYAN VEETTI L,(PO)ULLI ERI ,,KOZHI KODE DI STRI CT. 5 SRI. SREEDARA KURUP PERUVANIYAM VEETTI L,(PO)ULLI ERI ,,KOZHI KODE DI STRI CT. 6 SRI .E. LOHITHAKSHAN VAIDYAR KANAKALAYAM,(P. O.)I RINGOL,,KOZHI KODE DI STRI CT. BYADVS. SRI .C.VALSALAN SRI .K.RAKESH ROSHAN SMT.THUSHARA. V RESPONDENTS: W.P.(C) No. 21419/2009 & batch 26

1 STATE OFKERALA,REPRESENTED BY PRINCIPALSECRETARY,DEPARTMENTOFHEALTH AND, FAMILYWELFARE (G)DEPARTMENT,SECRETARI AT, , THIRUVANANTHAPURAM-1. 2 THE CENTRALCOUNCILOFINDIAN MEDICI NES INSTITUTI ONALAREA,J ANKPURI,NEW DELHI, ,PI N 110058, REPRESENTED BYI TSSECRETARY. 3 TRAVANCORE COCHIN MEDICALCOUNCI L RED CROSSROAD,THIRUVANANTHAPURAM-37, REPRESENTED BYITSREGISTRAR. 4 THE DI RECTOR AYURVEDI C MEDICALEDUCATION,AROGYA BHAVAN, , M.G. ROAD,THIRUVANANTHAPURAM-1. R3BYADV.SRI.N. RAGHURAJ,SC,TCMC KNMC R1BYSRI.TEK CHAND,SR.GOVERNMENTPLEADER THIS WRIT PETITI ON (CI VIL) HAVING BEEN FINALLY HEARD ON 14. 10. 2020, ALONG WITH WP(C).NO.21419/2009 AND CONNECTED CASES,THE COURTON THE SAME DAYDELI VERED THE FOLLOWING: W.P.(C) No. 21419/2009 & batch 27 I N THE HI GH COURTOFKERALA ATERNAKULAM PRESENT THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 7406OF2010 PETI TIONER:

JOHN STEPHEN VAI DYAR, S/O. GNANAMUTHU VAI DYAR,RESI DI NG ATJ .S. NIVAS, ACHUTHUKULANGARA VATTAVI LA PO, THIRUVANANTHAPURAM. BYADVS. SRI .V. SURESH SRI .G. SUDHEER S: RESPONDENT/ 1 STATE OFKERALA,REPRESENTED BYI TS

SECRETARY,HEALTH AND FAMILYWELFARE (G)DEPARTMENT, GOVERNMENTSECRETARI AT,THIRUVANANTHAPURAM. 2 REGI STRAR TRAVANCORE COCHI N MEDI CAL COUNCIL,RED CROSSROAD,THI RUVANANTHAPURAM.

3 REGISTRAR,CENTRALCOUNCI LOFI NDIAN MEDICINE,JAWAHARLALNEHRU BHARTI YA CHI VITSA,AVAM, HOMOEOPATHYANUSANDHAN BHAVAN,61- 65,INSTI TUTION AREA,JANAKPURI,NEW DELHI110058. ADV.SRI .T. P.M. IBRAHI M KHAN ASST. S.G OFI NDI A R1BYSRI .TEK CHAND,SR.GOVERNMENTPLEADER BYADV.SRI . V.M.KURIAN R2BYADV.SRI .N.RAGHURAJ ,SC,TCMC KNMC ADV.SRI .K.T.THOMAS W.P.(C) No. 21419/2009 & batch 28 R3BYADV.SRI .T. P.M.IBRAHI M KHAN,ASST. S.G OFI NDI R3BYSRI. MANU.S,CGC R3BYADV.SHRI. P.VI JAYAKUMAR,ASG OFINDIA THIS WRIT PETITI ON (CIVIL) HAVI NG BEEN FINALLY HEARD ON 14. 10. 2020, ALONG WITH WP(C).NO.21419/ 2009 AND CONNECTED CASES,THE COURT ON THE SAME DAYDELI VERED THE FOLLOWI NG:

W.P.(C) No. 21419/2009 & batch 29 I N THE HI GH COURTOFKERALA ATERNAKULAM PRESENT THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 28222OF2013 PETI TIONER: JOSHIM.ANTONY, AGED 60YEARS, MURINGAMPURATH HOUSE,MANAKKAPADIPO, KARIMALLOOR PO,PI N-683511. BYADVS. SRI .A.T.ANI LKUMAR SMT.V.SHYLAJ A RESPONDENTS:

1 STATE OFKERALA REP.BYTHE SECRETARYTO THE GOVERNMENT,HEALTH DEPARTMENTSECRETARY,TRI VANDRUM 695001. 2 THE COUNCILOFI NDIGENOUSMEDI CINE, REP.BYTHE REGISTRATION OFFI CE OFTHE MEDICAL COUNCIL,RED CROSSROAD,TRI VANDRUM 695001. 3 THE DI RECTOR GENERALOFPOLI CE, TRI VANDRUM 695001. 4 THE EXCI SE COMMISSI ONER, KERALA,TRIVANDRUM 695001. 5 THE DRUG CONTROLLER OFFICE OFTHE DRUG CONTROLLER,RED CROSSROAD W.P.(C) No. 21419/2009 & batch 30 TRI VANDRUM 695001. 6 THE

TRAVANCORE KOCHIMEDICALCOUNCI L, THI RUVANANTHAPURAM. 695001. THIS WRI T PETI TION (CI VIL) HAVING BEEN FI NALLY HEARD ON 14. 10.2020,ALONG WITH WP(C). 21419/ 2009 AND CONNECTED CASES, THE COURTON THE SAME DAYDELI VERED THE FOLLOWING: W.P.(C) No. 21419/2009 & batch 31 I N THE HI GH COURTOFKERALA ATERNAKULAM PRESENT THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 21869OF2010 PETI TIONERS: 1 P. K.BALAKRI SHNAN,AGED 49YEARS, S/ O.NARAYANAN NAMBIAR, VELIPRAM,RAMANATTUKARA, , KOZHIKODE DI STRI CT. 2 BOSE. N.,AGED 34YEARS,S/ O.N.SRI NIVASAN, SRI PADAM(H),KOTTAPPURAM,VELLUR,PULLI KKALVILLAGE, , ANDHIYUR KUNH,ERANAD TALUK,MALAPPURAM DI STRICT.

3 T. A.CHANDRAMOHANAN,AGED 55YEARS, S/O.T. U.AMMUNNI,TACHAPUZHA LANE,CHERANALLOOR, , VADUTHALA,ERNAKULAM DISTRI CT. 4 K.SOMAN,AGED 54YEARS,S/ O.MADHAVAN, AKSHATHA(H) ,PANTHEERANKAVU.P. O,,KOZHI KODE DI STRI CT- 19. 5 GIRESH BABU,AGED 35YEARS, S/O.KUMARAN,VALIYAPARAMBATH (H), PATHIYARAKKARA.P. O,,VADAKARA VI A,KOZHI KODE DI STRI CT. 6 C. K.ANILKUMAR,AGED 50YEARS, S/ O.LATE MADHAVAN,THAIKANDY(H),ELATHOOR. P.O, , KORAPPUZHA VI A,CALICUT. 7 P.BABURAJ AN,AGED 38YEARS, S/O.LATE MOOTHORAN. P,CHEMBAI (H) ,CHOOLOOR. P.O, , KOZHIKODE- 673601. W.P.(C) No. 21419/2009 & batch 32 8 P.SREEDHARAN PAPPANOOR,AGED 62YEARS, S/O.LATE KANNAN,SRI RAGAM(H),CHENAKKAL,,CALI CUT UNIVERSITY.P. O,THENHIPALAM VIA, ,MALAPPURAM. 9 M.K. THALHATH,AGED 40YEARS,SO. M.K.MOIDU, MALODIYAVUMMAL(H),KUNNAMANGALAM.P. O,, KOZHIKODE-673571. 10 P.SHAFEEQUE,AGED 36YEARS,S/O.SAI DALI POOTHANARI(H) ,POKKUNNU. P. O,KOZHIKODE -673013. 11 P. RAMAKRISHNAN,AGED 54YEARS S/ O.SANKHU VYDEAR,PETTAMANNA SANDI YEKKAL(H), , ARAKKPARAMBA.P. O,PERINTHALMANNA,MALAPPURAM. 12 KOZHAMBRATH PURUSHOTHAMAN,AGED 63YEARS, S/ O.CHANDHUKUTTY,THIRUVATHIRA J AWAHAR COLONY, , ERANJI PPALAM. P.O,KOZHI KODE-673006. BYADVS.

SRI .M.T. BALAN SRI .B. JAYABAL RESPONDENT/ S: 1 STATE OFKERALA,REPRESENTED BYTHE SECRETARYTO GOVERNMENT,HEALTH AND FAMI LYWELFARE DEPARTMENT,TRIVANDRUM. 2 THE REGI STRAR,TRAVANCORE-COCHIN MEDI CAL COUNCIL,RED CROSSROAD,TRIVANDRUM.

3 GENERALSECRETARY,AKHI LBHARATI YA PRAKRITHIK CHIKITSA PARI SHAD (ALLINDIA NATURE CURE, FEDERATION) ,DELHIGANDHISMARAK NI DHI,PATPARGANJ, , DELHI-110O91. R2BYADV.SRI.N. RAGHURAJ,SC,TCMC KNMC R1BYSRI.TEK CHAND,SR.GOVERNMENTPLEADER THIS WRIT PETITI ON (CIVI L) HAVI NG BEEN FI NALLY HEARD ON 14. 10. 2020, ALONG WITH WP(C) .NO.21419/2009 AND CONNECTED CASES,THE COURTON THE SAME DAYDELI VERED THE FOLLOWING: W.P.(C) No. 21419/2009 & batch 33 I N THE HI GH COURTOFKERALA ATERNAKULAM PRESENT THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 20279OF2011 PETI TIONER/ S: V. SUNI LKUMAR,S/O.K.VIDYADHARAN, AGED 46YEARS,I NDIRA,MRA LANE, ,NEAR MANGATTUMOOLA TEMPLE,ATTINGALP.O. ,,THIRUVANANTHAPURAM DISTRI CT. BYADV.SRI .T. MADHU RESPONDENT/ S: 1 THE STATE OFKERALA, REPRESENTED BYITSSECRETARY,HEALTH AND FAMI LY WELFARE DEPARTMENT,,GOVERNMENTSECRETARI AT, THIRUVANANTHAPURAM, ,PI N-695001. 2 THE TRAVANCORE COCHI N MEDICALCOUNCI L REPRESENTED BYITSREGISTRAR (ISM) , THIRUVANANTHAPURAM,PI N- 695001. R1BYADV.SRI .N. RAGHURAJ ,SC,TCMC KNMC THIS WRIT PETITI ON (CI VIL) HAVING BEEN FI NALLY HEARD ON 14. 10. 2020, ALONG WI TH WP(C).21419/ 2009 AND CONNECTED CASES,THE COURTON THE SAME DAYDELI VERED THE FOLLOWI NG: W.P.(C) No. 21419/2009 & batch 34 I N THE HI GH COURTOFKERALA ATERNAKULAM PRESENT THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 20495OF2011 PETI TIONER/ S: 1 SELFEDUCATED NATUROPATHYPRACTI TIONERS' ASSOCIATI ON,,REG. S.NO.219/10,

,MAHATMA NATURE CURE CENTRE,,BAKKALAM,THALIPARAMBA,,PI N 670564,REP. BYITS PRESI DENT.

2 DR.S. K.MADHAVAN,CHIEFPHYSICIAN, MAHATMA NATURE CURE CENTRE,, BAKKALAM,THALIPARAMBA,PI N 670564. 3 DR.J OHN MATHEW,CHAI THANYA NATURE CURE HOME & YOGA CENTRE,THADIYOOR P. O,,PATHANAMTHI TTA DI STRICT,PIN 689545. 4 DR.ALI N KALPETA,ALI N'SHEALTH CENTRE, NATUROPATHY& YOGA,PRAKRITHINAGAR,,KALPETA,WYNAD, PI N 673121. 5 DR.KANAGAMMA NARENDRAN, SATHYNANDA NATUROPATHYCENTRE,,MATTALLI L BHAGAVATHYLAN,KPVALLON ROAD, ,KADAVANTHARA, KOCHI- 682020.

BYADVS. SRI .LALK.J OSEPH SRI .P. MURALEEDHARAN (THURAVOOR) W.P.(C) No. 21419/2009 & batch 35 SMT.M.C.SANI THA SRI .V. S.SHIRAZBAVA SRI .A.A. ZIYAD RAHMAN RESPONDENTS: 1 STATE OFKERALA,REP.BYI TSSECRETARTTO GOVERNMENT, HEALTH &,FAMILYWELFARE DEPARTMENT,SECRETARI AT, , THIRUVANANTHAPURAM -695001.

2 THE REGI STRAR,TRAVANCORE COCHI N MEDICAL COUNCIL,THI RUVANANTHAPURAM -691001. 3 THE SECRETARYTO GOVERNMENT HOME AFFAIRS, SECRETARIAT, ,THI RUVANANTHAPURAM -691 001. 4 THE DI RECTOR GENERALOFPOLICE POLI CE HEAD QUARTERS, THI RUVANANTHAPURAM -691001. R1BYADV.ADDL.ADVOCATE GENERAL R1,R3& R4BYSRI.TEK CHAND,SR.GOVERNMENTPLEADER

THIS WRIT PETITI ON (CIVI L) HAVI NG BEEN FI NALLY HEARD ON 14. 10. 2020, ALONG WITH WP(C) .NO.21419/2009 AND CONNECTED CASES,THE COURTON THE SAME DAYDELI VERED THE FOLLOWING: W.P.(C) No. 21419/2009 & batch 36 I N THE HI GH COURTOFKERALA ATERNAKULAM PRESENT THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 29008OF2013 PETI TIONERS: 1 G.CHANDRASEKHARAN NAIR, S/ O.N.GOVINDAN NAI R,A8,GOOD EARTH HAVELI ,PERI KADU, EROOR WESTPO,ERNAKULAM -

682306.

2 K. R.SUGATHAN,SON OFRAGHAVAN PILLAI, VI DYA VI HAR,VALLI KODE,KOTTAYM P. O.,PATHANAMTHI TTA. 3 P. A.KUMARAN PUTHUPARAMBI LHOUSE,SACHI VOTHAMAPURAM PO, KOTTAYAM. 4 SMT.C. I.MARY,W/ O.DR. P.C. THOMAS PLAKALHOUSE,UNITYSTREET,KOLAZHY,THRI SSUR. 5 E.NARAYANAN SON OFRAMAN @ UNNI,SUN VI EW,PALATROAD, OTTAPALAM,PALAKKAD. 6 SMT. P.RATNAKUMARI W/O. E.NARAYANAN,- DO-- DO- 7 DANIELK. A. KALAKUDIYI LHOUSE,PANI CKANKUDY,I DUKKI . BYADVS. SRI .S. EASWARAN SRI .M.A. AUGUSTINE SRI .P. MURALEEDHARAN (IRI MPANAM) W.P.(C) No. 21419/2009 & batch 37 RESPONDENTS:

1 STATE OFKERALA, REPRESENTED BYTHE SECRETARY,HEALTH AND FAMILY WELFARE DEPARTMENT,GOVERNMENTSECRETARI AT, THIRUVANANTHAPURAM- 695001. 2 THE TRAVANCORE COCHIN MEDI CALCOUNCI L, REPRESENTED BYITSREGISTRAR (ISM),OFFICE OFTHE REGISTRAR,TRAVANCORE COCHIN MEDICALCOUNCI L,RED CROSSROAD,THI RUVANANTHAPURAM- 695035. R2BYADV.SRI.N. RAGHURAJ,SC,TCMC KNMC R1BYSRI.TEK CHAND,SR.GOVERNMENTPLEADER THIS WRIT PETITI ON (CIVI L) HAVI NG BEEN FI NALLY HEARD ON 14. 10. 2020, ALONG WITH WP(C) .NO.21419/2009 AND CONNECTED CASES,THE COURTON THE SAME DAYDELI VERED THE FOLLOWING: W.P.(C) No. 21419/2009 & batch 38 I N THE HI GH COURTOFKERALA ATERNAKULAM PRESENT THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 169OF2017 PETI TIONER/ S: 1 NATUROPATHSASSOCI ATION KERALA PALATTU ROAD,OTTAPPALAM - 679101,PALAKKAD,NOW SHIFTED TO MAYANNUR KADAVU,MAYANNUR,PALAKKAD, REPRESENTED BYI TSPRESI DENTSRI .E.NARAYANAN. 2 G.CHANDRASEKHARAN NAIR GOOD EARTH HAVELI ,A8, EROOR WESTP. O., ERNAKULAM -682306. 3 K. A.FEROSEGHAN KALLEPADATH HOUSE,KALLEPADAM P. O., PAZHAYANNUR, THRISSUR DI

STRICT-680587. BYADVS. SRI .S. RAMESH SRI .NAVEEN. T S: RESPONDENT/ 1 STATE OFKERALA REPRESENTED BYTHE CHIEFSECRETARYTO GOVERNMENT, GOVERNMENTSECRETARI AT, THIRUVANANTHAPURAM, PI N -695001. 2 THE SECRETARYTO GOVERNMENT HEALTH & FAMILYWELFARE DEPARTMENT,GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PI N -695001.

W.P.(C) No. 21419/2009 & batch 39 3 THE REGI STRAR TRAVANCORE COCHI N MEDICAL COUNCIL,THI RUVANANTHAPURAM -695001. 4 THE DISTRI CTPOLICE CHI EF (THE SUPERINTENDENTOFPOLI CE) ,PALAKKAD -678001. 5 THE CI RCLE INSPECTOR OFPOLI CE SOUTH POLI CE STATION, PALAKKAD -678001. R1TO R5BYSRI.TEK CHAND,SR.GOVERNMENTPLEADER R3BYSRI.N.RAGHURAJ ,SC

THIS WRIT PETITI ON (CI VIL) HAVING BEEN FI NALLY HEARD ON 14. 10. 2020, ALONG WI TH WP(C).21419/ 2009 AND CONNECTED CASES,THE COURTON THE SAME DAYDELI VERED THE FOLLOWING: W.P.(C) No. 21419/2009 & batch 40 I N THE HI GH COURTOFKERALA ATERNAKULAM PRESENT THE HONOURABLE THE CHI EFJ USTI CE MR. S.MANI KUMAR & THE HONOURABLE MR.J USTI CE SHAJ IP. CHALY WEDNESDAY,THE 14TH DAYOFOCTOBER 2020/22ND ASWI NA,1942 WP(C). No. 17507OF2011 PETI TIONERS: 1 DR.SHIMJI .P. NAIR, GENERALSECRETARY,INDIAN NATUROPATHYAND YOGA GRADUATES,MEDI CALASSOCIATION,RESI DING AT KRISHNAKRIPA,MANIMOOLA P.O. ,BANDADUKKA,KASARAGOD DISTRI CT,KERALA.

2 DR.RENI.M.K. , AGED 35YEARS W/O.J OJO C. A,CHERI YAKKARA HOUSE,M. G.KAVU POST, TRICHUR. BYADVS. SRI .THAMPAN THOMAS SRI .JACOB CHACKO S: RESPONDENT/ 1 THE STATE OFKERALA, REP.BYCHI EFSECRETARY,THI RUVANANTHAPURAM- 695001. 2 THE SECRETARY, HEALTH AND FAMILYWELFARE DEPARTMENT, THI RUVANANTHAPURAM- 695001. 3 THE REGI STRAR, TRAVANCORE COCHI N MEDI CALCOUNCI L, W.P.(C) No. 21419/2009 & batch 41 THI RUVANANTHAPURAM- 695017.

4 THE GENERALSECRETARY, NATUROPATHSASSOCI ATION KERALA (NAK FOR SHORT) , NATURE CARE UNIT,PALATTROAD,P.B.NO. 20, OTTAPALAM-679101. ADDL.R5 I MPLEADED: 5 JACOB VADAKKANCHERRY S/O V. C.POULOSE,VADAKKANCHERY(H), , MALLI PPURAM-682511,COCHI N,ERNAKULAM DI STRI CT. , (ADDL.R5ISI MPLEADED ASPER ORDER DTD. 28. 07. 11,I NIA 12204/ 11.) ADDL.R6& R7I MPLEADED:

6 UNIVERSITYDI PLOMA HOLDRES ASSOCIATION OFYOGA & NATUROPATHY,,NIRMID BHAVAN,PALLIKKATHODU,ANICKAD P. O,,KOTTAYAM- 686503, , (REPRESENTED BYI TSORGANISI NG SECRETARY,M.S. VISWAMBARAN NAI R) 7 NATUROPATHSASSOCIATI ON,KERALA REG.NO. CA 302/ 05, REP. BYVI CE PRESI DENT,DR.P. A. JOSEPH, S/O. ANTONY,AGED 52YEARS,,ULLANAM P.O- 676303, PARAPPANANGADI,MALAPPURAM,

(ADDL.R6& R7ARE I MPLEADED ASPER ORDER DTD. ,29. 8.11 I NIA 14144/ 2011& 14222/ 2011RESPECTI VELY) ADDL. R8TO R48I MPLEADED: 8 ADDL.R8-JEEJ EE T. K THANNI KOTHOUSE, ,PANNI YANKARA P.O, , VADAKKANCHERRY, ,PALAKKAD DI STRICT. 9 ADDL.R9-A.A.J NANADEVAN ANAKKATHILHOUSE, ,KALLI PADAM P. O,,SHORANUR, PALAKKAD DISTRI CT. W.P.(C) No. 21419/2009 & batch 42

10 ADDL.R10-RAGHUNATHAN P. M VETTI KKATTILHOUSE,P. O KADAYIRUPPU,,VI A, KOLENCHERRY,ERNAKULAM DISTRICT. 11 ADDL.R11-K. SANKARANARAYANAN HARISREE,MATTARAKKALP. O,,PERI NTHALMANNA VI A,, MALAPPURAM DISTRICT. 12 ADDL.R12K.A. FEROSEGHAN MILKYWAYNATURALHYGI ENI C SYSTEM, ,KALLEPADAM P. O, PAZHAYANNUR,THRISSUR DI STRI CT.

13 ADDL.P13-P. RATHNAKUMARI SUNVIEW,PALATROAD,OTTAPALAM, ,PALAKKAD. 14 ADDL.R14-K. SREEKUMAR SREERAGAM,KLATHUPARAMBA, ,KUTHI RAVATTOM P. O, CALICUT. 15 ADDL.R15-KALATHI LAHAMMED KANATHAPURAM,UNNIKULAM P. O,,KOZHI KKODE DI STRI CT. 16 ADDL.R16KRISHNA KUMAR VELATHUR HOUSE,P.O,CHEMANCHERY, ,KOZHI KKODE DISTRI CT. 17 T. ASALATHA VELATHUR HOUSE,P.

O,CHEMANCHERY, ,KOZHI KKODE DISTRI CT. 18 ADDL.R18-PREETHA M.MADAYI L PONNADATH HOUSE,P.O,THI RUVANGOOR, ,KOZHI KKODE DISTRICT. 19 ADDL.R19-SUJATHA CHERUKANDI YILHOUSE,,CHATHAMANGALAM P. O,, KOZHIKKODE DISTRI CT. 20 ADDL.R20-SREEKUMAR C. CHADIYOTTU HOUSE,KAYALAM P. O,MAVOOR VI A, KOZHIKKODE. 21 ADDL.R21K. C.KUMARAN W.P.(C) No. 21419/2009 & batch 43 ERAMCHITTA HOUSE, ,VELLARI KUNDU P. O,,PARAPPA VI A, KASARGODE 22 ADDL.R22-K. K.PRABHAKARAN PUTHIYAKANDAM HOUSE,,CHERUVATHUR P. O,,KASARGOD DISTRI CT.

23 ADDL. R23-SR.MARIYAKUTTY NAZARETH NATURE CURE CENTRE,KI LLI YANTHARA P. O., , KUNNOTH,KANNUR DI STRICT. 24 ADDL.R24-SR.LI SSYP.J. NAZARETH NATURE CURE CENTRE, ,KI LLI YANTHARA P. O,, KUNNOTH,KANNUR DI STRICT. 25 ADDL. R 25- SR.SALYJ OSEPH NAZARETH NATURE CURE CENTRE,KI LLI YANTHARA P. O,, KUNNOTH,KANNUR DI STRI CT. 26 ADDL.R26-SR.BI NDU JOHN NAZARETH NATURE CURE CENTRE,KI LLI YANTHARA P. O, KUNNOTH,KANNUR DI STRICT. 27 ADDL.R27SR.GRACE JOSE NAZARETH NATURE CURE CENTRE,KI LLI YANTHARA P. O,, KUNNOTH,,KANNUR DI STRI CT. 28 ADDL.R28-SR. MAYA THOMAS NAZARETH NATURE CURE CENTRE,KI LLI YANTHARA P. O,, KUNNOTH,KANNUR DI STRICT. 29 ADDL.R29-SR.MARYM. J. NAZARETH NATURE CURE CENTRE,KI LLI YANTHARA P. O,, KUNNOTH, KANNUR DISTRICT.

30 ADDL.R30-SREENIVASAN P. PALLIPRAVAN HOUSE,ARALAM P. O,,ODAAKKAL,KANNUR DISTRICT. 31 ADDL.R31-D.KURUVI LA KAIYALETH, ,OMALLUR P. O,,PATHANAMTHI TTA DI STRI CT. 32 ADDL.R32C. SHAMSUDHEEN W.P.(C) No. 21419/2009 & batch 44 CHAPPANGAN HOUSE,PILAKKALPADI, ,PARIYAPURAM P. O,, PUTHANANGADI,,MALAPPURAM DISTRICT. 33 ADDL.R33-U.AYYAPPAN HOUSE NO 8/ 77,PRASANTH NI VAS,P. O MULLURKARA, , THRISSUR DI STRICT. 34 ADDL.34-SAKUNTHALA K LAKSHMINI VAS,THAMARACHI RA, ,P. O CHI TTUR,PALAKKAD DISTRI CT. 35 ADDLR 35- ULSAH RAJC.NATHAN AI SWARYA,PUZHAVATHU,,CHANGANACHERRY, ,KOTTAYAM DISTRI CT.

36 ADDL.R36SAYYID SADI K ALIK. K KADALUNDIKODAKKATTAKATH,KOORI YAD, ,THRUNGADIVI A, KOORIYAD P. O,,MALAPPURAM DISTRI CT.

37 ADDL.R37-SHARLIP. K THANDASSERIHOUSE,NOOLUVALLI ,,CHEMBUCHI RA P. O,, THRISSUR DISTRI CT. 38 ADDL.R38P.S.SARITHA THYKOOTTATHI LHOUSE,,ARATTUPUZHA P. O,,PALI SERY, THRISSUR DISTRICT. 39 ADDLR39-SANTHIREGHUNANDANAN, VIYYATH HOUSE,P. O,,OLLUKARA, ,KRI SHNAPURAM, THRISSUR. 40 ADDL. R40-PRASANNA VENUGOPAL KARAMUKKU PISHARAM,,CHI YYARAM P. O,,THRI SSUR.

41 ADDL.R41-K.R. MOHANAN PATHANJALIYOGA CENTRE, ,MAHARAJ A DARBAR HALL, , GURUVAYOOR P.O, ,THRISSUR DI STRI CT. 42 ADDL.R42-MANIK.A EDATHANALHOUSE,P.O, ,INCHAKUNDU,VI A,,CHENGALOOR, THRISSUR DI STRI CT. 43 ADDL.R43ANTONYA. J W.P.(C) No. 21419/2009 & batch 45 ARAKKALTHARA HOUSE,P. O,KOMBATHUKADAVU,THRI SSUR. 44 ADDL.R44- SRI. BAIJU SHANKAR AROGYANIKETHAN, ,THE COMMUNE OFNATURALHYGI ENE YOGA AND MEDITATION,PAZHANJ I,,THRI SSUR DI STRI CT. 45 ADDL. R45-P. UBAID S/ O KUNJUMON,AYYANTHOLE P. O,,THRI SSUR- 3. 46 ADDL.R46-SONI YA ANTONY PEEDIYAKALHOUSE,,PERI NGALA, ,CHERUPUZHA,KANNUR DISTRICT. 47 ADDL.R47-JOMYGEORGE KOZHIKKARA HOUSE,,KUTTI CHI RA P. O,,CHALAKKUDYVI A,, THRISSUR DISTRI CT.

48 ADDL. R48-A.GOPI AMBALATHINGALHOUSE,,KADUMPI DI,ENANELLOOR P. O,, MOOVATTUPUZHA VI A,ERNAKULAM DI STRICT. , (ADDL.R8TO R48ARE I MPLEADED ASPER ORDER,I NIA- 12094/ 11DATED 22. 09. 11) ADDL.R49TO R60I MPLEADED: 49 ADDL.R49-T. A.CHANDRAMOHAN AGED 55YEARS,S/O. T.U. AMMUNNI,THACHAPUZHA LANE, , CHERANALLOOR,PACHALAM PO,SHANMUGHAPURAM, , ERNAKULAM. 50 ADDL.R50-P.SHAFEEQUE,AGED 39YEARS S/ O.SAIDALI,POOTHANARI(H) ,,POKKUNNU PO, KOZHIKODE -673013. 51 ADDL. R51-K. SOMAN AGED 55YEARS S/ O.MADHAVAN,AKSHATHA(H) ,,PANTHEERANKAVU. PO. , KOZHI KODE DISTRI CT-19. 52 ADDL.R52-P. BABURAJAN AGED 39YEARS S/ O.LATE MOOTHORAN P,CHEMBAYI L(H), ,CHOOLOOR PO,KOZHIKODE -

673601. W.P.(C) No. 21419/2009 & batch 46 53 ADDL.R53-M.K. THALHATH AGED 40YEARS S/ O.M.K.MOIDU,MALODIYAVUMMAL(H) ,,KUNNAMANGALAM PO,KOZHIKODE -673571. 54 ADDL.R54-GI RESH BABU,AGED 36YEARS S/O. KUMARAN,VALI YAPARAMBATH(H) ,,PATHI YARAKKARA PO. , VADAKKARA VIA. ,,KOZHIKODE DI STRI CT. 55 ADDL. R55-P.K. BALAKRISHNAN,AGED 50YEARS S/ O.NARAYANAN NAMBI AR,VELI PRAM,,RAMANATTUKARA, KOZHIKODE DI STRICT. 56 ADDL.R56-P. SREEDHARAN PAPPANOOR AGED 62YEARS,S/ O.KANNAN,SREERAGAM(H) ,, JYOTHIGRAMAM,CALICUTUNI VERSI TYPO. ,,MALAPPURAM DISTRICT. 57 ADDL.R57-C. K.ANILKUMAR 50YEARS,S/O.LATE MADHAVAN, ,THAI KANDY(H),ELATHOOR PO. ,,KORAPPUZHA VIA.,CALI CUT. 58 ADDL.R58-KOZHAMBRATH PURUSHOTHAMAN AGED 63YEARS,S/O. CHANDHUKUTTY, ,THI RUVATHIRA, JAVAHAR COLONY,ERENJ IPPALAM PO, ,KOZHIKODE -673006.

59 ADDL. R59-BOSE N.AGED 34YEARS S/ O.N. SRINIVASAN,SRI PADAM(H), ,KOTTAPPURAM,VELLUR, PULLI KKALVI LLAGE,,ANDHI YURKUNH,ERNAD TALUK, MALAPPURAM DI STRICT. 60 ADDL.R60-P. RAMAKRISHNAN,AGED 54YEARS, S/ O.SANKHU VYDEAR,PETTAMANNA SANDIYEKKAL(H) ,, ARRAKKAPARAMBA,POONTHAVANAM,PATTI KKAD,, MALAPPURAM DISTRICT. , (ADDL.R49TO R60ARE IMPLEADED ASPER ORDER,DATED 04.10. 2011INIA.15702/ 2011) ADDL. R61TO 76I MPLEADED 61 ADDL. R61-JEEVA K. SIDHARTHAN PUNARNAVA,KAIPAMANGALAM,THRI SSUR DI STRI CT.

62 ADDL. R62-SOPHYDEVASSY W.P.(C) No. 21419/2009 & batch 47 ATTOKARAN HOUSE,TMC VI I/713, ,GANDHINAGAR,CHEROOR PO.,THRI SSUR -8. 63 ADDL. R63-SUHARA P. S. EDAKAZHIYOOR,CHAVAKKAD VI A.,THRI SSUR DI ST. 64 ADDL. R64-P. C.BEERANKUTTY SWANTHANAM,PALAMTHODUVIL, ,MONGAM P. O., MALAPPURAM DIST. 65 ADDL.R65-CHANDRASEKHARAN M. K. POYI LILHOUSE,MAMPETTA,MUKKAM P. O., ,KOZHI KODE DI ST. 66 ADDL. R66-T. M.BALASUBRAMANIAN "NANDANAM",CHERUVANNUR,P. O.FEROKE,CALI CUT. 67 ADDL.R67-DI NESHAN C. C. CHEMBATTAMMALHOUSE,PADANI LAM P. O., ,KOZHI KODE

DIST. 68 ADDL.R68-SREEJ A V. T. VADAKKEVEETTILHOUSE,ETTI THATTU, ,CHI TTARI KKALP. O., KASARAGODE DIST. 69 ADDL.R69-MI NI. P. PONPARAKKALHOUSE,CHOOLUR P. O., ,N. I.T.VI A.,KOZHI KODE DIST. 70 ADDL.R70-VASANTHA KUMARIN. KARAYE PARAMBE HOUSE,NALLUR, ,FEROKE P. O.,KOZHI KODE DIST.

71 ADDL.R71-M.K. GIREESH KUMAR PADMA NIVAS,NEAR CHEERMAKAVE, ,PALAKKAT,NI LESHWAR P. O.,KASARAGODE DIST.

72 ADDL.R72-SREELATHA M. "NANDANAM" ,CHERUVANNUR,P. O.FEROKE, ,KOZHI KODE DIST. 73 ADDL.R73-SHYAM KUMAR N.K. " ANJ ANA",WEAVERS'STREET,NILESHWAR, ,KASARAGODE DIST. W.P.(C) No. 21419/2009 & batch 48 74 ADDL. R74-K. T.V.MI NI VANNARAPURAYILHOUSE, ,PAYYANNUR P. O.,KANNUR DI ST. 75 ADDL.R75-SREELATHA K. T. P.HOUSE,KANDOTH P.O., ,PAYYANNUR VI A.,KANNUR DI ST. 76 ADDL.R76-SURESH SUKUMARAN C-1,NARMADHA APARTMENTS,PETTA PO. ,, THIRUVANANTHAPURAM. , (ADDL.R61TO R76ARE IMPLEADED ASPER,ORDER DATED 25.11. 2011INIA.18670/ 2011)

77. ADDL.R77I MPLEADED: C. A.MUKUNDAN,S/ O.LATE BALAKRISHNA MENON, SUJATHA NIVAS,AKAPARAMBU,MEKKAD P. O. , ANGAMALI ,KERALA HOMEOPATHI C WELFARE ORGNAI SATI ON. (ADDL.R77IMPLEADED ASPER ORDER DATED 14. 10. 2020I N I .A.NO.2814/ 2013)

R1BYGOVERNMENTPLEADER R1,R4BYADV.SRI.M.A.AUGUSTINE R1BYADV.SRI. M.T.BALAN R1BYADV.SRI. S.EASWARAN R1BYADV.SRI. B.V.JOYSANKER R1BYADV.SRI. A.V.JOJO R1BYADV.SRI. B.JAYABAL R1BYADV.SRI. T.MADHU R1BYADV.SRI. P.MURALEEDHARAN I RI MPANAM R1BYADV.SRI. NAVEEN. T R1BYADV.SRI. PHI LIPT.VARGHESE R1BYADV.SMT.POOJ A SURENDRAN R1BYADV.SRI. S.RAMESH R1BYADV.SMT.I. SHEELA DEVI R1BYADV.SRI. C.P.SUDHAKARA PRASAD SR. R1BYADV.SRI. N.N. SUGUNAPALAN SR. R1BYADV.SRI. S.SUJ I N R1BYADV.SRI.

N.RAGHURAJ ,SC,TCMC KNMC R1BYADV.SRI. A.X.VARGHESE

THIS WRIT PETITI ON (CIVI L) HAVI NG BEEN FI NALLY HEARD ON 14. 10. 2020, ALONG WITH WP(C) .NO.21419/2009 AND CONNECTED CASES,THE COURTON THE SAME DAYDELI VERED THE FOLLOWING:

W.P.(C) No. 21419/2009 & batch 49 List IA: [W.P.(C) Nos. 21419 and 16400 of 2009, 13589 & 13123 of 2010 and 12533, 6554, 6610, 7658, 8755 & 6503 of 2011] List 1B: [W.P.(C) Nos. 25120 and 23398 of 2009, 20823 and 7406 of 2010 and 28222 of 2013] List II: [W.P.(C) Nos. 21869 of 2010, 20279 & 20495 of 2011, 29008 of 2013 and 169 of 2017 and W.P.(C) No. 17507 of 2011]

JUDGMENT

Shaji. P. Chaly, J.

The writ petitions contained under the list IA mentioned above are filed by Ayurveda Hospital Managements' Association, Private Ayurveda Medical Practitioners' Association, Ayurveda Doctors and the Central Council of Indian Medicine respectively, basically challenging the exemption from registration granted under the Travancore-Cochin Medical Practitioners Act, 1953 ('the Act, 1953' for short) by the State Government invoking the power conferred under the first proviso to Section 38 of the Act, 1953 to unqualified ayurveda practitioners. Whereas, the writ petitions in list IB are filed by the traditional W.P.(C) No. 21419/2009 & batch 50 Ayurveda practitioners supporting the orders passed by the State Government granting exemption from registration and seeking directions on the basis of such orders.

2. The batch of writ petitions contained under list II are filed by Naturopathy Practitioners' Association and individual Naturopathy

practitioners seeking grant of B class registration as per the order

dated 17-03-2010, modified order dated 20-01-2011 and the further modified order dated 28-02-2011, and the consequential guidelines, issued by the State Government on the basis of certificates issued by some Universities and on the conditions incorporated thereunder, including authorisation given to the Travancore Cochin Medical Council of Indian Systems of Medicine to issue provisional B class registration to the practising Naturopaths, who are not institutionally qualified, except W.P.(C) No. 17507 of 2011, which is filed by a graduate Naturopathy doctor, wherein the aforesaid Government orders are under challenge.

3. Since the writ petitions in the aforesaid two batches are materially connected, on agreement, we have heard them together

and propose to pass a common judgment by considering the issues

W.P.(C) No. 21419/2009 & batch 51 separately.

4. In order to consider the issues raised in the first batch of writ petitions, we rely upon the pleadings and documents contained in W.P.

(C) No. 21419 of 2009 filed by the Central Council of Indian Medicine.

The Central Council of Indian Medicine ,hereinafter shortly called Council of Indian Medicine, is a statutory body created by the Parliament through the Indian Medicine Central Council Act, 1970 (hereinafter called 'Central Act, 1970'). The Central Act, 1970 was enacted by the Parliament to maintain high and uniform standards of education in the field of Indian Medicine. The system of Indian Medicine commonly known as Ashtang Ayurveda, Siddha (or Unani Tibb) whether supplemented or not by such modern advances as the Central Council may declare by notification from time to time. [The words in brackets shall stand substituted by Act 43 of 2010 to read as Unani, Tibb or Sowa-Rigpa.] Therefore, according to the petitioner, the Central Council alone is vested with powers to regulate the field of Indian Medicine and to prescribe the minimum standards of education in the Indian System of Medicine, namely Ayurveda, Unani and Siddha.

5. The issue raised by the petitioner is that the case presents a

W.P.(C) No. 21419/2009 & batch 52 classic example of callous executive overreach, whereby the persons without requisite qualifications and clinical experiences are being recklessly permitted to practice as doctors of the Indian Medicine, which is not only unconstitutional, but also a serious hazard to public health and safety in the State of Kerala and is prone to encourage such practices elsewhere in the country. The cause of action put forth by the petitioner leading to the writ petition is that the State Government, as per Ext.P12 order dated 04.06.2009, permitted traditional practitioners of Ayurveda and Homeopathy without recognised qualifications practising in Malabar Region as on 02.11.1987 as well as the traditional practitioners of siddha System of Medicine without recognised qualification practising in Travancore-Cochin regions as on the date of the said impugned order, to practice as doctors in their respective systems of medicine, which according to the Central Council, is in blatant violation of the provisions of the Central Act, 1970 as well as the legal position settled by the Apex Court as well as the High Courts in various judgments.

6. The legal contention raised by the Central Council is that

Ext.P12 order dated 04.06.2009 is issued under the first proviso to Section 38 of the Act, 1953, which is contrary to the provisions of the W.P.(C) No. 21419/2009 & batch 53 Central Act, 1970 and thus, hit by the doctrine of repugnance and hence, the same is void. It is also pointed out that the Medical Education is in the concurrent list of the 7th Schedule of the Indian Constitution and therefore, the order issued by the State Government is in conflict with the Central Act, 1970 and therefore, the provisions of the Central Act will prevail by virtue of Article 254 of the Constitution. It is also pointed out that the first proviso to Section 38 of the Act, 1953 has been held as repugnant and void by the Apex Court in Dr. A.K. Sabhapathi v. State of Kerala and others [1992 supp (3) SCC 147] in the context of allopathic medicine.

7. According to the petitioner, even though the said declaration

was made in the context of the Allopathic system of Medicine, the ratio is squarely applicable to the Indian Medicine mutatis mutandis, since the Central Act, 1970 are analogous to the provisions of the Indian Medical Council Act, 1956, the provisions of which guided the Apex Court in Dr. A.K. Sabhapathi (supra) and therefore, identical in scope and nature on a comparison of the relevant provisions of the Indian Medical Council Act, 1956 and the Central council Act, 1970. It is also the case projected by the Central Council that despite numerous exhortations by the Government of India as well as the petitioner W.P.(C) No. 21419/2009 & batch 54 Council from the year 1980 onwards, to remove inconsistencies and to make the provisions of the State Act compatible and in consonance with the Central Act, there has been no progress till date. It is further contended that Ext.P12 order is clearly a case of executive impropriety, as evident from their own previous order dated 10.11.2008 stating that Section 17(3)(c) of the Central Act, 1970 had provisions for protecting persons who had been practising Indian System of Medicine for 5 years up to the date of commencement of the said Act. i.e., on 01.10.1976 and accordingly, permitting persons without recognised qualifications to practice as doctors of Indian Medicine is wholly coloured besides being fraught with grave danger to public health and safety. While so, the State Government has issued an order dated 21.02.2011 granting exemption from registration pertaining to the traditional practitioners of Ayurveda, and practitioners of homoeopathy with unrecognized qualifications in Malabar region, which is produced as Ext.P16 as an additional document in the writ petition. Accordingly, an amendment of the writ petition was also sought by the Central Council seeking to quash Ext.P16 order dated 21.02.2011 issued by the State Government which was allowed. W.P.(C) No. 21419/2009 & batch 55

8. Apparently, in W.P.(C) No. 16400 of 2009, one among the writ

petitions in the batch, paper publication was carried out by the petitioner therein namely Vanchiyoor Madhom Dhanwanthari Sannidhanam, a registered organisation conducted by qualified ayurveda practitioners, as per the order of this Court dated 16.09.2009 for enabling those persons interested in the subject matter to get themselves impleaded in the writ petition, in the Mathrubhumi Daily dated 14.10.2009, consequent to which various persons have got themselves impleaded

and filed counter affidavits supporting the orders issued by the State Government exempting the unqualified persons from registration exercising the powers conferred under the first proviso to Section 38 of the Act, 1953.

9. In fact, the State Government has filed the counter affidavit

in W.P.(C) No. 16400 of 2009 which is common to all the writ petitions, since the subject issue basically revolves around the question of law raised by the writ petitioners regarding repugnancy of the 1st proviso to section 38 of Act 1953 vis a vis the provisions of the Central Council Act 1970.

10. The paramount contention advanced by the State Government

W.P.(C) No. 21419/2009 & batch 56 is that the first proviso to Section 38 of the Act, 1953 empowers the Government to exempt any persons or class of persons from the operation of the first proviso contained under Section 38. Therefore, according to the State Government, by virtue of the powers under the first proviso to Section 38 of the Act, 1953, the Government was empowered to grant exemption from registration to a Medical practitioner. However, later the Government thought not to implement the decision to exempt as per Government Order No. 293/2009 dated 17.08.2009, since the Government thought it fit to constitute a committee comprising experts in the field of ayurveda and homoeopathy to study the possibilities of giving permission to traditional ayurveda practitioners, Siddha vaidyans and Homoeo Practitioners to practice in accordance with the Central and State Laws. It is also submitted that in the judgment of the Apex Court in Dr. A.K. Sabhapathi (supra), it was held by the Apex Court that the Indian Medical Council Act, 1956 does not deal with the registration of Medical Practitioners in the States and it proceeds on the basis that the said registration and the maintenance of the State Medical Register are to be governed by the law made by the State and hence, it cannot be said that the Central council Act, 1970 lays down an exhaustive code W.P.(C) No. 21419/2009 & batch 57 in respect of the subject matter dealt with by the State Act. It is also submitted that the Registrar of the Travancore Cochin Medical Council has informed that at the time of coming into force of the Central Act, 1970 on 01.10.1976, there was no State Register applicable to the entire State of Kerala, including the erstwhile Malabar District. It

is also submitted that one of the objects of the Act, 1953 is to encourage the study and spread of modern medicine, homoeopathic medicine and indigenous medicine. It is also stated that the Siddha system of medicine is a well developed branch of indigenous medicine. But, the system has no educational institution in the State, except one for its promotion. Therefore, according to the State Government, there is justification for the exemption given to the Paramparya Siddha Vaidyas in the State. The Paramparya Vaidyans, who have got themselves impleaded in W.P.(C) No. 16400 of 2009, have also filed counter affidavits supporting the stand adopted by the State Government and contents that the State Government is vested with ample powers to grant exemption and there is no repugnancy at all by and between the provisions of the Act, 1970 and the Act, 1953. It was also contended that the traditional Ayurveda practitioners were practising Ayurveda for more than five years prior to 01-10-1976, the date of coming into W.P.(C) No. 21419/2009 & batch 58 force of the Central Act, 1970.

11. It is also pointed out that the judgment in Vanchiyoor

Madhom Dhanwanthari Sannidhanam v. State of Kerala [2003(1) KLT 520] rendered by this Court only upholds the Government's power under the first proviso to Section 38 and invoking the said power only, the Government has issued the order granting exemption to the traditional ayurveda practitioners. Yet another contention advanced in one of the writ petitions is that the challenge against the constitutional validity of the proviso to Section 38 is hit by the principles of constructive res judicata, since the self same petitioner had not chosen to raise such a ground in W.P.(C) Nos. 27784 and 21923 of 2002. It is also contended that the whole framework of the Government Order invoking the power under the proviso to Section 38 of the Act, 1953 is a benefit extended to vaidyas hailing from Malabar area, where there was no Act in force enabling registration. It is also submitted that the Act, 1953 extends to the whole of Travancore-Cochin and the same was not made applicable to the Malabar area and anyhow, the proviso to Section 38 of the Act, 1953 is an interdiction to Section 38, since a clear exception is carved out as per the proviso. Again, it is contended that the Madras Medical W.P.(C) No. 21419/2009 & batch 59 Registration Act, 1914 ('the Act, 1914' for brevity) provided for registration of practitioners in allopathy or any other system of

medicine as permitted under Section 13 of the said Act. Therefore, the Madras Medical Registration Act continues to be the law in force applicable to the Malabar area even now by placing reliance on Article 372 read with Article 13(b) of the Constitution of India. It is submitted that it is significant to note that the Act, 1914 only provided for registration of the practitioners of the allopathic branch of medicine and practitioners having degrees then available connected with the allopathic branch of medicines. Therefore, it is the contention that the Act, 1914 is never intended for the registration of the practitioners in the ayurvedic branch of medicine, much less the paramparya vaidyam. Further, it is contended that the traditional ayurveda remains as a class, independent and distinct from the present form of the ayurvedic Education, inculcated through colleges and universities, nevertheless the traditional ayurveda remains inextricably interwoven with the present ayurvedic system of medicine. Apart from the aforesaid contentions, it is submitted that challenges made against the Government Orders, by the qualified doctors and other organisations, have no locus standi to question the policy decision of the State W.P.(C) No. 21419/2009 & batch 60 Government as reflected in the Government Orders. It is also submitted that there is no repugnance by and between the Act, 1953 and the Central Act, 1970, since both operate in different fields and therefore, the contentions made in the writ petition challenging the Government Order have no legal basis. These are the basic contentions placed for the consideration of this Court, insofar as the challenge against the Government Order exempting traditional ayurveda practitioners from registration is concerned.

12. Writ petitions contained in list II specified above is in respect

of the Naturopathy practitioners and the Government Order directing 'B' class registration. Except W.P.(C) No. 17507 of 2011, all other writ petitions are filed seeking a direction to implement various Government Orders specified above authorising the Travancore-Cochin Medical Council of Indian Systems of Medicine to issue professional 'B' class registration to the practising naturopaths and other similarly situated persons, who are not institutionally qualified to practice such system of medicine.

13. In order to narrate the facts, the pleadings put forth in W.P.

(C) Nos. 20495 of 2011 and 169 of 2017 are relied upon. The basic

W.P.(C) No. 21419/2009 & batch 61 contention advanced by the unqualified practitioners is that the Central Council for Research in Yoga and Naturopathy has mandated certain conditions and guidelines for granting 'A' class and 'B' class registration to the qualified and practising naturopaths, which guideline is produced as Ext.P9 in W.P.(C) No. 20495 2011. The guidelines for 'B' class registration reads that, in recognition of the fact that there are a significant number of self educated naturopathy practitioners, class 'B' registration may be given as a one time measure to self educated full time naturopathy practitioners, who are not institutionally qualified and are not less than 35 years of age, who have a minimum fifteen years of full time clinical experience and who have passed class XII or 10+2 from a State Board, the CBSE or the ICSE. It is pointed out that the State Government has issued the order dated 17.03.2010 bearing

G.O.(P) No. 160/2010/H&FWD in order to implement the guidelines

issued by the Central Council for Research in Yoga and Naturopathy. Therefore, according to the Naturopathy practitioners, all the similarly situated petitioners are entitled to get 'B' class registration. However, in spite of the Government Orders, registration is not granted. That apart, it is submitted that the Naturopathy, as an alternative system of medicine, has been gaining the attention of both the State and the W.P.(C) No. 21419/2009 & batch 62 Central Government and it was accordingly that the Government decided to grant registration as one time measure to both the institutionally qualified naturopaths as well as self educated naturopaths. Therefore, it was accordingly that classification of 'A' and 'B' were made. It is also submitted that as per Entry 26 of List III of the 7th Schedule of the Constitution of India, legal, medical and other professions can be regulated by the State Government in the absence of any regulation by the Central Government. It was, accordingly, that the executive power was invoked by the State Government under Article 162 of the Constitution of India and executive orders were issued as per Exts.P5 to P7. It is also submitted that the right to practice any profession or to carry on any occupation is protected under Article 19(1)(g) of the Constitution of India and it was, accordingly, that the Government, after a careful and thorough

study, have decided to grant registration to Naturopathy and other such practitioners. Other contentions relying upon the proviso to Section 38 of the Act, 1953 are also raised, which are discussed above in the matter of the writ petitions contained under List I .

14. The State Government has filed a counter affidavit, basically

contending that without securing registration, the naturopaths and W.P.(C) No. 21419/2009 & batch 63 other similarly situated persons cannot practice. However, it is pointed out that it was invoking the powers contained under the firist proviso to Section 38 of the Act, 1953 that the State Government has issued orders to grant class 'B' registration to the unqualified Naturopathy practitioners.

15. We have heard the learned counsel for the writ petitioners, learned

Senior Government Pleaders and the respective counsel appearing for the party respondents in the writ petitions. In fact, we have decided to hear the writ petitions together, in view of the fact that the basic

issues raised by the rival parties are on the basis of Section 38 and the

first proviso thereto of the Act, 1953 vis-a-sis the provisions of the Central Act, 1971. Section 38 and the first proviso thereto read thus:

> 38. Persons not registered under this Act, etc., not to practice. - No person other than (i) a registered practitioner or (ii) a practitioner whose name is entered in the list of practitioners published under Section 30 or (iii) a practitioner whose name is entered in the list mentioned in Section 25 shall practice or hold himself out, whether directly or by implication, as practicing modern medicine, homeopathic medicine or ayurvedic medicine, siddha medicine or unani tibbi and no person who is not a registered practitioner of any such medicine shall practice

W.P.(C) No. 21419/2009 & batch 64 any other medicine unless he is also a registered practitioner of that medicine: Provided that the Government may. by notification in the Gazette, direct that this section shall not apply to any person or class or persons or to any specified area in the State where none of the three classes of practitioners mentioned above carries on medical practice:

16. Section 38 of the Act, 1953 makes it clear that no person other

than a registered practitioner or a practitioner whose name is entered in the list of practitioners published under Section 30 of Act, 1953 or a practitioner whose name is entered in the list mentioned in Section 25 of Act, 1953 shall practice or hold himself out, whether directly or by implication, as practicing modern medicine, homeopathic medicine or ayurvedic medicine, siddha medicine or unani tibbi and no person who is not a registered practitioner of any such medicine shall practice any other medicine, unless he is also a registered practitioner of that medicine. To put it otherwise, without registration, in contemplation of Section 38, no person is entitled to practice the kind of medicines prescribed in Section 38. However, by virtue of the first proviso, the Government is vested with powers to notify in the Gazette that Section 38 shall not apply to any person or class of persons or to any specified W.P.(C) No. 21419/2009 & batch 65 area in the State, where none of the three classes of practitioners mentioned above carries on medical practice. The petitioners, who are supporting the Government Orders granting exemption, have no case that they have registration in terms of the Act, 1953 or they are included in the list of practitioners as on first April, 1953 by virtue of Section 25 of the Act, 1953. The significant feature of Section 38 and the definitions of 'council' and 'indigenous medicine' makes it clear that Act, 1953 deals with modern medicine, Homeopathic Medicine and Indigeneous Medicine. 'Indigenous Medicine' is defined to mean 'the ayurvedic medicine, the siddha medicine and the unani tibbi medicine. Modern medicine is taken care of by the Council of modern medicine, the Homeopathic Medicine is taken care of by the Council of Homeopathic Medicine and the Indigenous Medicine is taken care of by the Council of Indigeneous Medicine, established under Section 3 of the Act, 1953.

17. The paramount contention advanced by the Central Council

of Indigeneous Medicine is that the said Council is constituted by creation of the Parliament through a Central Act, namely Indian Medicine Central Council Act, 1970, which is intended to regulate the field of Indian Medicine and to prescribe minimum standards of W.P.(C) No. 21419/2009 & batch 66 education in the Indian system of Medicine, namely ayurveda, Unani and Siddha systems of medicine. However, the State Government, by virtue of the orders referred to above, exempted the practitioners of Ayurveda and Homeopathy with unrecognised qualifications from the requirements of the registration under the provisions of the Act, 1953. The significant contention advanced is that the exemption granted by the State Government is in conflict with Section 17 of the Central Act, 1970 and therefore, the first proviso to Section 38 of the Act, 1953 is inconsistent and contrary to the provisions of the Central Act, 1970 and accordingly, repugnant and void. Sections 17 and 23 of the Central Act, 1970 read thus:

> 17 Rights of persons possessing qualifications included in Second, Third and Fourth Schedules to be enrolled. -(1) Subject to the other provisions contained in this Act, any medical qualification included in the Second, Third or Fourth Schedule shall be sufficient qualification for enrolment on any State Register of Indian Medicine.

(2) Save as provided in section 28, no person other than a

practitioner of Indian medicine who possesses a recognized medical qualification and is enrolled on a State Register or the Central Register of Indian Medicine,-

(a) shall hold office as Vaid, Siddha, Hakim or [physician or] any W.P.(C) No. 21419/2009 & batch 67 other office (by whatever designation called) in Government or in any institution maintained by a local or other authority;

(b) shall practise Indian medicine in any State;

(c) shall be entitled to sign or authenticate a medical or fitness certificate or any other certificate required by a law any law to be signed or authenticated by a duly qualified medical practitioner;

(d) shall be entitled to give evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872 (1 of 1872), on any matter relating to Indian medicine.

(3) Nothing contained in sub-section (2) shall affect,-

(a) the right of a practitioner of Indian medicine enrolled on a State

Register of Indian Medicine to practise Indian medicine in any State merely on the ground that, on the commencement of this Act, he does not possess a recognized medical qualification;

(b) the privileges (including the right to practise any system of

medicine) conferred by or under any law relating to registration of practitioners of Indian medicine for the time being in force in any State on a practitioner of Indian medicine enrolled on a State Register of Indian Medicine;

(c) the right of a person to practise Indian medicine in a State in which, on the commencement of this Act, a State Register of Indian W.P.(C) No. 21419/2009 & batch 68 Medicine is not maintained if, on such commencement, he has been practising Indian medicine for not less than five years;

(d) the rights conferred by or under the Indian Medical Council Act,

1956 (102 of 1956) [including the right to practise medicine as defined in clause (f) of section 2 of the said Act], on persons possessing any qualifications included in the Schedules to the said Act.

(4) Any person who acts in contravention of any provision of sub- section (2) shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

23. The Central Register of Indian Medicine.-(1) The Central

Council shall cause to bemaintained in the prescribed manner, a register of practitioners in separate parts for each of the system of Indian

medicine to be known as the Central Register of Indian Medicine which shall contain the names of all persons who are for the time being enrolled on any State Register of Indian Medicine and who possess any of the recognised medical qualifications.

(2) It shall be the duty of the Registrar of the Central Council to keep

and maintain the Central Register of Indian Medicine in accordance with the provisions of this Act and of any orders made by the Central Council, and from time to time to revise the register and publish it in W.P.(C) No. 21419/2009 & batch 69 the Gazette of India and in such other manner as may be prescribed.

(3) Such register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872 (1 of 1872), and may be proved by a copy published in the Gazette of India.

18. On a reading of Section 17(2), it is clear that it expressly

bars the practice of Indian Medicine in any State by persons not holding recognised qualification under the Central Act, 1970. To put it otherwise, the Central Act, 1970 does not envisage any exemption from the provisions in the Act regarding the qualification or registration of practitioners in various branches of Indigeneous Medicine, namely Ayurveda, Siddha, Unani etc. However, sub-Section (3)(c) of Section 17 of the Act, 1970 protects persons, who had been practising Indian system of medicine for at least five years as on the date of commencement of the Central Act, 1970, provided there had been no State Register maintained in the State on the commencement of the Central Act, 1970. On going through the Government Orders, it is quite clear and evident that the State Government, by invoking the powers conferred under the proviso to Section 38 of the Act, 1953, has issued an order dated 04.06.2009, whereby the traditional W.P.(C) No. 21419/2009 & batch 70 practitioners of Ayurveda and Homeopathy without recognised qualifications practising in Malabar Region as on 02.11.1987 as well as the traditional practitioners of siddha system of Medicine without recognised qualification practising in Travancore-Cochin regions as on the date of the Government Order granted permission to practice in their respective system of

medicine, which is found to be contrary to the provisions of the Central Act, 1970. It is important to note that after the commencement of the Central Act, 1970 and due to the enforcement of Section 17 across the country on and with effect from 01.10.1976, the schedule of the State Act is deemed to have been replaced by the schedules of the Central Act, 1970. Which thus means the enrolment and the registration of persons not having qualifications recognised under the Central Act or permitting such persons to practice without formal registration by invoking the first proviso to Section 38 of Act, 1953 can only be said to be not legally sustainable. This is because Article 254 of the Constitution of India deals with a situation where there is inconsistency between a Central and State Act. Clause (1) thereto specifies that if any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any W.P.(C) No. 21419/2009 & batch 71 provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2), the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void. Clause (2) thereto states that where a law made by the Legislature of a State with respect to one of the matters enumerated in the concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that State, provided that nothing in the clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of the State.

19. It is true, the subject matter of Medical Education is in the

concurrent list of the 7th Schedule of the Indian Constitution. Going by Article 254, it is clear and evident that when there is a Central enactment in force, the State is not expected to come out with any W.P.(C) No. 21419/2009 & batch 72 notification under Article 162 of the Constitution of India in conflict with the Central Law. On a

perusal of the provisions of the first proviso to Section 38 of the Act, 1953 and Section 17 of the Central Act, 1970, it is clear that the Government Orders specified above purportedly issued under Article 162 of the Constitution of India are in conflict with the provisions of the Central Act, 1970.

20. Arguments are also advanced relying upon the provisions of

the States Reorganisation Act, 1956, dated 31.08.1956, wherein the 'existing State' is defined under Section 2(g) to mean a State specified in the first Schedule to the Constitution at the commencement of the Reorganisation Act, 1956. Part XI of Reorganisation Act, 1956 deals with the legal and miscellaneous provisions. Section 119 thereto refers to the territorial extent of laws, which specifies that the provisions of Part II shall not be deemed to have effected any change in the territories to which any law in force immediately before the appointed day extends or applies, and territorial references in any such law to an existing State shall, until otherwise provided by a competent Legislature or other competent authority, be construed as meaning the territories within that State immediately before the appointed day. On the basis of the States Reorganisation Act, 1956, a proclamation is W.P.(C) No. 21419/2009 & batch 73 made by the President of India for general information and whereas by virtue of the provisions of the States Reorganisation Act, 1956, a new State of Kerala is formed on the first day of November, 1956. By virtue of the powers conferred under Section 120 of the States Reorganisation Act, 1956, the State Government is empowered by

order to make such adaptations and modifications of certain laws

whether by way of repeal or amendment, as may be necessary or expedient, for the purpose of facilitating the application of such laws in relation to the State of Kerala. Accordingly, the State of Kerala has made the Kerala Adaptation of Laws Order, 1956. Clause 2(1)(c) thereto defines the 'existing law' to mean 'any law as defined in clause

(h) of Section 2 of the States Reorganisation Act, 1956, in force in the

State of Travancore-Cochin or Malabar District or any part of the said State or District immediately before the appointed day and in respect of which the State Government has power to make adaptations under Section 120 of the said Act'. 'Malabar District' is defined under clause 2(b) of the Kerala Adaptation of Laws Order, 1956 to mean 'the District known as such by Section 5(2) of the States Reorganisation Act, 1956. It is an admitted fact that the present Malabar area was under Madras State and the laws applicable in the Malabar area insofar as the W.P.(C) No. 21419/2009 & batch 74 registration of the Medical Practitioners was concerned, was the Madras Medical Registration Act, 1914 ('Act, 1914' for short). Section 3(2) of the Act, 1914 defines 'Council' to mean a Council of modern medicine established under Section 3 of the Travancore-Cochin Medical Practitioners Act, 1953. In Section 11, it specifies that the names of all medical practitioners registered under the Madras Act, 1914 and holding any appointment or practicing in the District of Malabar or the Kasaragod Taluk immediately before the first day of November, 1956 shall be included in the Register. Section 25 thereto states that the medical practitioners registered under the Travancore-Cochin Medical Practitioners Act, be registered under the Act, 1914 and notwithstanding anything contained in the Act, 1914, any person -- (i) registered under part A of the register for Modern Medicine maintained under the Travancore-Cochin Medical Practitioners Act, 1953 and holding any appointment, or practising immediately before the first day of November, 1956 in that portion of the State of Travancore- Cochin which formed part of the State of Kerala; or (ii) registered on or after the first day of November, 1956 under Part A of the register for Modern Medicine maintained under the said Act; shall, so long as such registration continues in force, be deemed to be registered under W.P.(C) No. 21419/2009 & batch 75 the Act. Correspondingly, the Act, 1953 was amended and Section 47A was inserted which specifies that the medical practitioners registered under the Act, 1914, to be deemed registered under the Act, 1953 and notwithstanding anything contained in the Act, 1953, any person - (i) registered under the Act, 1914 and holding any appointment or practising in the District of Malabar or Kasaragod Taluk immediately before the first day of November, 1956; or (ii) registered on or after the first day of November, 1956 under the said Act, as applied to the district of Malabar; shall so long as such registration continues in

force, be deemed registered in Part A of the Register for modern medicines maintained under the Act, 1953. Relying upon the said provisions, the sum and substance of the contentions advanced by the learned counsel for the Central Council for Indian Medicine is that insofar as the present Malabar area within the State of Kerala is concerned, it is guided by the Madras Act, 1914 and that too the registration thereunder is only with the Council for Modern Medicine established under Section 3 of the Act, 1953 and therefore, it is submitted that insofar as the Malabar District is concerned, the same was under the Act, 1914 and the registration of the qualified practitioners was only in respect of the Modern Medicine established W.P.(C) No. 21419/2009 & batch 76 under Section 3 of the Act, 1953. Therefore, it is submitted that there was no enabling law for the registration of even the qualified ayurveda practitioners either under the Act, 1914 or under the Act, 1953. However, the State Register of Indian Medicine is defined under the Central Council Act, 1970 to mean a register or registers maintained under any law for the time being in force in any State regulating the registration of the practitioners of Indian Medicine. Therefore, even though the provisions of the Act, 1914 and the Travancore-Cochin Medical Practitioners Act, 1953 deals with the registration of the practitioners of modern medicine, by virtue of the powers conferred under the Central Act, 1970, the practitioners of Indian Medicine who have entered the names in the register/registers maintained under any law for the time being in force in any State has a valid registration to practice the profession of Indian Medicine. State Register of Indian Medicine is defined under Section 2(1)(j) of the Central council Act 1970 to mean a register or registers maintained under any law for the time being in force in any State regulating the registration of practitioners of Indian medicine. However a conjoint reading of the definitions of 'Indian Medicine' provided under Section 2 (1)(e) and the 'State Register of Indian Medicine' contained under Section 2 (1)(j) W.P.(C) No. 21419/2009 & batch 77 make it clear that on maintenance of a register or registers, the practitioners of ayurveda, siddha or unani tibb are entitled to practice Indian Medicine on securing registration. Whatever that be, we make it clear that under the Central Act, 1970, the recognised medical qualification is defined in Section 2(i)(h) to mean 'any of the medical qualifications, including postgraduate medical qualification, of the Indian medicine included in the Second, Third and Fourth Schedule. The second

Schedule of Central Act, 1970 constituted as per Section 14, deals with recognised medical qualifications in Indian Medicine granted by Universities, Boards or other medical institutions in India and Part I thereto deals with ayurveda and siddha. The third schedule constituted under Section 15 deals with qualifications granted by certain medical institutions before 15th August, 1947 in areas which comprised within India as defined in the Government of India Act, 1935 and the fourth Schedule constituted under Section 16 of Central Act, 1970 deals with qualifications granted by medical institutions in countries with which there is a scheme of reciprocity. The writ petitioners, who are supporting the Government Orders granting exemption from registration of the traditional ayurveda practitioners, are not having a case that they are entitled to get any benefits of the W.P.(C) No. 21419/2009 & batch 78 provisions of the Act, 1970 or the institutions and Universities included in the second and third Schedules.

21. Therefore, taking into account all these provisions of law, we

are of the considered opinion that the exemption granted by the State Government to unqualified practitioners invoking the first proviso to Section 38 of the Act, 1953 cannot be legally sustained. Anyhow, the question with respect to the power of exemption under the first proviso to Section 38 of Act, 1953 was considered by the Apex Court vis a vis the provisions of the Indian Medical Council Act, 1956 in respect of the Allopathic system of Medicine in Dr A.K.Sabapathy (supra) and held as follows in paragraph 16:

> 16. We are, therefore, unable to agree with the view of the High Court that the Central Act does not lay down the qualifications for registration of a medical practitioner. We may in this context refer to sub-section (1) of Section 15 which postulates the holding of a recognised medical qualification by a person for being registered in the State Medical Register so as to entitle to practise modern scientific medicine in the State and sub-section (1) of Section 21 which provides that the Indian Medical Register that is required to be maintained by the Medical Council of India shall contain the name of persons who are for the time being enrolled in the State

> Medical Register and who possess any of the recognised medical qualifications. These provisions contemplate that a person can practise in allopathic system of medicine in a State or in the country only if he possesses a recognised medical qualification. Permitting a person who does not possess the recognised medical qualification in the allopathic system of medicine would be in direct conflict with the provisions of the Central Act. We are, therefore, of the view that the first proviso to Section 38 of the State Act insofar as it empowers the State Government to permit a person to practise allopathic system of medicine even though he does not possess the recognised medical qualifications for that system of medicine is inconsistent with the provisions of Sections 15 and 21 read with Sections 11 to 14 of the Central Act. The said proviso suffers from the vice of repugnancy insofar as it covers persons who want to practise the allopathic system of medicine and is void to the extent of such repugnancy. Practitioners in allopathic system of medicine must, therefore, be excluded from the scope of the first proviso and it must be confined in its application to systems of medicines other than the allopathic system of medicine. We, however, wish to make it clear that we have not considered the impact of the provisions contained in the Indian Medicine Central Council Act, 1970 and the Homoeopathy Central Council Act, 1973 on the provisions of the said proviso to Section 38 of the State Act.

22. However, on an analysis of the judgment of the Apex Court

W.P.(C) No. 21419/2009 & batch 80 in Dr. A.K. Sabhapathy (supra), it is evident that in the said judgment, the impact of the provisions contained in the Central Act, 1970 and the Homoeopathy Central Council Act, 1973 vis-a-vis the provisions of the first proviso to Section 38 of the State Act 1953 was not considered. But the Apex Court had occasion to consider the said issue of repugnancy in the realm of the Central Act, 1970 in Kerala Ayurveda Paramparya Vaidya Forum v. State of Kerala and others [(2018) 6 SCC 648]. There the question considered was,

whether the persons who do not fulfil the prescribed qualifications and are not duly registered under the relevant statute, be permitted to practice paramparya vaidyam. After considering Section 17 of the Central Act ,1970 and Sections 23 and 38 of the Travancore-Cochin Medical Practitioners Act, 1953, the arguments of the State was summarised at paragraph 13 as follows:

> 13. The learned counsel further submitted that the modus operandi of such practitioners in the State is to register an association under the Societies Registration Act or the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, with an object to enrol members and to issue certificates in order to enable them to practise Indian System of Medicine in the guise of Paramparya Vaidyas. The learned counsel for the State further contended that in most of these

> cases, there is no tradition or paramparayam for any of the members of such registered association and most of them continue in the field of practice with bogus certificates, degrees and diplomas. The learned counsel finally contended that the bogus practitioners, without having requisite qualification and registration, should not be allowed to play with the lives of the people and to practise the Indian System of Medicine in the State of Kerala.

23. Anyhow, after considering the proposition of law laid down in

Dr. A.K. Sabhapathy, it was held that even though the impact of the provisions of the IMCC Act was not considered, the provisions of Section 17 of the IMCC Act also provides for recognition of the medical qualifications included in the second, third and fourth Schedules to be sufficient qualification for enrolment in any State Register of Indian Medicine. Thus, the same principles as has been laid down in Dr. A.K. Sabhapathy (supra), as reproduced above, will also apply. Paragraphs 18, 19 and 20 of the judgment in Kerala Ayurveda paramparya Vaidya Forum (supra) is relevant to the context and they read thus:

18. Section 23 of the Act provides for eligibility conditions for registration

of medical practitioners. Under sub-section (1), a holder of a recognised qualification or holding appointment under the Government at the commencement of the Act and every other practitioner who has been in regular practice for 5 (five) years preceding 1-4-1953, if applies within one W.P.(C) No. 21419/2009 & batch 82

year have been made eligible for registration. However, by Section 38 of the Act, persons not registered under the Act have been prohibited from practising various types of medicines. The first proviso empowers the State Government to exempt any person or class of persons from undergoing registration. It is also evident that the Government of Kerala had granted exemption to some traditional practitioners like those who belonged to the renowned Ashtavaidya families.

19. The capacity to diagnose the disease would depend upon the fact as to

whether the practitioner had the necessary professional skill to do so. Acquisition of professional skill is again a regulated subject and the measure thereof is the possession of a prescribed diploma or degree awarded by a recognised institution. What one might enquire with regard to the right to practise medicine in the light of the above is as to whether the appellants are equipped with such a professional qualification. The answer is, obviously, in the negative, as admittedly, the appellants do not possess any prescribed diploma or degree from a recognised institution for that purpose. Even a person who has acquired the prescribed diploma or degree from a recognised institution would not be entitled to practise medicine unless he is so registered under the provisions of the IMCC Act.

20. In A.K. Sabhapathy v. State of Kerala [A.K. Sabhapathy v. State of

> Kerala, 1992 Supp (3) SCC 147] , the provisions of Section 38 of the Act and Sections 15 and 21 of the Indian Medical Council Act, 1956 came up for consideration before this Court wherein it was held as under: (SCC pp. 160- 61, para 16) [Since para 16 in Dr A. K Sabapathy is extracted above for sake of brevity it is not repeated]

W.P.(C) No. 21419/2009 & batch 83 And it was held as follows at paragraph 21: 21. Even though the impact of the provisions of the IMCC Act was not considered but the provision of Section 17 of the IMCC Act also provides for recognition of medical qualification included in Second, Third and Fourth Schedules to be sufficient qualification for enrolment on any State Register of Indian Medicine. Thus, the same principles as had been laid down in A.K. Sabhapathy [A.K. Sabhapathy v. State of Kerala, 1992 Supp (3) SCC 147] , as reproduced above, will also apply.

24. In that context, the findings rendered by the Apex Court in Kerala Ayurveda paramparya Vaidya Forum (supra) at paragraphs 25 to 27 are relevant to arrive at a proper conclusion. They read thus:

> 25. In our country, the qualified practitioners are much less than the required number. Earlier, there were very few institutions imparting teaching and training to the doctors, vaidyas and hakims but the situation has changed and there are quite a good number of institutions imparting education in indigenous medicines. Even after 70 years of Independence, the persons having little knowledge or having no recognised or approved qualification are practising medicine and playing with the lives of thousands and millions of people. The right to practise any profession or to carry on any occupation, trade or business is no doubt a fundamental right guaranteed under the Constitution. But that right is subject to any

W.P.(C) No. 21419/2009 & batch 84

law relating to the professional or technical qualification necessary for practising any profession or carrying on any occupation or trade or business. The regulatory measures on the exercise of this right both with regard to the standard of professional qualifications and professional conduct have been applied keeping in view not only the right of the medical practitioners but also the right to life and proper health care of persons who need medical care and treatment.

Conclusion

26. In our country, the numbers of qualified medical practitioners have

been much less than the required number of such persons. The scarcity of qualified medical practitioner was previously quite large since there were very few institutions imparting teaching and training to doctors, vaidyas, hakims, etc. The position has now changed and there are quite a good number of medical colleges imparting education in various streams of medicine. No doubt, now there are a good numbers of such institutions training qualified medical practitioners at number of places. The persons having no recognised and approved qualifications, having little knowledge about the indigenous medicines, are becoming medical practitioners and playing with the lives of thousands and millions of people. Sometimes such quacks commit blunders and precious lives are lost.

27. The Government had been vigilant all along to stop such quackery. A

number of unqualified, untrained quacks are posing a great risk to the entire society and playing with the lives of people without having the requisite training and education in the science from approved institutions. W.P.(C) No. 21419/2009 & batch 85

The Travancore-Cochin Medical Practitioners Act, 1953 as well as the Indian Medicine Central Council Act, 1970 were also enacted on the similar lines. Every practitioner shall be deemed to be a practitioner registered under the Act if at the commencement of this Act, his name stands entered in the appropriate register maintained under the said Act and every certificate of registration issued to every such practitioner shall be deemed to be a certificate of registration issued under this Act. But in the present case, the appellants herein have failed to show that they possessed requisite recognised qualification for registration entitling them to practise Indian system of medicines or their names have been entered in the appropriate registers after the commencement of this Act.

25. Therefore, it is clear that the question with respect to the

powers of the State Government to grant exemption under the Act, 1953 vis-a-vis the provisions of the Central Act, 1970 was considered by the Apex Court also taking into account the judgment of the Apex Court in Dr. A.K. Sabhapathy (supra), and held that unless and until a qualified practitioner secures registration under the provisions of the Act, 1970 they are not entitled to practice the Indian system of Medicine or they are entitled to register their names in the appropriate Registers after the commencement of the Central Act, 1970 otherwise than as provided under the Central Act, 1970. According to us, the clear cut findings entered by the Apex Court in Dr. A.K. Sabhapathy W.P.(C) No. 21419/2009 & batch 86 (supra) and the Kerala Ayurveda Paramparya Vaidya Forum (supra) make it clear that the issues now raised in the writ petitions are settled finally and therefore, the State Government is not empowered to grant any exemption invoking the first proviso to Section 38 of the Travancore-Cochin Medical Practitioners Act, 1953 and permit practice otherwise than in accordance with the provisions of the Central Council Act 1970,r/w with the relevant provisions of the Act 1953. Since the Apex Court in Kerala Ayurveda Paramparya Vaidya Forum has followed the proposition of law in Dr. A.K. Sabhapathy, we are of the clear opinion that the first proviso to Section 38 of the Act, 1953 is repugnant to the provisions of Section 17 of the Central Act, 1970. We are also of the opinion that

the Central Act, 1970 was brought into force in order to maintain the minimum standards for admission, duration of courses of training, details of the curricula and syllabi of studies and the title of degree or diploma varying from State to State and even from Institution to Institution in the same State and the statutory Central Council was constituted after conducting an in depth study by the Government of India relating to the Indian system of medicine and homeopathy. The main functions of the Central Council is to involve uniform standards of education and W.P.(C) No. 21419/2009 & batch 87 registration of the practitioners of the Indian system of Medicine and Homoeopathy and the Central Council was empowered to form separate committees for ayurveda, siddha, unani and homeopathy and the registration of the practitioners was made compulsory on the Central Register of Indian Medicine and Homoeopathy to ensure that the medicine is not practised by those who are not qualified in the Indian systems of Medicine and those who practice, observe the Code of Ethics in the profession. It was specifying the above that the bill was introduced and the Central Act, 1970 was constituted. Even though we find that the Government of India have addressed various communications to the Secretary to Government, Health and Family Welfare Department, Government of Kerala to make suitable alterations in the Register, which communications are produced along with W.P.(C) No. 21419 of 2009 filed by the Central Council of Indian Medicine, no effective steps were taken to make suitable amendments in the Act, 1953 to avoid conflict with the Central Act, 1970. However, the State Government has chosen to issue Government Orders specified above granting exemption from registration, thus, permitting the traditional practitioners of ayurveda to practice ayurveda without the qualifications prescribed under the law and registration in terms of W.P.(C) No. 21419/2009 & batch 88 law. Therefore, we have no hesitation to hold that the action of the State Government in granting exemption invoking the powers conferred under the first proviso to Section 38 to traditional Ayurveda practitioners has no legal sustenance, and further the 1st proviso to Section 38 of the Act, 1953 being repugnant to section 17(2) of the Central Act, 1970 is unconstitutional.

26. The legal position with respect to the repugnance vis-a-vis

the provisions of the Central Act and the State Act in respect of the entries contained under the concurrent list of Schedule 7 of the Constitution of India is well settled. However, a reference to the few of the judgments rendered by the Apex Court would set the legal position very clear. In State of Orissa v. M.A. Tulloch and Co. [AIR 1964 1284], a Five-Member Constitution Bench of the Apex Court considered the levy of fee in respect of the mining operations vis-a-vis the State Laws and it was held thus at paragraph 15: 15. But even if the matter was res integra, the argument cannot be

accepted. Repugnancy arises when two enactments both within the competence of the two Legislatures collide and when the Constitution expressly or by necessary implication provides that the enactment of one Legislature has superiority over the other then to extent of the W.P.(C) No. 21419/2009 & batch 89

> repugnancy the one supersedes the other. But two enactments may be repugnant to each other even though obedience of each of them is possible without disobeying the other. The test of two legislations containing contradictory provisions is not, however, the only criterion of repugnancy, for if a competent legislature with a superior efficacy expressly or impliedly evinces by its legislation an intention to cover the whole field, the enactments of the other legislature whether passed before or after would be overborne the on the ground of repugnance. Where such is the position, the inconsistency is demonstrated not by a detailed compression of provisions of the two statutes but by the mere existence of the two pieces of legislation. In the present case, having regard to the terms of s. 18(1) it appears clear to us that the intention of Parliament was to cover the entire field and thus to leave no scope for the argument that until rules were framed, there was to inconsistency and no supersession of the State Act.

27. I

n M.Karunani dhiv.Uni on ofI ndi a(UOI) and Ors. [(1979)3 SCC 431] ,a Fi ve-MemberConst itut ion Bench oft he Apex Cour t consi der ed t he quest ion wi th r

espect t o t he sanct ion t o pr osecut eundert hepr ovi sionsoft heTami lnaduPubl icMen(Cri minal Mi sconduct) Act , 1973 and t he pr ovi sions of t he Pr event ion of Cor rupt ionAct]andhel dasf oll owsi npar agr aph8:

8. It would be seen that so far as clause (1) of Article 254 is concerned it clearly lays down that where there is a direct collision W.P.(C) No. 21419/2009 & batch 90

> between a provision of a law made by the State and that made by Parliament with respect to one of the matters enumerated in the Concurrent List, then, subject to the pro- visions of clause (2), the State law would be void to the extent of the repugnancy. This naturally means that where both the State and Parliament occupy the field contemplated by the Concurrent List then the Act passed by Parliament being prior in point of time will prevail and consequently the State Act will have to yield to the Central Act. In fact, the scheme of the Constitution is a scientific and equitable distribution of legislative powers between Parliament and the State Legislatures. First, regarding the matters contained in List I, i.e. the Union List to the Seventh Schedule, Parliament alone is empowered to legislate and the State Legislatures have no authority to make any law in respect of the Entries contained in List I. Secondly, so far as the Concurrent List is concerned, both Parliament and the State Legislatures are entitled to legislate in regard to any of the Entries appearing therein, but that is subject to the condition laid down by Article 254(1) discussed above. Thirdly, so far as the matters in List II, i.e. the State List are concerned, the State Legislatures alone are competent to legislate on them and only under certain conditions Parliament can do so. It is, therefore, obvious that in such matters repugnancy may result from the following circumstances:

1. Where the provisions of a Central Act and a State Act in the

Concurrent List are fully inconsistent and are absolutely irreconcilable, the Central Act will prevail and the State Act will become void in view of the repugnancy.

2. Where however a law passed by the State comes into collision with W.P.(C) No. 21419/2009 & batch 91

a law passed by Parliament on an Entry in the Concurrent List, the State Act shall prevail to the extent of the repugnancy and the provisions of the Central Act would become void provided the State Act has been passed in accordance with clause (2) of Article 254.

3. Where a law passed by the State Legislature while being

> substantially within the scope of the entries in the State List entrenches upon any of the Entries in the Central List the constitutionality of the law may be upheld by invoking the doctrine of pith and substance if on an analysis of the provisions of the Act it appears that by and large the law falls within the four corners of the State List and entrenchment, if any, is purely incidental or inconsequential.

4. Where, however, a law made by the State Legislature on a subject

> covered by the Concurrent List is inconsistent with and repugnant to a previous law made by Parliament, then such a law can be protected by obtaining the assent of the President under Article 254(2) of the Constitution. The result of obtaining the assent of the President would be that so far as the State Act is concerned, it will prevail in the State and overrule the provisions of the Central Act in their applicability to the State only. Such a state of affairs will exist only until Parliament may at any time make a law adding to, or amending, varying or repealing the law made by the State Legislature under the proviso to Article 254. So far as the present State Act is concerned we are called upon to consider the various shades of the constitutional validity of the same under Article 254(2) of the Constitution.

W.P.(C) No. 21419/2009 & batch 92

28. I n St ate of Keral a and Ors. v. M ar Appraem Kuri Company Lt d., and Ors [

(2012) 7 SCC 106]

, a Fi ve- Member Const itut ion Bench oft heApexCour t,whi leconsi der ing t hequest ion ofr epugnance oft he pr ovi sionsoft he Ker ala Chi tti esAct ,1975 and t he Cent ralChi tFunds Act ,1982,af terconduct ing a sur vey oft he ear lierj udgment s,has hel dasf oll owsatpar agr aph 97: Conclusions

97. To sum up, our conclusions are as follows:

97.1. On timing, we hold that repugnancy arises on the making and not commencement of the law, as correctly held in the judgment of this Court in Pt. Rishikesh v. Salma Begum [(1995) 4 SCC 718] .

97.2. Applying the above test, we hold that on the enactment of the (Central) Chit Funds Act, 1982, on 19-8-1982, which covered the entire field of chits under Entry 7 of List III of the Constitution, the Kerala Chitties Act, 1975, on account of repugnancy as enshrined in Article 254(1), became void and stood impliedly repealed. That, on the occupation of the entire field of chits, the Kerala Legislature could not have enacted the State Finance Act 7 of 2002, inserting Section 4(1)(a) into the Kerala Chitties Act, 1975, particularly on the failure of the State in obtaining Presidential assent under Article 254(2).

97.3. That the (Central) Chit Funds Act, 1982 though not brought into force in the State of Kerala is still a law made, which is alive as an existing law. By reason of Article 367 of the Constitution, the General Clauses Act, 1897 applies to the repeal. Section 6 of the General Clauses Act, 1897 is, therefore, relevant, particularly Sections 6(b) and 6(c), and consequently, the previous operation of the Kerala Chitties Act, 1975 is not affected nor any right, privilege, obligation or liability acquired or incurred under that repealed State Act of 1975. Thus, after 19-8-1982, the Kerala Chitties Act, 1975 stands repealed except for the limited purposes

> of Section 6 of the General Clauses Act, 1897. If and when the Central Government brings into force the Chit Funds Act, 1982 by a notification in State of Kerala, under Section 1(3), Section 90(2) will come into play and thereby the Kerala Chitties Act, 1975 shall continue to apply only to chits in operation on the date of commencement of the (Central) Chit Funds Act, 1982 in the same manner as the Kerala Chitties Act, 1975 applied to chits before such commencement.

29. I

n Pharmacy Counci lofI ndi a v.Dr .S. K.Toshni wal Educat ionalTrust s,Vi darbha I nst itut e of Pharmacy and Ors. [MANU/ SC/ 0531/ 2020] ,the Apex Cour thasconsi der ed t he quest ion wi thr espectt othe pr ovi sions ofPhar macy Act ,1948 and Al lIndi a Counci lforTechni calEducat ionAct ,1987andal sot hequest ionoft he speci alenact menthol ding t he fiel d pr iort othe i ntr oduct ion oft he Al CTE Actandi twashel datpar agr aph 15t hus:

> 15. Applying the law laid down by this Court in the aforesaid decisions and as observed hereinabove, the Pharmacy Act is a Special Act in the field of pharmacy and it is a complete code in itself in the field of pharmacy, the Pharmacy Act shall prevail over the AICTE Act which, as observed hereinabove, is a general statute dealing with technical education/institutions. Therefore, the submission on behalf of AICTE and/or concerned educational institutions that the AICTE Act is a subsequent law and in the definition of "technical education" it includes the "pharmacy" and therefore it can be said to be an "implied repeal", cannot be accepted. At this stage, it is required to be noted that as such in the AICTE Act there is no specific repeal of the Pharmacy

Act, more particularly when, as observed hereinabove, the Pharmacy Act is a Special Act and the subsequent enactment of AICTE Act is general and therefore the Pharmacy Act being a Special Act must prevail. Apart from that, with regard to several aspects, there is no provision made in AICTE Act which are exclusively within the domain of PCI. Thus, it cannot be accepted that there is 'implied repeal' of the Pharmacy Act.

30.Now,we wi lldealwi tht he cases r elat ing t othe pr act ice of al ternat e medi cine and t he ' B'cl ass r egi str ati on or der ed t o be gr ant ed byt he St ate Government .The pr oposi tion ofl aw l aid down as above by t he Apex Cour t under var ious cont ext staki ng i nto account Ar ticl e 254 oft he Const itut ion ofI ndi a,i s a si gni ficant i ndi cat ort o show t hatwhen t her eisa confli ctbyand bet ween t he Cent ralLegi slat ion and t he St ate Legi slat ion made i n accor dance wi th t he power s conf err ed i n t he subj ect s enumer ated i n t he concurr ent l ist ,the Cent ral Act i sto pr evai ltot he ext ent of r epugnance,and t he pr ovi sions oft he State Act to the extent it conflicts with the Central Act would be unconstitutional/void. The State Government has issued a notification dated 17.03.2020 bearing No. GO(P) No. 116/2010/H&FWD of Health and Family Welfare (D)

Department, Thruvananthapuram, which reads thus:W.P.(C) No.

31. On ar

eadi ng oft hesai dGover nmentOr der ,iti scl eart hat t he St ate Gover nment has deci ded t oissue pr ovi sional ' B'Cl ass r egi str ati on t o Nat uropat hs,who ar e noti nst itut ional ly qual ified as per t he condi tions det ail ed i n t he sai d Gover nment Or der . Accor dingl y, t he gui del ines f or t he r egi str ati on of Nat uropat hy pr act iti oner sand accr edi tat ion ofNat uropat hInst itut ion i ntheSt ate was i ssued.The pr eambl e oft he gui del ines speci fies t hatYoga and Nat uropat hy,asan i ntegr alpar toft he hol ist ic conceptf orheal ing, hasgotr elevancef rom t hever ypastandnow i tiswi del yaccept edas a pr act ice al lovert he wor ldf orment aland physi calhar mony .Iti s al so poi nted out t her ethat i n our count ry, t her eis no uni fied r egul ati on r egar ding t he pr act ice of Yoga and Nat uropat hy.I tis f

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32. Cl ause3 deal swi thr egi str ati on and accr edi tat ion.Cl auses 3t o7ar erel evantt othecont extandt heyr eadt hus: W.P.(C) No. 21419/2009 & batch 99

3. Registration and Accreditation

i) Accreditation is the recognition granted to educational institutions, Hospitals and Clinics to signify the attainment of an acceptable level of professional expertise, academic quality and integrity. ii) Registration means the registration of Naturopathic and Yoga Practitioners by the Council of Indian Systems of Medicine in Class A or B. iii) The Council will grant accreditation to educational institutions

on the basis of the guidelines issued by the Central Council for Research in Yoga and Naturopathy, New Delhi and also have the authority to conduct inspections and evaluation visits for the purpose. iv) Accreditation of Hospitals and Clinics will be for a period of 5 years and will have to be renewed after every five years.

4. Conditions for registration

1) Registration of Naturopathy and Yoga Practitioners will be provisional and will be valid till the constitution of a separate council for Naturopathy and Yoga or suitable amendments to the Travancore-Cochin Medical Practitioners Act, enabling the Council to issue registration to the Naturopathy and Yoga practitioners.

2) Separate Registers for 'A' class and 'B' class Naturopathy and Yoga practitioners will be maintained by the Registrar, Travancore-Cochin Medical Councils under the Council of Indian Systems of Medicine. 3) Application, fee for registration etc. for 'A' class registration will be the same as applicable for the registration of a practitioner in the Council. 4) Class 'A' registration will be given to institutionally qualified W.P.(C) No. 21419/2009 & batch 100

professional practitioners possessing 4/4 1/2 years Diploma in Naturopathy (N.D) prior to 1990 from Gandhi Naturopathy Medical College, Hyderabad Board of Indian Medicine, Government of Andhra Pradesh/Osmania University, Hyderabad and 5/5 1/2 years BNYS degree (Bachelor of Naturopathy and Yoga Sciences) awarded by the colleges/universities mentioned in the appendix to the G.O.(P)

5)B Class registration may be granted to self educated Naturopathy practitioners with the following conditions:-

(a) The Registration process must be limited to one chance only.

(b) should have passed SSLC or equivalent.

(c) Should have completed 35 years of age.

(d) Should have at least fifteen years of full time practice in Naturopathy and Yoga. Experience certificates issued by the District Medical Officers

(ISM) should be produced along with the application.

5. Procedure for applying for B Class registration by Self Educated Practitioners

Self Educated Yoga and Naturopathy practitioners may apply for 'B Class registration in the prescribed application form along with examination fees as fixed by the Council and with documentary evidence to prove age, qualification and experience.

6. Selection Committee

The Council may constitute a Selection Committee for conducting inspection for the purpose of selecting self educated practitioners for 'B' class registration in Yoga and Naturopathy consisting of,- W.P.(C) No. 21419/2009 & batch 101

(i) The President of the Council

(ii) The Registrar, Travancore-Cochin Medical Councils,

(iii) Director of Indian Systems of Medicine,

(iv) Two senior eminent institutionally qualified Naturopathy practitioners nominated by the Council.

7. Section Procedure

i) All applications received from self educated Yoga and Naturopathy Practitioners shall be verified by means of field enquiry by the Selection Committee Members or by an officer or authority authorized by the Selection Committee. On receipt of enquiry report, the Selection Committee shall conduct a written test to those applicants who are found to be genuine Yoga and naturopathy practitioners.

ii) Selection is on the basis of the performance in a written test adn oral interview conducted by the selection committee. Those scoring 50% of marks in the written test will be called for the interview by the committee. Iii) The Selection Committee shall prepare the list of eligible candidates for registration as 'B' class Yoga and Naturopathy practitioners. iv) Those who are included in the list alone are eligible for registration and may apply before the Council for 'B' class registration in Yoga and Naturopathy. v)'B' Class registered practitioners are entitled to private practice only.

33. Later, the State Government has issued an order dated 20.01.2011

bearing No. GO(P) 26/2011/H&FWD of Health and Family Welfare (D) W.P.(C) No. 21419/2009 & batch 102 Department incorporating an additional condition to condition No.4 contained under the Government Order dated 23.12.2010 specified and extracted above in

order to provide provisional 'B' class registration, which reads thus:

> Those who have passed 3 year Diploma in Yoga and Naturopathy course from Mahatma Gandhi University, Kottayam or 3 year Diploma in Nature Cure & Yoga Science from Akhila Bharathiya Prakritik Chikitsa Parishad, New Delhi and Ganhdi Smarak Nidhi, Nidhi, New Delhi, will also be approved for giving Provisional 'B Class registration. They are also exempted from the requirements of (i) passing any other examination and (ii) 10 years fulltime practice in Naturopathy and Yoga.

I tis speci fied t her eunder t hat G. O.(P) No. 116/ 10/ H&FWD dat ed

17. 03.

2010st andsmodi fiedt otheaboveext ent . 34.Yetanot hernot ificat iondat ed28. 02. 2011wasi ssuedbyt he St ate Gover nmentbear ing G. O.(P)NO.146/ 2011/ H&FWD ofHeal th and Fami ly Wel far e(D)Depar tmentmaki ng f urt hermodi ficat ion t o t heGover nmentOr der sspeci fiedabove,t her elevantpor tionofwhi ch r

eadst hus:

Those who have passed 1 year Diploma course in Naturopathy and Yoga Therapy (DNYT) course conducted by Mahatma Gandhi University, Kottayam after passing the 3 year Diploma in Naturopathy & Yogic Sciences (ND/DNYS) from Akhila Bharathiya Prakriti Chikitsa W.P.(C) No. 21419/2009 & batch 103 Parishad, New Delhi and Gandhi Smarak Nidhi, New Delhi are approved for giving Provisional 'B' Class registration. They are also exempted from the requirements of (i) passing other examinations and (ii) 10 years full time practice in Naturopathy and Yoga.

35. Ther

efor e,accor ding t othe pr act iti oner s ofal ter nat ive medi cine asi sspeci fied above,byvi rtue oft he Gover nmentOr der s, t heyar eent itl ed t oget' B'Cl assr egi str ati on al soi n accor dancewi th t he gui del ines i ssued by t he St ate Gover nmentf rom t ime t oti me. However ,the case pr oject ed by t he qual ified pr act iti oner s,who ar e pet iti oner sinW. P.(C)No.17507of2011,i sthatwhent heyaddr essed t heCent ralCounci lforResear chi nYogaandNat uropat hy,New Del hi i nrespectoft heor der sissued byt heSt ateGover nmentf or' B'cl ass r egi str ati on ofsuch unqual ified pr act iti oner sand cer tificat e hol der s f rom Akhi la Bhar athi ya Pr akr itiChi kit sa Par ishad,New Del hiand GandhiSmar aka Ni dhi ,New Del hi,i twas cl ari fied as per Ext .P5 communi cat ion dat ed 21. 06. 2011 bear ing No.CCRYN/ Dir /Mi sc/ t hati nthei r websi tei twas cl ear ly not ified t hatal lsuch Di plomas i ssued by t he NGOs ar e unaut hor ised,basel ess and have no val ue, what soever ,int heeyesofl aw.I tisf urt herpoi ntedoutt hatt heAkhi la Bhar thi ya Pr akrut hi Chi kit sa Par ishad i s an NGO r egi ster ed and si tuat edi nroom at15,Raj ghatCol ony,New Del hi-110002,whi chi s W.P.(C) No. 21419/2009 & batch 104 t he or igi nal and t hat t her e i s one mor e bogus/ par all el Akhi la Bhar athi yaPr akrut iChi kit saPar ishadatDel hiGandhiSmar akNi dhi , Pat par ganj ,New Del hi-110 091,who ar einvol ved i n such di ploma cer tificat es r acket .Iti s f urt her speci fied t her eunder t hat t he Gover nmentofI ndi a,Depar tmentof AYUSH has i ssued gui del ines vi de No.R. 15016/ Y&N dat ember ,2006 r egar ding gr antofCl assB r egi str ati on t o genui ne pr act ici ng Nat uropat hsonl y af ter pr oper scr eeni ng and eval uat ion by conduct ing a wr itt en exami nat ionof100mar ksasal

sopr act icalandvi vaf or100mar ks.I t i sal sospeci fiedt hatf orsuchscr eeni ngandeval uat ion,nocer tificat es ordi plomasar e consi der ed and ear lieri n al lsyst emsofmedi cines, whet her i tis al lopat hy, ayur veda, homeopat hy et c. t he genui ne pr act iti oner s wer e gr ant ed cl ass B r egi str ati on onl y af ter pr oper scr eeni ng,eval uat ion et c.,wi thoutconsi der ing any di plomas i ssued byt heNGOs.

36. Similarly, National Institute of Naturopathy, on the basis of the

communication sent by the petitioners in the aforesaid writ petitions, has issued a reply dated 15.03.2011 bearing ref. No. NIN/Gen/2010-11/5364 stating that the Government of India and any organization under it have so far recognised/considered for any purpose including Medical registration or W.P.(C) No. 21419/2009 & batch 105 appointments only N.D (Hyderabad) and BNYS degree, as required qualification in Naturopathy, and that any other courses offering certificates or diploma are unrecognised and unauthentic. It is also stated that no monitoring is so far evolved or implemented in conducting any such programmes, by the Government and hence, they are invalid. It is further mentioned thereunder that the Naturopathy in practice with the approved treatment modalities is a clinical medicine, which necessitate a study programme with approved syllabus, regular curriculum and attached teaching hospital. However, a contention is raised by the unqualified practitioners that such communications issued or any other communications issued by the officials of the Government of India can be considered as orders issued under Article 77 of the Constitution of India, since clause (1) of Article 77 clearly specifies that all executive action of the Government of India shall be expressed to be taken in the name of the President. It is also submitted that all communications issued by the Central Act, 1970 cannot be treated as any orders issued by the Government of India, since they are not issued in the name of the President of India. True, such communications are issued by the respective authorities in their official status and not in the name of the President of India as is contemplated under Article 77 of the Constitution of India. However it is clear from the order extracted above, that it was on the basis of the order of the W.P.(C) No. 21419/2009 & batch 106 Government of India, Ministry of Health and Family Welfare dated 04-09- 2006, that the order

dated 17-03-2010 was issued by the State Government. But it is significant to note that in the order dated 04-09-2006 it was clearly specified that the issue has been carefully considered and it is felt that the most appropriate course of action would be for the State Governments to enact comprehensive legislation for the regulation of naturopathy, such legislation should ideally cover the registration of practioners, the regulation of medical education and all related matters. It is also specified that since the enactment of legislation would take some time, it is recommended that a system for the registation of the Naturopathy practioners and for the accreditation of the naturopathy institutions be put in place immediately on the basis of the guidelines which have been formulated by the Department. Accordingly, it was requested that the State Government take immediate action to enact suitable legislation for the regulation of Naturopathy and in the mean time, it is recommended that a system be set up for the registation of practioners and for the accreditation of insitutions on the basis of the

guidelines enclosed along with the communication dated 04.09.2006.

37. As per the Guidelines enclosed, clasue 1(b) defines 'Naturopathy'

institutions to mean (i) Medical Colleges conducting the Bachelor of Naturopathy and Yogic Sciences (BNYS) course and postgraduate courses W.P.(C) No. 21419/2009 & batch 107

(ii) Hospitals. 'Hospitals' is defined under clause 1(d) to mean a Naturopathy

Hospital with minimum of 10 in-patients beds and out-patient department. The registration and accreditation is dealt in clause 2 of the guidelines which reads thus: 2. Registration and Accreditation a) Accreditation is the recognition granted to educational institutions and hospitals to signify the attainment of an acceptable level of professional expertise, academic quality and integrity. b) Registration means the registration of Naturopathic practitioners under para 4 of the Guidelines. c) There will be a competent authority for the grant of Registration and Accreditation in each State and Union Territory to be nominated by the Central Council for Research in Yoga and Naturopathy (CCRYN). d) The competent

authority will grant Registration and Accreditation on the basis of these guidelines and will have the authority to conduct inspections and evaluation visits for the purpose. e) Accreditation will be for a fixed period of 5 years and will have to be renewed after the expiry of this period. f) The registration will be valid throughout the country. g) The competent authority will notify the date on which the registration and accreditation scheme will come into force.

38. Regi str ati onofNat uropat hyPr act ioner sisgover nedbyt he cl auses4t o8oft heGui del inesandt heyr eadst hus:

39. Therefore, on a reading of the Guidelines forwarded by the

Government of India, it is clear that registration of practitioners was recommended in accordance with the Guidelines specified above. However, the State Government has not followed the Guidelines and has framed its own

Guidelines stating that it has got the power to frame guidelines of its own, since

as per the order of the Government of India dated 04.09.2006, it has only recommended to follow the guidelines. As pointed out above, it was also submitted that the order of the Government of India dated 04.09.2006 is not an

order issued exercising the powers conferred under Article 77 of the Constitution

of India, since the said order is not seen to be issued in the name of the

President of India. But, in our considered opinion, in the State Government order

dated 17.03.2010 ordering registration of the naturopaths is on the basis of the the order of the Government of India dated 04.09.2016 and therefore, the State Government or any of the practitioners are not at liberty to contend that they are

not bound to follow the orders and the Guidelines issued by the Government of India. Looking from that angle, it is quite clear and evident that the order and the

Guidelines issued by the State Government as is specified above is in violation

of the directives contained under the order and the Guidelines issued by the Government of India. That apart, Article 256 makes it obligatory that the executive power of every State shall be so exercised as to ensure compliance W.P.(C) No. 21419/2009 & batch 112 with the laws made by Parliament and the executive power of the union shall extent to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose. Further, Article 257(1) stipulates that the executive power of every State shall be so exercised as not to impede or prejudice the exercise of the executive power of the union, and the executive power of the union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose. We are also of the opinion that the prohibition contained under Section 38 of the Act, 1953 extends to not only to a person who is not a registered practitioner of modern medicine, homeopathic medicine or ayurvedic medicine, siddha medicine or unani tibbi, but also they are prohibited to practice any other medicine unless is also a registered practitioner of that medicine. Therefore, there is no enabling power under the provisions of the Act, 1953 to the State Government to issue an order directing the Registrar of the Travancore-Cochin Medical Council of Indian Systems of Medicine to register the name of the unqualified practitioners in the 'A' and 'B' registers directed to be maintained.

40. On anal

yzi ng t he cont ent ionsputf ort h by t he counselon ei thersi de,wear eoft heconsi der ed opi nion t hati rrespect iveoft he communi cat ion i ssued byt hest atut oryaut hor iti esundert heCent ral Act ,1970 and t he Depar tmentofAyush,t he St ate Gover nmenthas i ssued t he or der s speci fied above t o gr antcl ass ' B'r egi str ati on t o W.P.(C) No. 21419/2009 & batch 113 pr act ici ng Nat uropat hsand ot hersyst em ofal ter nat ive medi cine by maki ng sui tabl e amendment sto t he Tr avancor e-Cochi n Medi cal Pr act iti oner s Act ,1953 enabl ing t he Counci ltoi

ssue r egi str ati on t o t heNat uropat hyandYogapr act iti oner s.I tisal socl earf rom t heor der dat ed17.

03. 2010oft heSt ateGover nmentt hatsepar ater egi ster sfor

' A'cl ass and ' B'cl ass Nat uropat hy pr act iti oner sis di rect ed t o be mai ntai ned by t he Regi str ar,Tr avancor e-Cochi n Medi calCounci lof I ndi an Syst ems of Medi cine. I tis sur pri sing t o not e t hat t he qual ificat ion pr escr ibed undert heaf oresai d St ateGover nmentOr der f or ' B'cl ass r egi str ati on i sthatt he appl icantshoul d have passed SSLC orequi val ent ,compl eted 35 year sofageand haveatl east10 year soff ullt imepr act icei nNat uropat hyandYoga.

41. On ar

eadi ng oft heGover nmentOr der ,iti scl eart hatt he or der and gui del ines i ssued by t he St ate Gover nment fixi ng qual ificat ionscont rar ytot hepr ovi sionsoft heCent ralAct ,1970 ar e al so i n confli ctwi tht he pr ovi sions oft he Cent ralAct ,1970.Aswe havedi scussedear lier ,thequal ificat ionsar ecl ear lypr escr ibedunder t he Cent ralAct ,1970 and t her efor e,any or deri ssued by t he St ate Gover nment cont rar ytot he pr ovi sions of t he Cent ral Act , 1970 cannot be r ecogni sed under l aw. The sai d Gover nment Or der s W.P.(C) No. 21419/2009 & batch 114 pur por tedl yissued i nvoki ng t he power s under Ar ticl e 162 of t he Const itut ion ofI ndi a cannot be sust ained bei ng r epugnant t othe pr ovi sions oft he Cent ralAct ,and t he or der dat ed 04 -09- 2006 , whi ch cannotbe done,by vi rtue oft he pr ovi sions cont ained under Ar ticl e 254 oft he Const itut ion ofI ndi a,asi sdi scussed above. The l egali ssue wi thr espectt othe r epugnance i sel abor atel y deal twi th whi le consi der ing t he i ssues gover ning t he unqual ified ayur veda pr act iti oner sandt her efor e,i tdoesnotr equi ref urt herel uci dat ion.

42. Taki

ng i nto accountal lthe above l egalaspect s,we ar e of t he consi der ed opi nion t hat t he or der s i ssued by t he St ate Gover nmentwi thr espectt o exempt ion f rom r egi str ati on byi nvoki ng t hepower sconf err ed undert hefir stpr ovi sot oSect ion 38oft heAct , 1953 i srepugnantt othe pr ovi sions oft he Cent ralAct

,1970 as i s di scussed aboveand t her efor e,t hesamei sunconst itut ional .Soal so, t he Gover nment Or der s i ssued pr ovi ding r egi str ati on t o t he unqual ified pr act iti oner s of Nat uropat hy and ot her al ter nat ive medi cinesar ein confli ctwi tht hepr ovi sionsoft heCent ralAct ,1970 andt heor deroft he Gover nmentofI ndi aandt hegui del inesspeci fied above,andt her efor e,unconst itut ionalandt hesamear eal sol iabl eto be quashed.Accor dingl y,1) t he St ate Gover nment Or der sissued W.P.(C) No. 21419/2009 & batch 115 exempt ing r egi str ati on f or unqual ified ayur veda pr act iti oner s ar e quashed;2)t heSt ateGover nmentOr der sdi scussed abovei ssued f or r egi str ati on of unqual ified pr act iti oner s of Nat uropat hs and ot her al ter nat ivemedi cinesal sowi llst andquashed;and3)t hefir stpr ovi so t o sect ion 38 oft he Tr avancor e-Cochi n Medi calPr act iti oner s Act 1953i sdecl aredUnconst itut ionalandt her efor est ruckdown.

43. Accordi

ngl y,W. P. (C)Nos.21419 and 16400 of2009,13589 & 13123 of2010 and 12533,6554,6610,7658,8755 of6503 of2011 cont ainedinlistI-A wouldst andall owed. W.P.(C)Nos.25120and23398of2009,20823and7406of2010 and 28222 of 2013 contai ned in li st IB seeking regi str ati on of unquali fiedayur vedapract iti oner swi l lstanddismissed. W.P. (C)Nos.21869 of2010,20279 & 20495 of2011,29008 of 2013and169of2017cont ai nedi nlistI Iseekingfurtheractionont he basi s ofthe Gover nmentOr der si ssued infavouroft he unqualified Naturopat hsandPr act iti onersofalternati vemedi ci near edismissed. W. P.(C)No.17507 of2011 chal l enging t heGover nmentOr ders forregistrati on ofunqualified Naturopat hsand alternat ive system of medicine isal l owed and al lthe GovernmentOr dersspecified above areaccor dinglyquashed. S. MANIKUMAR, CHIEF JUSTICE. SHAJI P. CHALY, JUDGE. Rv W.P.(C) No. 21419/2009 & batch 116 APPENDI XOFWP(C)21419/ PETI TIONER' S/SEXHI BITS: BITP1 TRUE COPYOFTHE STATEMENTOFOBJ ECTSAND REASONSFOR ENACTMENTOFTHE SAI D CENTRAL ACT. BITP2 TRUE COPYOFTHE LETTER DATED 18.

06. ISSUED BYTHE STATE COUNCI L.

BITP3 TRUE COPYOFCOMMUNI CATI ON/ LETTER DATED 27. 06. 1980ISSUED BYCENTRALGOVERNMENT. BITP4 TRUE COPYOFTHE COMMUNI CATION/ LETTER DATED 26. 03. 1982I SSUED BYTHE CENTRAL GOVERNMENT. BITP5 TRUE COPYOFCOMMUNI CATION/ LETTER DATED 20. 02. 1997ISSUED BYPETITI ONER. BITP6 TRUE COPYOFCOMMUNI CATION/ LETTER DATED 01. 03. 1998ISSUED BYPETITI ONER. BITP7 TRUE COPYOFCOMMUNI CATION/ LETTER DATED 01. 03. 1999ISSUED BYPETITI ONER BITP8 TRUE COPYOFCOMMUNI CATION/ LETTER DATED 13. 04. 1999ISSUED BYPETITI ONER. BITP9 TRUE COPYOFCOMMUNI CATION/ LETTER DATED 07. 03. 2002ISSUED BYPETITI ONER. BITP10 TRUE COPYOFCOMMUNI CATION/ LETTER DATED 03. 03. 2004ISSUED BYPETITI ONER. BITP11 TRUE COPYOFCOMMUNI CATION/ LETTER DATED 13. 08. 2004ISSUED BYPETITI ONER. BITP12 TRUE COPYOFORDER DATED 04.

06. 2009I SSUED BY THE 1STRESPONDENT.

BITP13 TRUE COPYOFLETTER DATED 03.

07. 2009ISSUED BYTHE PETI TIONER COUNCILTO 1STRESPONDENT.

BITP14 TRUE COPYOFORDER DATED 10.

11. 2008I SSUED BY

W.P.(C) No. 21419/2009 & batch 117 1STRESPONDENT. BITP15 NI L BITP16 TRUE COPYOFORDER DATED 21.

02. 2011I SSUED BY 1STRESPONDENT.

BITP16(a) TRUE COPYOFENGLISH TRANSLATI ON OFORDER DATED 21. 02. 2011I SSUED BY1STRESPONDENT. RESPONDENTS'EXHI BITS:NI L / TrueCopy/ PSt oJudge. r v W.P.(C) No. 21419/2009 & batch 118 APPENDI XOFWP(C)16400/ PETI TIONER' S/SEXHI BITS: BITP1 A TRUE COPYOFTHE

CERTI FI CATE OF REGISTRATI ON OFTHE PETITIONER ASSOCIATI ON DATED 09/12/1998,I SSUED BYTHE DISTRICT REGISTRAR,THI RUVANANTHAPURAM.

BITP2 TRUE COPYOFTHE JUDGMENTI N OP NO.27784/ 2002(S)DATED 08/ 01/ 2003. BITP3 TRUE COPYOFTHE TRAVANCORE- COCHI N MEDI CAL PRACTITI ONERS'ACTOF1953. BITP4 TRUE COPYOFTHE STATEMENTOFOBJ ECTSAND REASONSAND THE RELEVANTPROVI SI ONSOFTHE INDI AN MEDICALCOUNCI LACT,1956. BITP5 TRUE COPYOFTHE STATEMENTOFOBJECTSAND REASONSAND THE RELAVANTPROVI SIONSOFTHE INDI AN MEDICI NE CENTRALCOUNCI LACT,1970. BITP6 TRUE EXTRACTOFTHE CORRESPONDI NG PROVISIONSIN THE TWO CENTRALACTSFORMED ASA COMPARATI VE TABLE. BITP7 TRUE COPYOFTHE ORDER ISSUED VI DE GO(MS) NO.145/ 09/ H&FWD DATED 04/06/ 2009IN MALAYALAM. BITP7(a) TRUE COPYOFTHE ENGLI SH TRANSLATI ON OFTHE

ORDER DATED 04/

06/ 2009. BITP8 TRUE COPYOFTHE LETTER ISSUED BYTHE 2ND RESPONDENTDATED 06/06/ 2009. BITP9 TRUE COPYOFTHE CERTIFI CATE DATED 23/11/ ISSUED BYTHE CENTRALBOARD OFINDI GENOUS MEDICINES,GOVERNMENTOFMADRAS,TO ONE DR.P.KUNHIRAMAN. W.P.(C) No. 21419/2009 & batch 119 BITP10 TRUE COPYOFTHE CERTI FI CATE DATED 30/ 01/ ISSUED BYTHE COUNCILOFI NDIGENOUS MEDICINE UNDER THE TCMPACTTO DR.P.KUNHI RAMAN. BITP11 TRUE COPYOFTHE LETTER NO.V- 27016/ 14/ 2003- AY. DESK.MINISTRYOFHEALTH AND FAMILYWELFARE DEPARTMENTOFAYUSH DATED 8TH OCTOBER, 2004. BITP12 TRUE COPYOFTHE DETAI LSOFPRACTI TIONERSI N ALLSYSTEMSOFMEDI CI NE REGISTERED IN THE TRAVANCORE COCHIN MEDI CALPRACTI TIONERS ACTISSUED BYTHE PUBLI CINFORMATI ON OFFICER,REGISTRAR AND APPELLATE AUTHORITY, TRAVANCORE COCHIN MEDI CALCOUNCI LDATED 11/

BITP13 TRUE COPYOFMI NUTESOFTHE MEETI NG DATED 11/ 06/ 2009OFTHE COUNCI LOFINDIAN SYSTEMS OFMEDI CI NE REPRESENTED BYTHE 2ND RESPONDENT. BITP14 TRUE COPYOFTHE LETTER I SSUED BYTHE CENTRALCOUNCILOFI NDIAN MEDICINESDATED 03/ 07/ 2009. BITP15 TRUE COPYOFTHE REPORTTHATAPPEARED I N THE HINDU DATED 11/ 05/ 2009. BITP16 TRUE COPYOFTHE NATI ONALPOLICYON INDI AN SYSTEMSOFMEDICINE HOMEOPATHY2002. BITP17 TRUE COPYOFTHE ORDER IN GO (RT)NO 3708/ 2008/ H&FWD DATED 10/ RESPONDENT' S/SEXHI BITS: ANNEXURE R3(A) TRUE COPYOFTHE TRUSTDEED OFKERALA PARAMBARYA VAI DYA EKOPANA SAMI THIASNO. 321/ IV/ 2005. BITR8(a) TRUE COPYOFTHE JUDGMENTI N OP2875/ DATED 23/ 06/ 2005. W.P.(C) No. 21419/2009 & batch 120 BITR8(b) TRUE COPYOFTHE J UDGMENTI N OPNO. 997/ 1986. BITR8(c) TRUE COPYOFTHE COMMON JUDGMENTI N OP NO.2390/ 93AND OPNO. 3510/ 2001. BITR8(d) TRUE COPYOFTHE LETTER I SSUED BYTHE REGISTRAR,CENTRALCOUNCI LOFHOMEOPATHY DATED 13/ 05/ 1998. BITR8(e) TRUE COPYOFTHE GOVERNMENTORDER NO.7530/ G2/ 01/ H&FWD DATED 28/ 03/ 2001. / TrueCopy/ PSt oJudge. r v W.P.(C) No. 21419/2009 & batch 121 APPENDI XOFWP(C)13589/ PETI TIONER' S/SEXHI BITS: BITP1 TRUE COPYOFTHE CERTI FICATE OFREGI STRATION

ISSUED BYTHE DISTRICTREGI STRAR AND REGISTRAR OFSOCI ETIES,MALAPPURAM) BITP2 (TRUE COPYOFTHE GUI DELINESDATED 04. 09. ISSUED BYTHE 3RD RESPONDENT) BITP3 (TRUE COPYOFTHE ORDER I SSUED VI DE G.O. (MS)NO.145/ 09/ H&FWD DATED 4- 6-2009IN MALAYALAM) BITP3(a) TRUE COPYOFTHE ENGLI SH TRANSLATI ON OFTHE

ORDER ISSUED VI

DE G.O. (MS) NO.145/09/ H&FWD) BIT4 TRUE COPYOFTHE G.O.

(P) NO.361/ 09/H&FWD DATED 19- 10- 2009ISSUED BYTHE 1STRESPONDENT)

BITP5 TRUE COPYOFTHE G. O.(P)NO.116/ 2010/ H&FWD DATED 17. 03. 2010I SSUED BYTHE 1STREPONDENT) BITP6 TRUE COPYOFTHE REPRESENTATI ON DATED 2.4. 2010GIVEN BYTHE PETITI ONER TO THE 1ST RESPONDENT) EXHIBI TP7 (TRUE COPYOFTHE REPRESENTATION DATED 2-4- 2010GIVEN BYTHE PETITI ONER TO THE 3RD RESPONDENT) . RESPONDENT' S/SEXHI BITS: BITR4-

a A TRUE COPYOFTHE CERTI FICATE OF REGISTRATION DATED 09.08.2006I SSUED BY REGISTRAR OFSOCI ETIES,KARNADAKA OF REGISTRATION.

BITR4- b A TRUE COPYOFTHE RECOGNITI ON OFNEW SYSTEMSOFMEDI CI NESNOTI FICATI ON DATED 05.04. 2005. / TrueCopy/ PSToJ udge. r v W.P.(C) No. 21419/2009 & batch 122 APPENDI XOFWP(C)13123/ PETI TIONER' SEXHI BITS: BITP1 TRUE COPYOFCERTI FI CATE OFREGI STRATI ON OF THE PETI TIONER ASSOCIATI ON. EXHIBI TP2 TRUE COPYOFTHE GUI DELI NESI SSUED BY DATED 4- 09- 2006 RESPONDENTNO.3 EXHIBI TP3 COPYOFTHE GUI DELI NESI SSUED BYRESPONDENT DATED 19- 10- 2009, NO.1 EXHIBI TP4 TRUE COPYOFTHE G.O.(P),116/2010/ F& FWD DATED 17- 03- 2010 ISSUED BYRESPONDENTNO. 1. RESPONDENTS'EXHI BITS:NI L / TrueCopy/ P. StoJ udge. W.P.(C) No. 21419/2009 & batch 123 APPENDI XOFWP(C)12533/ PETI TIONERS'EXHI BITS: BITP1 TRUE COPYOFORDER BEARI NG NO.SO(MS) NO.145/ 09DATED 4- 6-2009I SSUED BYTHE GOVERNEMNT. BITP2 TRUE COPYOFS.O.(MS)NO.293/ 09DATED 17- 08- 2009I SSUED BYTHE GOVERNMENT. BITP3 TRUE COPYOFGO (Rt)NO.3307/ 2008/ H & FWD, DATED 7- 10- 2009. BITP4 TRUE COPYOFS.O.(Rt)NO.1617/ 10DATED 16- 04- 2010I SSUED BYTTHE GOVERNMENT. BITP5 TRUE COPYOFTHE REPORTSUBMI TTED BYTHE COMMI TTEE CONSTI TUTED UNDER EXT. P4. BITP6 TRUE COPYOFS.O.(MS)NO.114/ 11DATED 21- 02- 2011I SSUED BYTHE GOVERNMENT BITP7 TRUE COPYOFTHE I NTERI M ORDER DATED 15- 03- 2011I N W.P. (C) .NO.6579/ RESPONDENT' S/SEXHI BITS: BITR- 6(a) TRUE PHOTOSTATCOPYOFTHE REGI STRATI ON CERTIFI CATE NO.PKD LA84DT.09- 02- / TrueCopy/ PSt oJudge. r v W.P.(C) No. 21419/2009 & batch 124 APPENDI XOFWP(C)6554/ PETI TIONERS'EXHI BITS: BITP1 (TRUE

COPYOFTHE CERTI FICATE OF

REGISTRATI ON BEARING NO. 775/05DATED 7.12.2005 ISSUED BYTHE DI STRICTREGI STRAR AND REGISTRAR OFSOCI ETIES,ERNAKULAM) . BITP2 (TRUE COPYOFTHE ORDER I SSUED VIDE G.O.(MS) NO.145/09/ H&FWD DATED 4. 6.2009IN MALAYALAM) . BITP3 (TRUE COPYOFTHE ENGLI SH TRANSLATI ON OF THE ORDER I SSUED VIDE G.O.(MS) NO.145/09/ H&FWD DATED 4. 6.2009) .

BITP4 (TRUE COPYOFTHE RECOMMENDATI ONSMADE BY THE COMMI TTEE). BITP5 (TRUE COPYOFTHE ENGLI SH TRANSLATI ON OF EXHIBITP4). BITP6 (TRUE COPYOFTHE REPRESENTATI ON DATED 18.2. 2011GIVEN BYTHE PETI TI ONER TO THE RESPONDENT) . BITP6(A) TRUE ENGLISH TRANSLATION OFEXHI BITP6).

BITP7 (TRUE COPYOFTHE ORDER I SSUED VIDE G. O. (M.S) NO.114/ 11/ F&HWD DATED 21. 2.2011) . BITP8 (TRUE ENGLI SH TRANSLATI ON OFEXHI BITP7) . RESPONDENTS'EXHI BITS:NI L / TrueCopy/ PSt oJudge. r v W.P.(C) No. 21419/2009 & batch 125 APPENDI X OF W P(C)NO.6610/ PETI TIONER' S EXHI BITS: EXT. P1DATED 21.02. 2011: TRUE COPYOFTHE GOVERNMENTORDER,G. O. (M. S)NO. 114/ 11/ H&FN,ISSUED BYRESPONDENTNO. 1. EXT. P2DATED 02.07.1976:TRUE COPYOFTHE PRESIDENT' SDIRECTI VE TO THE KERALA LEGISLATIVE ASSEMBLY GOVERNOR OFKERALA. EXT. P3DATED 03.

07. 2009:TRUE COPYOFTHE LETTER F.NO. 6-9/ 2009- LEGAL

SENTBYRESPONDENTNO. 4TO RESPONDENTNO.1. RESPONDENT' S/SEXHI BITS:NI L / TrueCopy/ PSt oJudge. r v W.P.(C) No. 21419/2009 & batch 126 APPENDI XOFWP(C)NO.7658/ PETI TIONER' S EXHI BITS: BITP1 (TRUE COPYOFTHE CERTI FI CATE WI TH REGISTRATION NO T3070) BITP2 (TRUE COPYOFTHE ORDER I SSUED VIDE GO (MS) NO 145/ 09/ H & FWD DATED 4. 6.2009I N MALAYALAM. BITP3 (TRUE COPYOFTHE ENGLI SH TRANSLATI ON

OF THE ORDER I SSUED VIDE GO (MS)NO H&FWD DATED 4. 6.2009) BITP4 (TRUE COPYOFTHE RECOMMENDATI ONSMADE BY THE COMMI TTEE) BITP5 (TRUE COPYOFTHE ENGLI SH TRANSLATI ON OF EXHIBITP-4) BITP6 (TRUE COPYOFTHE ORDER ISSUED VIDE G. O(MS) NO 114/ 11/ F&HWD DATED 21. 2.2011) BITP7 (TRUE ENGLI SH TRANSLATI ON OFEXHI BITP- 7) BITP8 (TRUE COPYOFTHE REPRESENTATION DATED 25.2. 2011GIVEN BYTHE PETI TIONER TO THE RESPONDENT) RESPONDENTS'EXHI BITS:NI L / TrueCopy/ PSt oJudge. r v W.P.(C) No. 21419/2009 & batch 127 APPENDI X OF W P(C)8755/ PETI TIONER' SEXHI BITS: BITP1 TRUE COPYOFTHE CERTI FICATE OFREGISTRATI ON

OFTHE PETITIONER ASSOCIATION (ALONG WI TH ITSENGLISH TRANSLATION)WI TH REG.NO.T 1894/ 1998DATED 09. 12.1998ISSUED BYTHE DISTRICTREGISTRAR,THIRUVANANTHAPURAM. BITP2 TRUE COPYOFTHE ORDER I SSUED VIDE G. O.(MS) NO.145/ 09/ H & FWD DATED 4.6. 2009IN MALAYALAM. BITP3 TRUE COPYOFTHE ENGLI SH TRANSLATI ON OFTHE

ORDER ISSUED VI

DE G. O.(MS)NO. 145/ 09/ H & FWD DATED 4. 6.2009 BITP4 TRUE COPYOFTHE RECOMMENDATI ONSMADE BY THE COMMITTEE. BITP5 TRUE COPYOFTHE ENGLI SH TRANSLATI ON OF BI TP4. BITP6 TRUE COPYOFTHE ORDER ISSUED VIDE G. O.(MS) NO.114/ 11/ F&HWD DATED 21.2. 2011. BITP7 TRUE ENGLI SH TRANSLATI ON OFEXHI BITP7. RESPONDENTS'EXHI BITS:NI L / TrueCopy/ PSToJ udge. r v W.P.(C) No. 21419/2009 & batch 128 APPENDI X OF W P(C)6503/ PETI TIONER' S/SEXHI BITS: BITP1 (TRUE COPYOFTHE CERTIFICATE OFREGISTRATION BEARING NO.74OF 1996 DATED 7.6.1996I SSUED BYTHE DISTRICTREGISTRAR AND REGI STRAR OFSOCI ETIES) BITP2 TRUE COPYOFTHE ORDER I SSUED VI DE G.O(MS)NO. 145/ 09/H&FWD DATED 4. 6.2009IN MALAYALAM). BITP3 (TRUE COPYOFTHE ENGLI SH TRANSLATION OFTHE

ORDER ISSUED VIDE G.

O(MS).NO.145/09/ H& FWD DATED 4.6. 2009.) BITP4 (TRUE COPYOFTHE RECOMMENDATI ONSMADE BYTHE COMMI TTEE) . BITP5 (TRUE COPYOFTHE ENGLI SH TRANSLATI ON OF EXHIBITP4). BITP6 (TRUE COPYOFREPRESENTATI ON DATED 5. 2.2011 GIVEN BYTHE PETI TIONER TO THE RESPONDENT) . BITP7 (TRUE COPYOFORDER ISSUED VIDE G. O(MS)NO. F&HWD DATED 21. 2.2011) . BITP8 (TRUE ENGLI SH TRANSLATI ON OFEXHI BITP7) . RESPONDENTS'EXHI BITS:NI L / TrueCopy/ PSToJ udge. r v W.P.(C) No. 21419/2009 & batch 129 APPENDI XOFWP(C)NO.25120/ PETI TIONER' S/SEXHI BITS: BITP1 TRUE COYOFTHE GOVERNMENTORDER DATED 04/ 06/ 2009PASSED BYTHE 2ND RESPONDENT ALONG WITH TRUE TRANSLATI ON. BITP2 TRUE COPIESOFSPECI MEN QUESTION PAPER RELATING TO SECOND YEAR BSMSDEGREE EXAMINATION. BITP3 TRUE COPYOFSPECI MEN QUESTION PAPER RELATING TO SECOND YEAR BSMSDEGREE EXAMINATION. BITP4 A TRUE COPYOFTHE LI STOFLITERATURE AVAILABLE I N SIDDHA MEDICI NE PREPARED BYTHE USMAN COMMI TTEE. BITP5 A TRUE COPYOFTHE LISTOFSACRED, AUTHORI TATI VE TEXTSAVAILABLE I N SI DDHA COMPILED BYTHE PETITIONERS. BITP6 A TRUE COPYOFTHE RESEARCH LETTER THAT APPEARED IN THE I NDI AN J OURNALOF PHARMACOLOGY,VOLNO. 39,NO.1,JANUARY- FEBRUARY,2007ATPP52-54. BITP7 TRUE COPI ESOFSPECIMEN MEDICAL

PRESCRI PTIONSMADE BYI NSTITUTIONALLY QUALIFIED PRACTI TIONERSTHATBEAR TESTI MONY TO THE APPREHENSIONSVOICED IN EXT. P6.

BITP8 TRUE COPYOFTHE CIRCULAR DATED 30/10/ ISSUED BYTHE CENTRALCOUNCI LOFI NDIAN MEDICINE. BITP9 TRUE COPYOFTHE J UDGMENTDATED 23/ 06/ RENDERED BYTHI SHON'BLE COURTI N OP NO.2875/ 2003. BITP10 TRUE COPYOFTHE JUDGMENTDATED 17/ 06/ 1997I N OPNO. 1118/ 1991. W.P.(C) No. 21419/2009 & batch 130 BITP11 TRUE COPYOFTHE COUNTER AFFI DAVITFILED BY THE 2ND RESPONDENTBEFORE THI SHON' BLE COURTI N OPNO.2875/ 2003DATED 29/ BITP12 TRUE COPYOFCERTI FI CATE I SSUED BYKIRTADSTO ONE

OFTHE PARTI CIPANTSIN THE NATI ONAL WORKSHOPON I NDIGENOUSMEDI CINE. BITP13 TRUE COPYOFCERTI FI

CATE I SSUED TO A TRADITI ONALMEDI CALPRACTI TI ONER UNDER THE PROVISI ONSOFTHE TAMI LNADU SIDDHA SYSTEM TO MEDICI NE (DEVELOPMENTAND REGI STRATION OFPRACTITIONERS)ACT,1997DATED 01/09/ 1998.

BITP14 TRUE COPYOFTHE GOVERNMENTORDER DATED 17/ 08/ 2009ISSUED BYTHE RESPONDENT. / TrueCopy/ PSt oJudge. r v W.P.(C) No. 21419/2009 & batch 131 APPENDI XOFWP(C)NO.23398/ PETI TIONERS'EXHI BITS: BITP1 TRUE COPYOFTHE GOVERNMENTORDER DATED 04/ 06/ 2009PASSED BYTHE 2ND RESPONDENT ALONG WITH TRUE TRANSLATI ON. BITP2 TRUE COPIESOFSPECI MEN QUESTION PAPER RELATING TO SECOND YEAR BSMSDEGREE EXAMINATION. BITP3 TRUE COPIESOFSPECI MEN QUESTION PAPER RELATING TO SECOND YEAR BSMSDEGREE EXAMINATION. BITP4 A TRUE COPYOFTHE LISTOFLITERATURE AVAILABLE ON SI DDHA MEDI CINE PREPARED BY THE USMAN COMMI TTEE. BITP5 A TRUE COPYOFTHE LI STOFSACRED AUTHORI TATI VE TEXTSAVAILABLE I N SI DDHA COMPLI ED BYTHE PETI TIONERS. BITP6 A TRUE COPYOFTHE RESEARCH LETTER THAT APPEARED IN THE I NDI AN JOURNALOF PHARMACOLOGY,VOL. NO. 39,NO.1,J ANUARY- FEBRUARY,2007ATPP52-54. BITP7 TRUE COPI ESOFSPECIMEN MEDICAL

PRESCRI PTIONSMADE BYI NSTITUTIONALLY QUALIFIED PRACTI TIONERSTHATBEAR TESTI MONY TO THE APPREHENSIONSVOICED IN EXT. P6.

BITP8 TRUE COPYOFTHE CIRCULAR DATED 30/10/ ISSUED BYTHE CENTRALCOUNCI LOFI NDIAN MEDICINE. BITP9 TRUE COPYOFTHE J UDGMENTDATED 23/ RENDERED BYTHI SHONOURABLE COURTI N OP NO.2875/ 2003. BITP10 TRUE COPYOFTHE J UDGMENTDATED 17/ 06/ 1997I N W.P.(C) No. 21419/2009 & batch 132 OPNO. 1118/ 1991. BITP11 TRUE COPYOFTHE COUNTER AFFI DAVITFILED BY THE 2ND RESPONDENTBEFORE THI SHONOURABLE COURTI N OPNO.2875/

2003DATED 29/ BITP12 TRUE COPYOFA CERTI FICATE I SSUED BYKI RTADS TO ONE OFTHE PARTI CI PANTSI N THE NATI ONAL WORKSHOPON I NDIGENOUSMEDI CI NE. BITP13 TRUE COPYOFA CERTIFI

CATE I SSUED TO A TRADITI ONALMEDI CALPRACTITIONER UNDER THE PROVISI ONSOFTHE TAMI LNADU SI DDHA SYSTEM OFMEDI CI NE (DEVELOPMENTAND REGI STRATION OFPRACTITIONERS)ACT,1997DATED 01/

BITP14 TRUE COPYOFTHE NEWSREPORTON THE INCI DENTDATED 22/ 06/ 2005PUBLI SHED I NA LEADING DAI LYNEWSPAPER IN MALAYALA MANORAMA ALONG WITH TRUE TRANSLATION. BITP15 TRUE COPYOFTHE NEWSARTI CLE REPORTING LARGE SCALE SMUGGLI NG OFTRADI TIONAL KNOWLEDGE FROM INDIAIN KERALA KAUMUDI DATED 22/ 06/ 2005ALONG WITH TRUE TRANSLATION.

BITP16 TRUE COPYOFTHE PROPOSALSUBMI TTED BY TBGRA TO THE 2ND RESPONDENT. BITP17 TRUE COPYOFTHE BROUCHURE PUBLI SHED BY ENZYTMATIC THERAPYI NC.USA. BITP18 A TRUE COPYOFTHE REPRESENTATI ON DATED 2005SUBMI TTED BYTHE 1STPETI TIONER TO THE MI NI STER OFHEALTH ALONG WITH TRUE TRANSLATI ON RESPONDENTS'EXHI BITS:NI L W.P.(C) No. 21419/2009 & batch 133 APPENDI X OF W P(C)NO. 20823/ PETI TIONERS'EXHI BITS: BITP1 TRUE COPYOFTHE REGI STRATION CERTIFI CATE ISSUED BYTHE DISTRICTREGI STRAR OFCO- OPERATIVE SOCIETIES,KOZHIKODE TO THE 1ST PETITI ONER. BITP2 TRUE COPYOFTHE LETTER DATED 13/ 05/ ISSUED BY3RD RESPONDENT. BITP3 TRUE COPYOFTHE LETTER DATED 14/ 05/ 1965BY THE 1STRESPONDENT. BITP4 TRUE COPYOFTHE LETTER DATED 23/ 09/ 1977BY THE BOARD OFREVENUE,KERALA STATE. BITP5 TRUE COPYOFTHE L3LI CENCE I SSUED. BITP6 TRUE COPYOFTHE ORDER DATED 04/ 06/ 2009BY 1STRESPONDENT. BITP7 TRUE COPYOFTHE LETTER DATED 03/ 07/ 2009BY 2ND RESPONDENT. BITP8 TRUE COPYOFTHE ORDER DATED 17/ 08/ 2009. RESPONDENTS'EXHI BITS:NI L / TrueCopy/ PSt oJudge. r v W.P.(C) No. 21419/2009 & batch 134 APPENDI X OF W. P.(

C)NO.7406/ PETI TIONER' SEXHI BITS: EXHIBITP1:TRUE COPYOFTHE ORDER I SSUED TO THE PETITI ONER UNDER THE RIGHTTO I NFORMATION ACTNOTIFICATI ON NO.58710/G2/81/ HD DATED

03. 05.1982. EXHIBI TP2:TRUE COPYOFTHE J UDGMENTDATED 27. 06. 2008I N W. P.(C)NO. 27385OF 2006 OFTHISHON'BLE COURT. EXHIBITP3:TRUE COPYOFTHE ORDER NO. 424/ 2009/ H&FWD DATED

13. 02.2009PASSED BYTHE FI

RSTRESPONDENT. EXHIBTP4:TRUE COPYOFORDER G. O(MS)145/ 09/ HD DATED 04. 06. ISSUED BYTHE FI RSTRESPONDENT. EXHIBI TP5:TRUE COPYOFORDER G.O. (MS)NO. 293/ 09/ HD DATED 17. 08. ISSUED BYTHE FI RSTRESPONDENT. RESPONDENTS'EXHI BITS:NI L / TrueCopy/ PSt oJudge. r v W.P.(C) No. 21419/2009 & batch 135 APPENDI XOFWP(C)28222/ PETI TIONER' SEXHI BITS: BITP1 THE TRUE COPYOFTHE CERTIFICATE I SSUED BY SI DDA MARUTHUVA INSTITUTE AT RAMACHANDRAPURAM. BITP2 THE TRUE COPYOFTHE NOTI FI

CATION DATED 1- 3- 1980GRANTI NG EXEMPTI ONSTO ONE K. EDI SON VAIDYAN,TRIVANDRUM FOR PRACTI CING SIDHA SYSTEM MEDI CI NE. BITP3 THE TRUE COPYOFTHE GOVERNMENT NOTIFICATION DATED 3- 5- 1982. BITP4 THE TRUE COPYOFTHE NOTI FICATI ON DATED 8- 3- 1985GRANTI NG EXEMPTI ON TO ONE BADRADEVI AMMA FOR CONDUCTI NG A SI DHA VAIDYA HOSPI TAL ATTRIVANDRUM.

BITP5 THE TRUE COPYOFTHE J UDGMENTI N OP. 1118/ DATED 17- 6-1997. BITP6 THE TRUE COPYOFTHE J UDGMENTREPORTED I N 2005(3)KLT.P-620. BITP7 THE TRUE COPYOFTHE GOVERNMENTORDER NO. 6-2009. BITP8 THE TRUE COPYOFTHE LETTER I SSUED FROM OFFICE OFTHE 1STRESPONDENT. RESPONDENTS'EXHI BITS:NI L / TrueCopy/ PSToJ udge. W.P.(C) No. 21419/2009 & batch 136 APPENDI X OF W P(C)21869/ PETI TIONER' S/SEXHI BITS: BITP1 TRUE COPYOFTHE MEMORANDUM OF ASSOCIATI ON AND THE BYLAW OFTHE ASSOCIATI ON. BITP2 TRUE COPYOFTHE FI NALREPORTCONTAI NING INTERIM REPORT BITP3 PETI

TION SUBMITTED BYTHE PETITI ONERS ASSOCIATI ON DI SPATCHED ON 24-05EXHIBIT P3(a) TRUE COPY OF REGISTRATION RECEIPT SHOWING THE DESPATCH OF EXHIBIT P3.

BITP4 TRUE COPYOFGOVERNMENTORDER (P) NO.116/ 2020/ H & FWD DATED 17- 03- 10. BITP5(a) TRUE COPYOFTHE S. S.L. C CERTI FICATE OFTHE 1STPETITI ONER. BITP5(b) TRUE COPYOFTHE DIPLOMA IN NATUROPATHYAND YOGA (N.D)FROM THE 3RD RESPONDENTOFTHE 1STPETITI ONER. BITP5(c) TRUE COPYOFTHE CERTI FICATE FROM SHIVANANDA SCHOOLOFYOGA. BITP5(

d) TRUE COPYOFTHE CERTI FI CATE FOR REGISTRATI ON ASA YOGIC NATUROPATHIC PRACTITI ONER FROM KERALA COUNCI LOFYOGA AND NATUROPATHIC PRACTITI ONERS. BITP5(e) TRUE COPYOFTHE CERTI FICATE FROM 3RD RESPONDENT. BITP5(f) TRUE COPYOFTHE CERTI FICATE OFAPPRECI ATI ON GIVEN BYMI NISTRYOFYOUTH AFFAIRSAND SPORTS. BITP5(e) TRUE COPYOFTHE S. S.L. C.CERTI FICATE OFTHE 2ND PETI TIONER. BITP6(b) TRUE COPYOFTHE DI PLOMA I N NATUROPATHYAND W.P.(C) No. 21419/2009 & batch 137 YOGA (ND)FROM THE 3RD RESPONDENTOFTHE 2ND PETI TIONER. BITP6(c) TRUE COPY OF THE CERTI FICATE FOR REGISTRATION AS A YOGI C NATUORPATHI C PRACTITI ONER FROM KERALA COUNCI L OF YOGA AND NATUROPATHIC PRACTI TIONERS. BITP7(a) TRUE COPYOFTHE S. S.L.CERTI FICATE OFTHE 3RD PETI TIONER. BITP7(b) TRUE COPYOFTHE DIPLOMA I N NATUROPATHYAND YOGA (N. D.)FROM THE 3RD RESPONDENTOFTHE 3RD PETI TIONER.

BITP8(a) TRUE COPYOFTHE S. S.L.CERTI FICATE OFTHE 4TH PETI TIONER. BITP8(b) TRUE COPYOFTHE DIPLOMA I N NATUROPATHYAND YOGA (ND)FROM THE 3RD RESPONDENTOFTHE 4TH PETITI ONER. BITP9(a) TRUE COPYOFTHE S. S.L.CERTI FICATE OFTHE 5TH PETI TIONER. BITP9(b) TRUE COPYOFTHE DIPLOMA I N NATUROPATHYAND YOGA (ND)FROM THE 3RD RESPONDENTOFTHE 5TH PETITI ONER. BITP10(a) TRUE COPYOFTHE S. S.L. C CERTI FICATE OFTHE 6TH PETI TIONER. BITP10(b) TRUE

COPYOFTHE DIPLOMA I N NATUROPATHYAND YOGA (ND)FROM THE 3RD RESPONDENTOFTHE 6TH PETITI ONER. BITP11(a) TRUE COPYOFTHE S. S.L. C.CERTI FICATE OFTHE 7TH PETI TIONER. BITP11(b) TRUE COPYOFTHE DIPLOMA I N NATUROPATHYAND YOGA (ND)FROM THE 3RD RESPONDENTOFTHE 4TH PETITI ONER. BITP12(a) TRUE COPYOFTHE S. S.L. C CERTI FICATE OFTHE 8TH PETI TIONER. W.P.(C) No. 21419/2009 & batch 138 BITP12(b) TRUE COPYOFTHE DIPLOMA I N NATUROPATHYAND YOGA (ND)FROM THE 3RD RESPONDENTOFTHE 4TH PETITI ONER. BITP13(a) TRUE COPYOFTHE S. S.L. C CERTI FICATE OFTHE 9TH PETI TIONER. BITP13(b) TRUE COPYOFTHE DIPLOMA I N NATUROPATHYAND YOGA (ND)FROM THE 3RD RESPONDENTOFTHE 9TH PETITI ONER. BITP14(a) TRUE COPYOFTHE S. S.L. C CERTI FICATE OFTHE 10TH PETI TIONER. BITP14(

b) TRUE COPYOFTHE DI PLOMA IN NATUROPATHYAND YOGA (DNYS)FROM THE 3RD RESPONDENTOFTHE 10TH PETI TIONER. BITP15(a) TRUE COPYOFTHE S. S.L. C CERTI FICATE OFTHE 11TH PETI TIONER BITP15(b) TRUE COPYOFTHE DI PLOMA IN NATUROPATHYAND YOGA (DNYS)FROM THE 3RD RESPONDENTOFTHE 11TH PETI TIONER. BITP16(a) TRUE COPYOFTHE UPACHARK EXAMINATI ON CONDUCTED BYTHE 3RD RESPONDENT EQUIVALENTTO S. S.L. C FOR ADMI SSI ON IN DIPLOMA. BITP16(b) TRUE COPYOFTHE DI PLOMA IN NATUROPATHYAND YOGA (D. N.Y.S)FROM THE 3RD RESPONDENTOF THE 12TH PETITI ONER.

/ TrueCopy/ PSt oJudge. Rv W.P.(C) No. 21419/2009 & batch 139 APPENDI XOFW. P.(C)NO.20279/ PETI TIONER' S EXHI BITS: EXHIBITP1:TRUE COPYOFTHE CERTI FI CATE DATED 26. 02. 2001I SSUED BY THE AKHILA BHARATI YA PRAKRI TIK CHIKITSA PARI SHAD,NEW DELHI . EXHIBITP2:TRUE COPYOFTHE CERTIFICATE DATED 26.

03. 2003ISSUED BY

THE AKHILBHARATIYA PRAKRI TIK CHI KITSA PARISHAD,NEW DELHI. EXHIBITP3:TRUE COPYOFTHE CERTIFICATE DATED 15.05. 2009ISSUED BY

THE HEAD OFTHE DEPARTMENTOFADULTAND CONTI NUING EDUCATION, MAHATMA GANDHIUNI VERSI TY,KOTTAYAM. EXHIBITP4:TRUE COPYOFTHE J UDGMENTDATED 17.

12. 2008I N W. P.(C)NO.

19484/ 2008ON THE FILE OFTHI SHON' BLE COURT. EXHIBITP5:TRUE COPYOFTHE J UDGMENTDATED 17.

09. 2010I N W. P.(C)NO.

25585/ 2006ON THE FILE OFTHI SHON' BLE COURT. BITP6:TRUE COPYOFTHE GOVERNMENTORDER DATED 20.

01. 2011.

RESPONDENTS'EXHI BITS:NI L / TrueCopy/ PSt oJudge. Rv W.P.(C) No. 21419/2009 & batch 140 APPENDI XOFWP(C)20495/ PETI TIONER' S/SEXHI BITS: BITP1 TRUE COPYOFTHE GO(P)NO.116/2010/ H&FWD DATED 17/ 03/ 2010ISSUED BYTHE GOVERNMENT. BITP2 TRUE COPYOFTHE GO(RT)2908/86/GEDN.DATED 16/ 08/ 1986. BITP3 TRUE COPYOFTHE PHOTOGRAPH OFTHE HOSPITALMAHATMA NATURE CURE CENTRE. BITP4 TRUE COPYOFTHE ORDER NO.8- 30/ TCPC/CCRYN/06- 07/ 1146DATED 25/ 10/2006.

BITP5 TRUE COPYOFTHE GO(RT)5005/2010/ H&FWD DATED 23/ 12/2010. EXHIBI TP6 TRUE COPYOFTHE PHOTOGRAPH OFTHE HOSPI TALCHAI THANYA NATURE CURE HOME AND YOGA CENTRE. EXHIBI TP7 TRUE COPYOFTHE CERTI FICATE DATED 10/08/ ISSUED BYTHE ALLI NDI A NATURE CURE FEDERATI ON. EXHIBI TP8 TRUE COPYOFTHE CERTI FICATE DATED 15/06/ ISSUED BYTHE KERALA NATURE CURE FEDERATI ON. EXHIBI

TP8(a) TRUE COPYOFTHE CERTI FICATE DATED 04/05/ ISSUED THE ALLI NDIA ASSOCIATION OFNATURE CURE AND YOGA. EXHIBI TP9 TRUE COPYOFTHE GUI DELINESFOR REGI STRATI ON OFNATUROPATHYPRACTI TI ONERS AND ACCREDI TATI ON OFNATUROPATHY INSTITUTI ONS.

EXHIBI TP10 TRUE COPYOFTHE REPRESENTATI ON DATED RESPONDENTS'EXHI BITS:NIL / TrueCopy/ PSt oJudge. Rv W.P.(C) No. 21419/2009 & batch 141 APPENDI XOFWP(C)29008/ PETI TIONERS'EXHI BITS: BITP1(a) COPYOFDI PLOMA CERTIFI CATE DATED 26- 11- ISSUED TO THE 1STPETI TIONER. BITP1(b) COPYOFDI PLOMA CERTIFICATE DATED 26- 11- ISSUED TO THE 2ND PETI TIONER. BITP1(c) COPYOFDI PLOMA CERTIFICATE DATED 26- 11- ISSUED TO THE 3RD PETI TIONER. BITP1(d) COPYOFDI PLOMA CERTIFICATE DATED 19/ 11/ ISSUED TO THE 4TH PETI TIONER. BITP1(e) COPYOFDI PLOMA CERTIFICATE DATED 28/ 03/ ISSUED TO THE 5TH PETI TIONER. BITP1(f) COPYOFDI PLOMA CERTIFICATE DATED 12- 10- ISSUED TO THE 6TH PETI TIONER. BITP1(g) COPYOFDI PLOMA CERTIFICATE DATED 30- 10- ISSUED TO THE 7TH PETI TIONER. BITP2(

a) COPYOFDI PLOMA CERTIFI CATE DATED 09- 10- ISSUED BYTHE M.G.UNIVERSI TYKOTTAYAM TO THE 1STPETITIONER. BITP2(b) COPYOFDI PLOMA CERTIFI CATE DATED 25- 6-2010 ISSUED BYTHE M. G.UNIVERSI TYTO THE 2ND PETITI ONER. BITP2(c) COPYOFDI PLOMA CERTIFI CATE DATED 25- 6-2010 ISSUED BYTHE M. G.UNIVERSI TYTO THE 3RD PETITI ONER. BITP2(d) COPYOFDIPLOMA CERTI FICATE ISSUED BYTHE M.G. UNIVERSI TYTO THE 4TH PETITI ONER. BITP2(e) COPYOFDIPLOMA CERTI FICATE ISSUED BYTHE M.G. UNIVERSI TYTO THE 5TH PETITI ONER. BITP2(f) COPYOFDIPLOMA CERTI FICATE ISSUED BYTHE M.G. UNIVERSI TYTO THE 6TH PETITI ONER. W.P.(C) No. 21419/2009 & batch 142 BITP2(g) COPYOFDI PLOMA CERTIFI CATE DATED 25- 6-2010 ISSUED BYTHE M. G.UNIVERSI TYTO THE 7TH PETITI ONER.

BITP3 COPYOFG.O(P) NO.26/2011H&FWD DATED 20- 01- 2011I SSUED BYTHE 1STRESPONDENT. BITP4 COPYOFGO(P) H&FWD DATED 28- 2-2011

ISSUED BYTHE 1STRESPONDENT. BITP5(a) COPYOFAPPLICATION DATED 8- 3-2011SUBMI TTED BYTHE 1STPETI TIONER BEFORE THE 2ND RESPONDENT. BITP5(b) COPYOFAPPLI CATION DATED 8- 3-2011SUBMI TTED BYTHE 2ND PETITI ONER BEFORE THE 2ND RESPONDENT. BITP5(c) COPYOFAPPLI CATI ON DATED 8- 3-2011SUBMI TTED BYTHE 3RD PETI TIONER BEFORE THE 2ND RESPONDENT. BITP5(d) COPYOFAPPLI CATI ON DATED 8- 3-2011SUBMI TTED BYTHE 4TH PETI TIONER BEFORE THE 2ND RESPONDENT. BITP5(e) COPYOFAPPLI CATI ON DATED 8- 3-2011SUBMI TTED BYTHE 5TH PETI TIONER BEFORE THE 2ND RESPONDENT. BITP5(f) COPYOFAPPLI CATI ON DATED 8- 3-2011SUBMI TTED BYTHE 6TH PETI TIONER BEFORE THE 2ND RESPONDENT. BITP5(g) COPYOFAPPLI CATI ON DATED 8- 3-2011SUBMI TTED BYTHE 6TH PETI TIONER BEFORE THE 2ND RESPONDENT. BITP6 COPYOFJ UDGMENTDATED 4TH APRI L,2011 WPC.NO. 8193OF2011. BITP7 COPYOFPROCEEDI NGS-ORDER NO.E.1473/ 2011/ MC DATED 16- 5-2011I SSUED BYTHE 2ND RESPONDENT. W.P.(C) No. 21419/2009 & batch 143 BITP8 COPYOFG.O(P) NO.116/2010/ H&FWD DATED 17- 3- 2010I SSUED BYTHE 1STRESPONDENT. BITP9 COPYOFREPRESENTATI ON DATED 26- 10- SUBMITTED BYTHE PETI TIONERSBEFORE THE 1ST RESPONDENT. RESPONDENTS'EXHI BITS:NI L / TrueCopy/ PSt oJudge. r v W.P.(C) No. 21419/2009 & batch 144 APPENDI XOFWP(C)169/ PETI TIONER' S/SEXHI BITS: P1 TRUE COPYOFTHE DIPLOMA CERTI FICATE I N NATUROPATHYAND YOGA SCI ENCE (DNYS)ISSUED TO THE 1STPETI TIONER. P1(a) TRUE COPYOFTHE DI PLOMA CERTI FICATE I N NATUROPATHYAND YOGA SCIENCE (DNYS)ISSUED TO THE 2ND PETI TIONER. P1(b) TRUE COPYOFTHE DI PLOMA CERTI FICATE I N NATUROPATHYAND YOGA SCIENCE (DNYS)ISSUED TO THE 3RD PETI TIONER. P2 TRUE COPYOFTHE DIPLOMA CERTI FICATE I N NATUROPATHYAND YOGA SCI ENCE (DNYT)ISSUED TO THE 1STPETI TIONER. P2(a) TRUE COPYOFTHE DI PLOMA CERTI FICATE I N NATUROPATHYAND YOGA SCIENCE (DNYS)ISSUED TO THE 2ND PETI TIONER. P2(b) TRUE COPYOFTHE DI PLOMA CERTI FICATE I N NATUROPATHYAND YOGA SCIENCE (DNYS)ISSUED TO THE 3RD PETI TIONER. P3 TRUE COPYOFTHE REPORTOFTHE COMMI TTEE

OFNATUORPATHYSUBMI TTED TO THE MI NSITER OFHEALTH,GOVT.OFKERALA. P4 TRUE COPYOFTHE COMMUNI CATI ON DATED 04. 9.2006I SSUED BYTHE GOVERNMENTOFI NDI A. P5 TRUE COPYOFTHE G. O DATED 19. 10. 2009I SSUED BYTHE GOVT.OFKERALA. P6 TRUE COPYOFTHE G. O DATED 17. 3.2010I SSUED BY THE GOVT.OFKERALA. P7 TRUE COPYOFTHE ORDER,G.O DATED 20. 1.2011 ISSUED BYTHE GOVT.OFKERALA. W.P.(C) No. 21419/2009 & batch 145 P8 TRUE COPYOFTHE JUDGMENTDATED 30.

11. 2007I N WPC NO.35489/ 2007OFTHISHON' BLE COURT.

P9 TRUE COPYOFTHE I NTERIM ORDER DATED 06. 09. 2011WPC NO.17507/ 2011OFTHISHON'BLE COURT. P10 TRUE COPYOFTHE COMPLAINTDATED 24.7.2016 SUBMITTED BYTHE CI VILSURGEON OFTHE DISTRI CTHOSPITALPALAKKAD TO THE 4TH RESPONDENT. P11 TRUE COPYOFTHE JUDGMENTDATED 17.

12. 2008I N WPC NO.19484/ 2008OFTHISHON' BLE COURT.

P12 TRUE COPYOFTHE ORDER DATED 25. 9.2005I SSUED BYTHE MINI STRYOFHEALTH AND FAMI LYWELFATE GOVERNMENTOFI NDIA. RESPONDENTS'EXHI BITS:NI L / TrueCopy/ PSt oJudge. r v W.P.(C) No. 21419/2009 & batch 146 APPENDI XOFWP(C)No.17507/ PETI TIONER' S/SEXHI BITS: BITP1 TRUE COPYOFTHE I NSTITUTIONSCONDUCTI NG

BNYSDEGREE COURSE WHI CH ARE APPROVED BY THE CENTRALCOUNCI LFOR RESEARCH I N YOGA AND NATUROPATHY. BITP2 TRUE COPYOFCENTRALGUI DELI NESISSUED BY CCRYN. BITP3 TRUE COPYOFTHE ORDER GO(P)26/2011/H&FD DATED 20/ 01/ 2011. BITP4 TRUE COPYOFTHE ORDER OFTHE LETTER I SSUED BYTHE HEAD,DEPARTMENTOFADULT CONTINUING EDUCATION EXTENSI ON AND FIELD OUTREACH (ACEEFO FOR SHORT) ,MAHATMA

GANDHIUNI VERSITYDATED 09/04/2010) BITP5 TRUE COPYOFTHE LETTER I SSUED BYTHE DIRECTOR,CCRYN DATED 21/06/2011. BITP6 TRUE COPYOFTHE LETTER I SSUED BYTHE DIRECTOR,CCRYN DATED 13/06/2011. BITP7 TRUE COPYOFTHE ORDER GO(P)146/2011/H&FWD DATED 28/ 02/ 2011. BITP8 TRUE COPYOFTHE NEWSI TEM PUBLI SHED IN HINDU NEWSPAPER DATED 22/06/2011.

BITP9 TRUE COPYOFTHE LETTER DATED 15/ 03/ ISSUED BYTHE NATI ONALI NSTI TUTE OF NATUROPATHY(GOVERNMENTOFI NDIA,MINISTRY OFHEALTH AND FAMI LYWELFARE,DEPARTMENT OFAYUSH) BITP10 TRUE COPYOFTHE NOTI CE PUBLISHED SUJEEVITHAM MAGAZI NE J UNE 2011. BITP11 TRUE COPYOFTHE I NTERI M ORDER GRANTED I N WRITPETITI ON (C)NO.12533/2011DATED 26/ 04/ 2011. RESPONDENT' S/SEXHI BITS: BITR8(a) TRUE COPYOFTHE LETTER DATED 04/ 09/ ALONG WITH THE GUI DELI NESI SSUED BYTHE W.P.(C) No. 21419/2009 & batch 147

GOVERNMENTOFI NDI A. BITR8(b) TRUE COPYOFTHE DI PLOMA CERTI FICATE OBTAINED BYTHE ADDI TI ONAL14TH RESPONDENT ISSUED BYTHE AKHI LA BHARATHI YA PRAKRITI CHIKITSA PARISHAD,NEW DELHI . BITR8(c) TRUE COPYOFTHE DI PLOMA CERTI FICATE I SSUED BYTHE MAHATMA GANDHIUNI VERSITYTO THE ADDITIONAL14TH RESPONDENT. BITR8(d) TRUE COPYOFTHE CERTI FI CATE DATED 8TH MARCH,1994I SSUED TO SRI.P. M.USMAN,BYTHE ALLINDI A NATURE CURE FEDERATI ON.

BITR8(

e) TRUE COPYOFTHE COMMUNI CATION DATED 30TH MAY,2011ISSUED BYAYUSH,GOVERNMENTOF INDI A. BITR8(f) TRUE COPYOFTHE COMMUNI CATI ON DATED 16TH MARCH,2011ISSUED BYAYUSH,GOVERNMENTOF INDI A. BITR8(g) TRUE COPYOFTHE LEGALNOTI CE DATED 11/ 08/ 2011ISSUED TO

DR.B. T.CHIDANANDA MURTHY. BITR8(h) TRUE COPYOFTHE ORDER GO DATED 19/ 10/ ISSUED BYTHE GOVERNMENT. BITR8(i) TRUE COPYOFTHE ORDER GO DATED 17/ 03/ ISSUED BYTHE GOVERNMENT.

BITR8(j) TRUE COPYOFTHE ORDER GO DATED 23/ 12/ ISSUED BYTHE GOVERNMENT. / TrueCopy/ PSt oJudge. r v

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