

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

H.C.P.Nos. 773 of 2020

Kaliyaperumal, M/A 84 years,
S/o. Velayudham,
No.600/8, Alagirisamy Street,
K.K. Nagar,
Chennai – 600 078.

..Petitioner

Vs.

1. The Secretary to the Government,
Government of Tamil Nadu,
(Home) Prohibition & Excise Dept.,
Fort St. George,
Chennai – 600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai
3. The Superintendent,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police,
Cyber Crime Cell,
Central Crime Branch,
Vepery, Chennai.

5. Department of AYUSH,
Represented by its Secretary,
New Delhi.
6. The Secretary,
Health Department,
State of Tamil Nadu,
St. George Fort,
Chennai.

(5th and 6th respondents are *suo motu* impleaded by Court
by order dated 09.07.2020 passed by NKKJ & VMVJ) ..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Habeas Corpus calling for the entire records connected with the order of the 2nd respondent herein concerned in Memo No. 232/BCDFGISSSV/2020 dated 20.05.2020 and quash the order of detention passed therein by the 2nd respondent herein against the detenu and directing the respondents herein to produce the body and person of the detenu by name Thiruthanikachalam, Son of Kaliyaperumal, aged about 50 years, now detained at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner :: Mr.K. Balu

For Respondents :: Mr.R. Prathap Kumar,
Additional Public Prosecutor

ORDER

(Order of the Court was delivered by **N.KIRUBAKARAN, J**)

The matter is heard through video-conferencing.

2. This petition has been filed challenging the detention of a person, who has claimed to be a Siddha Medical Practitioner and producer of alleged cure medicine for Covid 19. Since the matter relates to the detention of a person claimed to be a Siddha doctor who claimed to have produced a Siddha Medicine, this Court would like to consider the status of Siddha system of medicine.

3. De hors the facts of the case, it is found that Siddha Medicine is not given its due recognition by the Department of AYUSH as well as by the State Government. Unfortunately, the State Government is also not promoting Siddha Medicine and recognizing Siddha Medical Practitioners. A Siddha Doctor, who prepared a medicine for Covid 19 infection making use of 66 herbs, submitted the same to the State Government for analysis. However the said medicine was not put to analysis by the State Government compelling him to approach Madurai Bench of this Court. Only after the directions given by the Madurai Bench, the medicine was tested and the State Government came out with a statement that the said Siddha medicine has got anti-viral properties. Thereafter, the drug was directed to be sent to the AYUSH Department for analysis and efficacy and to file a report.

4. Eventhough Siddha Doctors are independently curing Covid patients successfully and Tamil Media is reporting the same promptly, English media is not giving any importance and recognition to such an important news. Siddha medicine is native medicine of southern States, especially Tamil Nadu. It is believed to be developed by Siddhars. Those days only the Siddha medicines made up of or produced making use of herbs have been taken for curing illness. However, in due course, the Siddha medical field itself has been neglected and sidelined. If the medicines developed by qualified Siddha doctors are not recognised and sent for analysis by the State Government to AYUSH Department, the very purpose of having Siddha institutes and Siddha medical colleges would be lost. It seems the vested interests are acting against development of Siddha and that is the reason why the Siddha medicines are not properly promoted and published in media.

5. All along Siddha medicine has not been recognised by the Central Government and after great efforts, the National Institute of Siddha was established in the year 2005 at Tambaram, Chennai which is one of the National Institutes across the nation for training and researching Indian Systems of Medicine and Homeopathy education by Department of AYUSH. Central Council for Research in Siddha which was established in the year 2010. When a Siddha Doctor has come out with the Siddha drug about three months ago, ie.,

during the initial stages of Covid 19 infection and if the State Government had been prompt enough to analyse the medicine properly and recommend the same to the AYUSH Department, by this time, the new Siddha medicine would have been recognized by the AYUSH Department and the Siddha Doctor, who developed/produced it and the Siddha medicine would have been celebrated throughout India and the nation would have got a cure for Covid 19 pandemic. This is only a tip of an iceberg. There are many Siddha Doctors who have developed/produced Siddha medicines for Covid 19 infection and other illnesses and have forwarded the same to the State Government. But, the State Government has not looked into the same, which has compelled many Doctors to approach this Court by filing writ petitions.

6. It is a fact that throughout the world everyone is desperate for a solution to get rid of the pandemic and so far, no cure has been found for treating Covid 19. That being the position, when someone comes forward with a remedy for the said disease, it is the bounden duty of the State Government to analyse the medicine to find out whether it has got anti-viral properties to fight the virus. The apathetic attitude exhibited by the Government is not going to help the Siddha Doctors or the Government or the public in general. When a solution is being given by Siddha Doctors, they should be encouraged and proper research has to be done. So far, no Indian Doctor or Researcher has

developed any medicine for any disease. Researchers and Doctors have to be encouraged to undertake research by providing scholarships, infrastructure and necessary funds. As far as Siddha Field is concerned, no comprehensive researches are made and adequate facilities are not provided. The AYUSH Department as well as the State Government have to look into the issue more seriously.

7. It is common knowledge that no allopathic medicine rather no medicine has been found for treating Covid 19 infection. It is said that in all the hospitals, including Private Hospitals only “kabasura kudineer” is given to Covid patients apart from immunity boosting medicines like Vitamin C and Zinc tablets and paracetamol and anti biotics, in case of fever. Therefore, the Government has to come out with a statement as to what are all the medicines given for treating Covid 19 patients in Tamil Nadu and as to whether Siddha medicines play vital role in curing Covid 19.

8. Since the Ministry of AYUSH is a necessary party, this Court *suo motu* impleads **Ministry OF AYUSH, represented by its Secretary, Union of India, New Delhi** as 5th respondent to this proceedings and Mr.G.Karthikeyan, learned Assistant Solicitor General takes notice on behalf of the newly impleaded 5th respondent. Similarly **the Secretary, Health Department, State**

of Tamil Nadu, St. George Fort, Chennai is also impleaded as 6th respondent to this proceedings. Mr.R.Prathap Kumar, learned Additional Public Prosecutor takes notice on behalf of the newly impleaded 6th respondent

9. Considering the issue involved, this Court raises the following queries to be answered by the newly impleaded respondents:

- (i) *How many Siddha Doctors have, so far, given samples of Siddha drugs developed/produced by them for treating Covid 19 infection for testing/analysis?*
- (ii) *How many medicines have been analysed?*
- (iii) *How many such medicines have been found to be containing anti-viral properties?*
- (iv) *How many such medicines have been recommended to the Department of AYUSH for testing/analysis/approval so far?*
- (v) *Whether AYUSH department has tested Siddha drugs and sent report regarding efficacy of the drugs?*
- (vi) *How much is the allocation of fund made for development of Siddha system of Medicine and Research for the past 10 years by the State Government?*
- (vii) *Are there any research facilities and institutes available in the State of Tamil Nadu for research and development Siddha Medicines?*
- (viii) *Whether proper experts have been appointed in those research institute for research work?*

(ix) What are the details of allotment of funds made by the Department of AYUSH to various systems of Indian Medicine viz., Ayurveda, Yoga, Unani, Siddha and Homeopathy for the past 10 years ? (Details regarding each year in respect of each system has to be produced)

(x) How many research institutes/centres of each Indian Medicine Systems have been established?

(xi) Whether infrastructure facilities for conducting researches are provided in all the Centres/institutes in respect of each system of medicine?

(xii) Is there any indigenous medicine developed as a cure for any illness in Indian alternative medicines on par with allopathy medicine?

(xiii) What are the plans of the Department of AYUSH and the State Government for the development of indigenous system of medicine?

(xiv) Whether proper steps have been taken by the Department of AYUSH as well as the State Government to encourage people to avail alternate system of medicine which has no side effects when compared to Allopathy?

Post the matter on 23.07.2020.

(N.K.K.,J) (V.M.V.,J)

09.07.2020

nv

Note: Registry is directed to carry out necessary amendment in the cause title

N.KIRUBAKARAN, J.

and

V.M. VELUMANI, J.

nv

H.C.P.Nos.773 of 2020

Dated : 09.07.2020