

# Supreme Court Judgment

## No Harassment to Alternative Medical Practitioners, Hon'ble Supreme Court Of India.

Latest contents of judgment of Hon'be Supreme court of India SLP (Civil) No. 11262/ 24/11/2000 (In the judgment and order date 18/11/1998 in F.A.Q. No.205/92).

For want of certain clarification etc. Delhi govt. & union of India (ministry of health & family welfare) has filled an appeal (SLP) in the Hon'ble supreme court of india challenging the order of Hon'ble Delhi high court dated 18/11/1998 upon hearing on 12/11/2000. The division bench of Hon'ble justice R.C. Lahoti & Hon'ble justice Shivraj V. Patil has rejected the plea of Delhi govt. & union of India and finally on 24/11/2000 the bench of the Hon'ble court comprising justice Rajendra Babu and B.N. Agarwal has directed to entertain the matter and SLP Filled by petitioner (Delhi govt. & union of India) has been dismissed. The Hon'ble supreme court of India also maintained that status quo of Hon'ble Delhi high court (FAO205/92) dated 18/11/1998 by which it has been ordered that any legally constituted institution imparting education facilities in the field of Alternative medicines may issue diploma / certificate and holder of such diploma / certificate are entitled to practice the particular faculties covered by the said diploma / certificate.

1. According to the judgment of high court Chennai, planning commission report & the latter of govt. (No.110/8/4/77MPT/ME(P)1979&No.4-6/70 MPT of govt. of India) The RMP certificate holder can practice in alternative medicine only he can't practice in surgery , obstetrics & radiation therapy in any form. He can not prescribed any medicine includes G,H&L of drugs & cosmetics rules 1945 and other dangers drug at any cost.
2. Council of Alternative System of Medicines run by Iatros medical society has conferred with the Establish & run alternative medicine & paramedical college's, science and technological institutions , hospital, research center in all over India.
3. To promoting research & development of alternative medicine and paramedical science for diffusal of literary and scientific knowledge.

# **Legal Grounds**

## **SOME LEGAL DECLARATION AND VARIOUS COURT'S ORDERS IN FAVOR OF ALTERNATIVE SYSTEM OF MEDICINE**

### **1. THE HON'BLE HIGH COURT OF KARNATAKA :**

In its final judgment write petitions no.17534-96/94 and no 36960 /94 noted the constitutional validity of section 16(2) 16(2A) etc in order to develop propagate and promote any alternative system of medicines no permission is required under any statute

### **2. THE HON'BLE HIGH COURT OF DELHI :**

Stated in its Judgment dt. 18/11/1998 of CWP No. 4015/1996 & OM No.8468/ 1997 in which the Government has to take proper action to regularize and recognize the alternative medicine in India.

### **3. THE HON'BLE HIGH COURT OF CALCUTTA :**

In its final judgment constitution writ jurisdiction matter no 546 of 1988 dt. 07/05/1990 which has been reported in Calcutta Law Journal 1991 (2) CLJ page No. 173 to 187 held the following important points regarding the constitutional rights and legal validity of Alternative system of Medicines in India.

### **4. THE HON'BLE SUPREME COURT OF INDIA :**

Stated in its final judgment of a case on alternative system of Medicine that “the judgment of Hon' ble High court of Delhi must be strictly followed by the Govt. of India within Eight weeks” to regularise the alternative system of Medicines .

Union of india and Delhi Govt. filed by a SLP(civil) No. 11262/2000 against the judgement and order by Delhi high court CWP No. 4015/1996 dated 18/11/1998 in FAQ 205/92. The supreme court has dismissed the SLP Of Union of India and delhi Govt. Dated 24/11/2000.

**5. 05-05-2010** Electro Homoeopathy is governed vide no.25011/276/2009-HR dated 5th

**6. 02-05-2008** Supreme Court recognized the practice. Maharashtra directorate Health. may 2010

**7. 23-04-2008** Vijyanagaram Addi Judi Court Magistrate Recognized the BEMS Practice and kept it with in settled law.

**8.** 22-12-2006 Hon'ble Bombay High court recognized the Electro Homoeopathy Practice.

**9.** 10-01-2005 Metropolitan session court, Sec-bad Recognized MD (EH) Practice and Electro Homoeopathy Board also.

**10.** 25-11-2003 Central Govt. of India, Ministry of Health & Family Welfare, and Department of Health Research recognized Electro homoeopathy.

**11.** 14-02-2003 Hon'ble Supreme court of India and Medical Council of India have declared that, those who are having community Medical Service & ED Certificate (CMS) of Rural medical practitioner (RMP) can do Practice on 42 drug groups of life saving drugs in Allopathy.

**12.** 16-05-2001 Hon'ble Metropolitan session court Sec-bad Recognized the Electro homoeopathy Practice. The court also ordered that "Any Medical council, centre in India has no right to interfere in the Practice.

**13.** 23-10-2000 XI Metropolitan court, Sec-bad recognized the Practice of Electro Homoeopathy & relevant medical college also.

**14.** THE ORDER ISSUED BY GOVT. OF INDIA (MINISTRY OF H&FW) DEPARTMENT OF HEALTH RESEARCH NO. V.25011/276/2009-HR Dated.05.05.2010&C.30011/22/2010-HR Dated 21.06.2011.

**15.** To give the rights of practicing to registered Medical Practitioners enrolled by the council as qualified physicians, without any restriction, and entitling them to issue medical certificates such as sickness, fitness etc of any other certificate required by any law. To establish the faculty to control the examinations of teaching and educational institutions or colleges etc; and to award degrees, diplomas, Certificates etc., thereof. It is fact that many states including Tamilnadu have implemented clinical establishment Act. 2010. All states are giving honour and weight age to the order of Central Govt. dated 14/02/2011 with regard to education and practice of Electro Homoeopathy. On the suggestion and mutual consultation of Ministry of Health & Family Welfare Govt. of India. Hon'ble Supreme Court of India has also passed order on 22/01/2015 that there is no ban on medical practice of Electro Homoeopathy.

Ministry of Health & Family Welfare Govt. of India has already clarified on 14/02/2011 that Electro Homoeopathy is not applicable under clinical establishment (Registration & Regulation) Act. 2010 for registration to the clinics of the practitioners of it but there is no practicing electro homoeopathy or imparting education as per central Govt. order

**V.25011/276/2009-HR**

**Dated**

**05/05/2010.**

Madras High Court has also passed an order on 28/11/2016 that as per Ministry of Health & Family Welfare Govt. of India order No. V.25011/276/2009-HR Dated 05/05/2010. The petitioner can rightfully practice Electro Homoeopathy Medicine in every state in India without hindrance. Hence, there is no need to take permission from local health authorities or joint director of health of the district of Tamilnadu. Government has already accepted this order as this order remains unchallenged by the state Govt. in Hon'ble Supreme court of India. Therefore, the state Govt. should also give honour of it. Electro Homoeopathy legal and scientific analysis committee setup by Rajasthan Govt. consist of the experts of botanists, pharmacologists, clinical research, electro homoeopathy expert, of other medical system viz. senior scientist-17, CMO-40, legal expert-5 and other expert including vice chancellors of the universities of Rajasthan Govt.-16. On the basis of the evidences and documents received and examined, the committee has a clear judgment that electro homoeopathy is a simple, economical, accessible and secure therapeutic approach, it must be recognized in the state. Taking into consideration the utility and merits of electro homoeopathy, the committee expresses its though conviction and strongly recommends the state Government to draft essential law and initiate the statutory administrative process to grant due recognition to electro homoeopathy in the state. Ultimately on 09/03/2018 the Assembly of Rajasthan Govt. has passed Electro Homoeopathy System of Medicine Bill No. 13 of 2018 recognizing the system in Rajasthan State. Hon'ble Govt. of Rajasthan state has already signed on the Bill on 10th October, 2018. Therefore, Electro Homoeopathy system of medicine is a recognized system in a state like Rajasthan.