

Medico Legal Status Of Electro homeopathy And Acceleration For Recognition

*Dr. Surendra Pandey*1, Dr. P.S Pandey*2, Harvinder Singh*3*

**1(Principal Secretary Electrohomeopathy Foundation , Mumbai, India)*

** 2(Founder Chairmen Electrohomeopathy Foundation , Mumbai, India)*

** 3(Vice President Electrohomeopathy Foundation , Bhatinda, India)*

suren02oct@gmail.com

Correspondence Author : *Dr. Surendra Pandey*1*

Abstract

Electrohomeopathy/Electrohomeopathy is a new medical method that falls under the alternative medicine category. In the year 1865, by Count Ceaser Mattei discovered this medicinal system in Italy. Its medications are made entirely of herbal/medicinal plants and are made using distilled water and spagirc essence extracted from medicinal plants at room temperature using a sophisticated method known as Cohobation. The system's main goal is to purify two important fluids in the human body: blood and lymph. Its medicines are completely natural, safe, one-of-a-kind, non-toxic, and free of any side or unpleasant effects. There is advanced level research is going on which included receptor medicated theory and enzymatic activity of plants and role of the active constituents present in the natural plants used in Electrohomeopathy. In this article we are going to cover legislation, legal status and development in Electrohomeopathy and how the world will get benefited with a science which is totally effective, harmless and still require more authentication.

Introduction:

As per Fundamental freedoms under article 19 1) (g) right to practice any profession

Article 19 (1) (g) of constitution of India provides right to practice any profession or to carry on any occupation, trade or business to all citizens subject to Art.19 (6) which enumerates the nature of restriction that can be imposed by the state upon the above right of the citizens. Sub clause (g) of Article 19 (1) confers a general and vast right available to all persons to do any particular type of business of their choice. While in the same article it was also described that this does not confer the right to do anything consider illegal in eyes of law or to hold a particular job or to occupy a particular post of the choice of any particular person. Further Art 19 (1) (g) does not mean that conditions be created by the state or any statutory body to make any trade lucrative or to procure customers to the business/businessman. Moreover, a citizen whose occupation of a place is unlawful cannot claim fundamental right to carry on business in such place since the fundamental rights cannot be availed in the justification of an unlawful act or in preventing a statutory authority from lawfully discharging its statutory functions. Keeping in view of controlled and planned economy the Supreme Court in a series of cases upheld the socially controlled legislation in the light of directive principles and the activities of the private enterprises have been restricted to a great extent. However, under Article 19(6), the state is not prevented from making a law imposing reasonable restrictions on the exercise of the fundamental right in the interest of the general public. A law relating to professional or technical qualifications is necessary for practicing a profession. A law laying down professional qualification will be protected under Article 19 (6).[1]

Medical regulation and development in India

The period of British rule from 1757 to 1900 is marked major sociopolitical developments and scientific advances touched India's medical systems, institutions, and practitioners. During this time, the practice of "Doctory," or Western medicine, gained traction in India, encouraged by British and Western-educated Indians' backing. [2]

Many Indians were trained in Western medicine and employed by the state as "native doctors" in the inferior medical service, with Europeans making up the majority of the superior medical service. The colonial regime progressively withdrew much of its support for indigenous medical systems. The vaidyas and hakims, who practiced these systems, experienced a substantial loss of reputation as a result of Western medicine's claims to be a more rational and "better" school of medicine. Some became purists, defending and promoting their systems,

while others incorporated Western medicine's procedures and beliefs into their study and practice. European doctors currently rarely engage with Indian practitioners, but they are dedicated to studying medicinal plants and tropical ailments. There are no specialty physicians mentioned during this time period, and all doctors and surgeons were generalists. Traditional practitioners remained popular with the general public.

Statutes governing medical education

The first of Statutes governing medical education in India is The Medical Degree Act, 1916. It deals with western medical science which is defined to mean the western methods of allopathic medicine, obstetrics and surgery but not Homoeopathic or Ayurvedic or Unani system of medicine. The right to conferring, granting or issuing degrees, diplomas, licenses, certificates etc. to be qualified to practice western medical science shall be exercisable by the authorities specified in the schedule as per the provisions of Section 3 of the aforesaid Act. Section 4 of the Act prohibits that no other person than authorized under Section 3, is competent to confer, grant or issue any degree. Later, The Medical Council Act, 1933 was enacted. It dealt with medical institutes that grant degrees, diplomas or licenses in Medicine. The medicine was defined to mean modern scientific medicine inclusive of surgery and obstetrics but excluding veterinary medicine and surgery. [3]

Under a special Act of Parliament, all recognized medical systems were legalized. Various law has been imposed for all the recognized system of medicine.

Allopathy, or allopathic medicine, is an archaic word for science-based, modern medicine. Samuel Hahnemann, the founder of homoeopathy, invented the terms in 1810. It was invented by 19th-century homoeopaths as a pejorative word for heroic medicine, a type of traditional European medicine that predated modern medicine and did not rely on proof of efficacy. Heroic medicine was based on the notion that sickness is produced by an imbalance among the four "humours" (blood, phlegm, yellow bile, and black bile), and that disease symptoms can be treated by rectifying that imbalance by inducing symptoms that are the polar opposite of disease symptoms. [4]

It is said that during the 1920s, nascent professionalization on the model of developed countries may be seen in India, owing largely to support by British doctors and the Imperial State. [5] While there is a large body of work on the sociology of professions in developed countries, there have been few attempts in developing countries to address occupational groupings such as doctors. [6]

Modern system of medicine and regulation

The Indian medical council act, 1956 (M.C.I. Act 1916) was passed on 30th December, 1956, act to provide for the reconstitution of the Medical Council of India, and the maintenance of a Medical Register for India and for matters connected therewith. [7] The MCI supervises medical education standards, permission to open institutions, courses, or expand the number of seats, doctor registration, and medical practitioner professional conduct requirements. From September 25, 2020, the National Medical Commission (NMC) took effect, repealing the approximately 64-year-old Indian Medical Council Act 1956 and dissolving all of its bodies, including the Medical Council of India and the Board of Governors in Supersession of the MCI. As a result, the much-anticipated NMC will begin to work successfully to overhaul India's medical education system. [8]

Introduction to Ayurveda and regulation under

Since the 2nd Century BC, Ayurveda has been practiced. The ancient schools of Hindu philosophical teachings known as Vaisheshika and the school of logic known as Nyaya formed the foundations for Ayurveda. The universe, according to Ayurveda, is made up of five elements: Vayu (air), Jala (water), Aakash (space or ether), Prithvi (earth), and Teja (fire) (Fire). These five components (known in Ayurveda as Pancha Mahabhoota) are said to combine to generate the three primary humours of the human body. The three humours, Vata, Pitta, and Kapha, are together known as the "Tridoshas," and they regulate the body's basic physiological activities, with five sub-doshas for each of the three main doshas. [9]

Ayurveda, Siddha, and Unani are three historic medicinal systems. Medical systems are described in the Vedas and other ancient religions. In India, between 2500 and 500 BC, the Ayurvedic philosophy arose and flourished. [10]

Introduction to Unani

Hippocrates, a great philosopher and physician who lived between 460 and 366 BC, introduced the Unani method of medicine to Greece. Hippocrates established the "humoral hypothesis" for disease treatment, describing the wet and dry characteristics of each of the human body's humours. The Arabs introduced this system of medicine to India, and it got stronger when several Unani intellectuals and physicians fled to India after the Mongol invasion of Persia. Since then, this system of medicine has established a strong foothold in India, with the Indian government recognizing it for clinical practice and research support. In treatment, plant-based products such as oils, tinctures, powders, and ointments are employed. Around 1350 AD, the Arabs were instrumental in introducing Unani medicine to India. Zia Mohd Masood Rasheed Zangi was the first recognised Hakim (Physician). [11]

Introduction to Siddha

Siddha medicine is a type of traditional medicine that originated in south India. It is one of India's most ancient medical systems. [12] Siddhars are among India's estimated 400,000 traditional healers, accounting for around 57 percent of rural medical care. Siddha practitioners believe that food, "humours" of the human body, and herbal, animal, or inorganic chemical substances, such as sulphur and mercury, utilised as remedies for healing ailments, contain the five basic elements earth, water, fire, air and sky. [13] Eighteen Siddhars are said to have contributed to the development of Siddha medicine, yoga, and philosophy, according to legend. However, the literature they produced is not available in its full. Authorship of numerous literary works of great worth is unknown due to the well-known self-effacing tendency of ancient Indian Acharyas (preceptors). There was also a custom of attributing authorship to one's teacher, patron, or even a famous academic of the day. This has made identifying the true author of many classics extremely challenging. [14]

Law which give legislation for Ayurveda, Unani and Siddha etc.

The Indian medicine central council act, 1970 act no.48 of 1970 passed on 21st December, 1970. An Act to establish a Central Council of Indian Medicine and a Central Register of Indian Medicine, as well as to provide for things related therewith. [15] Minister of State for AYUSH, introduced the National Commission for Indian System of Medicine Bill, 2019 in the Rajya Sabha on January 7, 2019. The bill aims to repeal the Indian Medicine Central Council Act of 1970 and establish a medical education system that ensures: (i) adequate and high-quality medical professionals in the Indian System of Medicine, (ii) adoption of the most recent medical research by medical professionals in the Indian System of Medicine, (iii) periodic assessment of medical institutions, and (iv) an effective medical education system. [16]

Introduction to Homeopathy

Samuel Hahnemann, a German physician, came up with the idea in 1796. Homeopaths believe that a substance that causes disease symptoms in healthy individuals may also cure comparable symptoms in sick people this idea is known as *similia similibus curentur*, or "like cures like." [17] Homeopathy was first used in India in the early 19th century. It thrived in Bengal at first, then spread throughout India. Amateurs in the civil and military forces, as well as others, used the system extensively at first. The first Indian to become a homoeopathic physician was Mahendra Lal Sirkar.

The homoeopathy central council act, 1973 act no. 59 of 1973 passed on 19th December, 1973. An Act to provide for the establishment of a Central Council of Homoeopathy and the maintenance of a Central Register of Homoeopathy, as well as other related concerns. It covers the entire country of India. It shall take effect in a State on the date that the Central Government may appoint in this regard for that State by announcement in the Official Gazette, and various dates may be given for different States and for different provisions of this Act. [18]

Introduction to Yoga

Yoga was first practised in India thousands of years ago. Through its therapies and diagnosis based on pulse and analysis of Tridosha state of a person, it suggests various meditative exercises and life style management to obtain tranquility and effective for improvement health. 25, 26, and 27 Yoga Asanas (postures) are used to treat a variety of physical and emotional ailments in both clinical and nonclinical settings.

Introduction to Naturopathy

Naturopathy, often known as naturopathic medicine, began in Germany in the nineteenth century and is now practiced in a number of nations. Although Naturopathy is not an old medical system, some practitioners of traditional medicine use it in conjunction with the primary system. The Naturopathic approach is centered on restoring good health by combining the therapeutic power of nature with traditional and modern procedures. This system employs homoeopathy, herbal mixtures, and hydrotherapy as treatment procedures. [19]

The Union Ayush Ministry recognizes yoga and naturopathy as systems. However, there is no legislative framework in place to recognize and regulate new alternative medical systems. The Indian Medical Council (IMC) Act 1956 regulates the modern system of medicine, the Homoeopathy Central Council (HCC) Act 1973 regulates the homoeopathic system of medicine, and the Indian Medicine Central Council (IMCC) Act 1970 regulates the four Indian Systems of Medicine (ISM), namely Ayurveda, Siddha, Sowa Riqpa, and Unani.

Process for recognition of new system of medicine

According to the union health ministry plan and mandate, the mechanism will prescribe and outline a format in which a proposal, seeking recognition of any new alternative system of health care is to be formulated and submitted. The proposals will then be examined by an inter departmental committee for identifying viable new systems of medicine therapy (IDC). Significant literature on principles, etiology, diagnosis, and management of diseases, such as textbooks, pharmacopoeia, and formularies, will be required. If journals are available, they should preferably be available in the place of origin or other countries where it is currently practiced. The criteria will also include information on whether it is officially recognized as a system of medicine in the country of origin and/or any other country where it is currently practiced, documented information on the uniqueness of treatment modalities, which may include drugs, devices, or other methods such as diet, massage, exercise, and so on, standardized methods of preparing drugs or devices used in the modalities, and standardized methods of preparation of drugs or devices used in the modalities. In lieu of a Central law, the Union Ayush Ministry has decided to set up a mechanism in which a committee comprised of representatives from the central and state governments, regulatory bodies, and people of repute in the field of health sciences will analyze and examine proposals seeking recognition for alternative medical systems. This will be done in order to determine the viability of such systems so that they may be safely included into the national healthcare system. [20]

Introduction to Electrohomoeopathy a new system of medicine under consideration Legislation and events in Electrohomoeopathy

The Registrar, Board of Homoeopathic System of Medicine, Old Secretariat, Delhi, told the Registrar, of leading board of Electrohomoeopathy, New Delhi, **on 01-01-1986**, via letter No. BHS / 11 / 83 Delhi/ 1860 dt. 01-01-1986, that "your principles and prescribing techniques are distinct than Homoeopathy." It is recommended that you remove the word homoeopathy from your title.

One of the oldest leading body of Electrohomoeopathy and 51 members of Parliament petitioned the Prime Minister and then the Hon'ble Health Minister (Sh. Moti Lal Vora) to recognize Electro-homoeopathy Medical Science in India on **April 19, 1988**. The Honorable Health Minister has been directed to form an Inquiry Committee.

On 27-May-1988, the Joint Secretary (A), Ministry of Health & F.W., Govt. of India, Nirman Bhawan, New Delhi was informed by the Director, Central Council for Research in Homoeopathy via his letter No. 7- 2/88-CCRH/TCH dated 27-05-1988 that "it does not show any similarity with the Homoeopathic System of Medicine at any stage i.e. right from the fundamental Principle until the line of treatment." As a result, the term "homoeopathy" should not be used in conjunction with this pathy, which appears to be a distinct system.

On September 1, 1988, the Ministry of Health and Family Welfare of the Government of India established an Inquiry Committee on Electrohomoeopathy. In the Inquiry Committee, Electrohomoeopathy leading organization was nominated as a "Electro-homoeopathy Expert.

On 16th May, 1991, the Health Ministry established an Expert Committee. Electrohomoeopathy leading organization head, was chosen to represent the four pathies, while the fifth (Electro-homoeopathy) was assigned to the Electrohomoeopathy member.

The Hon'ble Dy. Minister of Health & F.W. Govt. of India, together with a research team, visited the office of the Electrohomoeopathy leading organisation on the instructions of Prime Minister of India (Sh. Chandra Shekhar Ji) **on May 31, 1991**.

On the 14th of June, 1991, the Dy. Union Health Minister and his colleague filed an inspection report to the concerned Ministry of Health, following which he wrote in an official note that NEHM of India might be authorized to promote, develop, and research Electropathy in India.

According to a 1991 judgement by the Hon'ble High Court of Calcutta, there is no prohibition on the use and practice of these harmless healing procedures. A "law journal" vol.II from Kolkata published in 1991 attests to this.

Sh. P.K. Bhasin, Additional District Judge, Tis Hazari Court, Delhi, has issued an order (Suit No.27 of 1992, NEHM of India Vs Delhi Administration & Union of India) prohibiting the defendants from issuing any public notice regarding the plaintiff's activities, as was done in the form of a public notice dated **July 9, 1992. [20]**

Delhi High Court Wing Commander (Retired) H.M vs Ministry of Human Resources and on 18 November, 1998.

There was deep discussion, favor and opposed has been done in the case. Evidence has been placed in the favor of Electrohomoeopathy court like few points mentioned in the court note

Ministry of Health and Family Welfare, Government of India vide Memo No. V-25017/4/90/R dated 16th May, 1991 appointed an Expert Committee which inter alia comprised of Dr. S.D. Sharma, Additional Director General(M) as Chairman, Dr. N.K. Awasthi as Secretary, Dr. V.T. Augustine, Advisor(M), Dr. D.P. Rastogi, Director, CCRH and Dr. B.N. Dawan, Director, CDRI, as members thereof. Said Committee submitted its report in August 1991 and has found that thousands of doctors are practicing Electropathy/Electrohomoeopathy system of medicine in India by using Electropathic Medicines. Aforesaid report is under consideration of the Ministry of Health and Family Welfare, Government of India. It is further stated that the said system has a history of 500 years and it mainly functions as preventive and curative on the principles of "The Human Organization is entirely composed of two elementary liquids known as Lymph and Blood and Health and Diseases are depending upon such liquids.

In response to a Private Member Bill bearing No. 138/90 Sh. Dasai Choudhry, the then Minister for Health and Family Welfare stated that he had authorized NEHM of India, New Delhi for development, promotion and research of Electropathy in India vide DO letter bearing No. 2921/DM(H&F)/9/VIP dated 17th June, 1991.

Submission made by S/Sh. V.C. Misra appearing for respondent told that the Ayurveda had been practiced for thousands of years by the peoples as an unrecognized medical system and it was only in 1970 that the Govt. of India gave recognition to it by enacting Indian Medicine Central Council Act. Likewise, Homoeopathy which was brought to India in 1839 by Dr. Honiberger Germany, was being practiced for about 110 years as an unrecognized system before it came to be recognized by the Govt. of India by passing Homoeopathy Central Council Act. The day is not far off when the Govt. would also grant recognition to Electropathy system. According to the learned counsel, there is no legislation whatsoever prohibiting a body or person from conducting courses in Electropathy system and the persons practicing the same.

Considering the nature of the problem as is evident from the discussion, court has issued the following directions.

1. The Central/State Governments shall consider making legislation prescribing:

(a) grant of licenses to the existing and new institutes conducting courses in Electropathy and other Alternative systems of medicine.

(b) minimum standards of education and check on the functioning of such institutes on the lines set out in Sections 17, 18, 19 & 19A of the Medical Council Act.

(c) minimum qualification for getting admission in such institutes.

(d) conditions entitling these institutes to issue diplomas and certificates.

(e) right to use the prefix 'Doctor' and to issue medical certificates to the patients by diploma/certificate holders from such institutes.

Bombay High Court Electropathy Medicos of India vs State of Maharashtra and Ors. on 13 August, 2001
the court has passed the order which seems not accordance per the expectation of Electrohomoeopathy.

On 22-Jul-2004, in its judgment/order in Criminal Misc. Writ No. 34949-M-99 dt. 22.07.2004, the High Court of Punjab, Haryana, and Chandigarh categorically ruled and directed that when the 59 Electropathy Doctors, including petitioner, were practicing Electropathy, they were not required to register under the Indian Medical Council Act 1956. The petitioner was undeniably a practitioner of the Electro Homoeopathy style of medicine. As a result, he was qualified to perform electropathy medicine." The Hon'ble High Court also ordered the administration and medical authorities to quash any F.I.R.s filed against any of the Electropathy practitioners. [22]

Punjab-Haryana High Court Cwp No. 7893 Of 2002 vs State Of Punjab And Others on 10 August, 2009
after a long discussion court do not find any merit in the present writ petitions. The same are dismissed with no order as to costs which seems not per the expectation of Electro homoeopathy.

Electro homoeopathy on track for recognition to fulfill essential criteria as per PDR-25011-276-2009-HR dated 05.05.2010.

No-C.30011/22/2010-HR government of India Minister for Health and Family Welfare **The following response has been received from the director of health research Subject: Ministry of Health & Family Welfare Order, dated 21.06.2011 Regarding**

Sir, I am directed to refer to your representation No. 153/E.H.M.A.1/100/2017-18, dated 26/09/2017, addressed to Hon'ble Minister for Health and Family Welfare on the above subject, and to state that through copy of this Ministry's Order, dated 21.06.2011, stand of the Central Government with regard to practice, education and research in alternative systems of medicine, was conveyed to the State / Union Territory Governments.

2. However, this is to inform that a mechanism has since been put in place for consideration of proposals seeking recognition to any new / alternative system of medicine, including Electrohomeopathy. For detailed information, you may like to see the 'Notice', which has been uploaded on the website of the Department of Health Research (Website URL is <http://dhr.gov.in>) under the heading "Alternative Systems of Medicine & Therapy" and located within the icon 'Acts & Circulars'. This provides details of the mechanism that has been set up for consideration of proposals for recognition to new / alternative systems of medicine.

Details for Regarding practice, education and research in alternative system of medicine

An order was passed on 11.10.2010 by the Lucknow bench of the Hon. High Court of Judicature at Allahabad in the WP No.3992/2004 filed before the Hon. High Court of Judicature at Allahabad at Lucknow Bench in *Electro Homeo Medical Association of India vs. State of UP & 4 Qrs.* as under

Heard Learned counsel for the parties and perused the record.

With regard to its grievance, the petitioner may make a representation within a month from today. In the Light of the Government Order dated 5.5.2010 (No.V.25011/276/2009-HR) issued by the Government of India, Ministry of Health & Family Welfare Department of Health Research.

If the representation made by the petitioner within the aforesaid period, the same shall be decided by the Government of India within three months from the date of its filing.

With above observation, the writ petition is finally disposed of."

2- Consequently, in accordance with the said order, Sh.Taj Ali, Secretary, Electro Homeo Medical Association of India, Lucknow has filed a representation in the matter vide his letter dated 03.11.2010 in which he has made the following submissions and prayer:-

That the order dated 25.11.2003 addressed to different officials and copies sent, however, to all their subordinates was misinterpreted as if the Government of India has altogether prohibited the development and research of Electropathy, however the order dated 05.05.2010 has **clarified that there is no proposal to stop the petitioner from practicing in Electropathy or imparting education as long as this is done within the parameters of the order dated 25.11.2003** and once the legislation to recognize new system of medicine is enacted any practice or education would be regulated in accordance with the said Act.

On the basis of the order dated 25.11.2003 different authorities issued preventive orders as if there can be no teaching or practice in Electropathy/Electro Homeopathy at all and that forced the applicant to file the above noted writ petition in the Hon'ble High Court Allahabad, Lucknow Bench, Lucknow. However, in the meantime the order dated 05.05.2010 has clarified the position and the Hon'ble Division Bench in the light thereof has opined that now no detailed order is required to be passed and the petitioner may make the representation to the Government of India and Government of India may pass the order in the light of the order dated 05.05.2010.

It is, therefore, respectfully prayed that the authorities to whom the order No.R.14015/25/96-U&H(R) (Pt.) dated 25.11.2003 was issued, may kindly be communicated to read the order in the light of the Government of India later order dated 05.05.2010 and act only in accordance with the same and may not cause any interference in contravention of the same."

3- As per the directions of the Hon. Lucknow Bench of the High Court of Judicature at Allahabad, the representation has been considered. It is clarified that the MH&FW Order No.R.14015/25/96-U&H(R)(Pt.) dated 25.11.2003 and No.V.25011/276/2009-HR dated 05.05.2010 would be treated as instructions of the Government of India related to practice, education and research with regard to alternative systems of medicine like Electropathy, Electro-homeopathy, etc.

4- A copy of each of the said two orders viz. MH&FW Order No.R.14015/25/96-U&H(R)(Pt.) dated 25.11.2003 and No. V.25011/276/2009-HR dated 05.05.2010 is being forwarded herewith to each of the State Governments/UTs for information and necessary action. With this your representation is disposed off.

5- This issue with the approval of Secretary (Department of Health Research), Ministry of Health & Family Welfare, New Delhi.

Delhi High Court Om Wati & Ors. vs Ram Magan & Ors. on 29 April, 2013 event this is the family matter but **Electrohomeopathy and its merit has been mentioned** during the decision in the court.

Karnataka High Court Khalsa Institute Of Medical vs The State Of Karnataka on 22 February, 2013 the honorable court concluded that a person holding a training certificate in Electropathy/Electro - Homeopathy System of Medicine can practice as a doctor or not, cannot be considered in this petition. Accordingly, to this Court, it is for the State or the Union Government or any other statutory body to recognize a course and permit a person to call himself as a Doctor and practice as a doctor. Therefore, there are no merits in this petition.

Delhi District Court Delhi Bhartiya Chikitsa Parishad vs Ishwar Singh on 17 May, 2014, honorable court has given **favorable order with statement** there is no sufficient material available on record to proceed further in the case against the accused after framing of charge. The instant revision petition is therefore, liable to be dismissed.

The electro homeopathy system of medicine (recognition) bill, 2015 brought in the Rajya Sabha on 24- Apr-2015, by honorable member of parliament Dr. E. M. Sudarsana Natchiappan.

The aim of the bill to provide for recognition and regulation of the Electro Homeopathy system of medicine in the country and to constitute a Central Council for the purpose and for matters connected therewith and incidental thereto. The summary of bill concluded in the Rajya Sabha that Electrohomeopathy present most of the state in India, more than 5 lakhs Electro homeopath present in the country and more than 10 lakhs patients are receiving treatment daily in different parts of India. However, due to the non-recognition of this system of medicine by the Government its formal practice, research study, granting of qualifications and other related activities are not possible at present. Even though some states have allowed the practice of this system of medicine in the absence of a legal framework for its recognition it cannot make any progress. It is a time-tested system based on plants' medicinal values whose benefits have reached millions of people. It is, therefore the duty of the Government to recognize this system and help the ailing public get its benefits. This Bill seeks to confer recognition on this important system of medicine.

Recognition of Electrohomeopathy and its viability has been discussed various time in the Parliament by honorable members including the central government health minister. Government has formed inter departmental committee but still Electrohomeopathy struggling for recognition. [23]

Delhi High Court Delhi Bhartiya Chikitsa vs Sh Ishwar Singh And Anr on 29 July, 2015 excellent order has been passed after the discussion about the Electrohomeopathy it was mentioned in the notes "it is clear that Electropathy is a separate field of medicine and no recognition of the petitioner/complainant was/is required to do practice in this field. In addition to this it was find no illegality and perversity in the impugned orders dated 06.08.2013 and 17.05.2014 passed by the two courts below. Moreover, the petitioner/complainant has also failed to establish any illegality and perversity therein. Accordingly, the present petition is dismissed in limine being without any merits.

Madras High Court Dr.N.Rangarajan vs The Secretary on 7 October, 2016 petitioner benefited by honorable court and **directed pass orders on merits** and in accordance with law within a period of four months from the date of receipt of a copy of this order.

Madras High Court Dr. V. Sundara Rajan vs Union Of India on 28 November, 2016 petitioner benefited by honorable court few point has been discussed in the court the Joint Director of Health Department, Vellore (T.N.) has already clarified through RTI dated 18.10.2016 to Mr. V. Sundararajan i.e., the petitioner that Ministry of Health and Family Welfare, Government of India order No.V.25011/276/2009-HR dated 05.05.2010 ordered that every State in India can rightfully practice Electro Homeopathy Medicine (BEMS) without hindrance. Hence there is no need to take permission from Joint Director of Health, Vellore District to practice Electropathy in Tamil Nadu. The court concluded that In the light of the above statement made by the third respondent, this Court is of the

view that no further orders is required to be passed in this writ petition. Accordingly, by recording the statement made by the third respondent in the letter dated 08.11.2016 addressed to the counsel for the respondents 1 and 3, this writ petition is disposed of. No costs.

Orissa High Court Kamurul Haque vs State Of Orissa on 2 January, 2017 as per the conclusion of the judgment application being devoid of merits stands dismissed by the honorable court seems disservice.

Madras High Court N. Pushparaj vs Union Of India on 22 February, 2017, prima relief has been issue by the honorable high court with conclusion of merits and in accordance with law within a period of four months.

Jammu & Kashmir High Court - Srinagar Bench Mukhtar Rashid Bhat And Others vs State Of J&K; And Others on 16 May, 2017 court concluded that Right is reserved to the petitioners to re-agitate thereafter subject to survival of cause.

Bombay High Court Sudhakar S/O Sakhahari Tidke And vs The State Of Maharashtra And Anr on 24 April, 2017, as per judgment stated that it is made clear that as far as the petitioners, who claim to hold degree or diploma in Electropathy or Homeo-Electropathy, may practice in Electropathy or Electrotherapy without registration as medical practitioners in view of proviso to sub-section (2) section 2 of the Maharashtra Medical Practitioners Act. Along with that court also issue advisory for prefix word.

Chhattisgarh High Court Dr. Abdul Nafis Khan And Ors vs State Of Chhattisgarh And Ors 71 on 25 July, 2018 as per the conclusion of the judgment application being devoid of merits stands dismissed by the honorable court seems disservice.

Patna High Court Dr. Sunil Kumar Jha & Anr vs The State Of Bihar & Anr on 7 March, 2018, the court has directed **grant of licenses to the existing** and new institutes conducting courses in Electropathy and other alternative systems of medicine, Minimum qualification for getting admission in such institutes along with other advised included in the judgment.

THE RAJASTHAN ELECTROPATHY SYSTEM OF MEDICINE ACT, 2018 (Act No. 13 of 2018) Received the assent of the Governor on the 10th day of April, 2018] An Act to provide for the constitution of a Board of Electropathy System of Medicine for the development and expansion of the Electropathy system of medicine in the State of Rajasthan, for the registration of practitioners of that system of medicine and for other matters connected therewith and incidental thereto. Be it enacted by the Rajasthan State Legislature in the Sixty-ninth year of the Republic of India.

Short title, extent and commencement. -(1) This Act may be called the Rajasthan Electropathy System of Medicine Act, 2018. (2) It extends to the whole of the State of Rajasthan. (3) It shall come into force on such date as the State Government may by notification in the Official Gazette, appoint. [24]

Bombay High Court Bharat Vasant Jadhav vs The State Of Mah And Anr on 8 June, 2018, judgment application being **devoid of merits stands** dismissed by the honorable court seems disservice as per the local law.

Supreme Court - Daily Orders Sutapa Sinha vs State Of U.P on 1 May, 2018, Learned counsel for the appellant has also brought to our notice Office Memorandum dated 15th December, 2011 issued by the Uttar Pradesh Government Medicine Section 6, which states that there is no proposal to stop the appellant from practicing in electropathy or imparting education, as long as the same is done with the provisions of the order No.R.14015/25/96-U 85 H (R) (Pt) dated 25.1.2003. There is no dispute that the said system of therapy has not yet been recognized for the purpose of conferring any diploma or degree.

The honorable court given favor with following conclusion Though many an aspect was urged before the High Court and it has also addressed the same by the impugned order, yet the singular issue that has been canvassed before us pertains to whether there has been ban in practicing Electro Homeopathy as an alternative therapy. However, as this Court has observed on an earlier occasion that there is no ban, the appellant can always practice Electro Homeopathy as an alternative therapy. **Therefore, we are disposed to think that the Union of India has not banned them.** In view of the aforesaid analysis, we only modify

the order passed by the High Court to the extent that the appellant can provide an alternative therapy so long as it is not banned by any competent authority.

Madras High Court P.S.Murugesu Pandiyan vs The Director General Police on 15 March, 2019, The honorable court given favor with following conclusion in the light of the said assurance given in the affidavit filed in support of the writ petitions, both the writ petitions are disposed of, directing the respondents to permit the petitioners to practice in their respective field alone. **So long as the petitioners are practicing in their respective mode of medicine, the respondents and their police officials are restrained from initiating any action against them.**

Madras High Court Dr.V.Munusamy vs Union Of India Rep.By Secretary on 21 November, 2019, Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to forbear the respondents No.3 to 10 from insisting the petitioners to register their profession as per the Tamil Nadu Clinical Establishment (Regulations) Rules 2018 based on his representation dated 26.08.2019. The court does not find any merit to entertain the Writ Petition. Accordingly, the Writ Petition fails and the same is dismissed. No costs issued.

Madras High Court K.Sumathi vs Union Of India on 25 February, 2020 court judgment showed that concern of unrecognized course and writ petitions are liable to be dismissed as devoid of merits and accordingly.

Karnataka High Court Sri Anish Kumar K @ Anish Shetty vs State Of Karnataka on 4 August, 2020, this Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, praying to, enlarge the petitioner on bail in the event of his arrest in Cr.No.164/2020 of Mahadevapura P.S., Bengaluru City for the offence punishable under Sections 419 and 420 of IPC. The honorable court given interim bail to the petitioner and accused deserves to be granted bail with certain advised.

Jammu & Kashmir High Court Khalid Yousuf vs Union Territory Of J&K and Another on 23 August, 2021, The present petition has been filed by the petitioner under section 482 Cr.P.C. for quashing of FIR bearing No. 05/2020 dated 07.04.2020 for commission of offence under section 420 IPC registered with Police Station, Loran, Poonch. The honorable court given the judgment in the favor of petitioner that there is no averment in the FIR impugned that the petitioner has dishonestly induced any person to part away with any property and as such the requisites for commission of offence under sec 420 IPC are missing. In view of the fact that the petitioner is entitled to practice in Electro Homeopathy and if he has referred some patients to the hospital, no offence under section 420 IPC is made out.

Kerala High Court Rajesh K. vs State Of Kerala Rep.By on 16 November, 2020

The honorable court given favor with following conclusion the view of this Court is that a citizen is free to practice any profession not prohibited by law. WP(C) No.19208/2019 in view of the Division Bench judgment of this Court, this writ petition is disposed of directing that the **police shall not interfere with the practice of the petitioner** unless the petitioner commits some cognizable offence by practicing Electro-Homeopathy. It is clarified that this judgment will not affect the powers of the State or its agents to proceed in accordance with law, if the petitioner is found to act in violation of any statutory provision.

Madras High Court R.Justin Raj vs The Union Of India on 20 November, 2020, Writ Petition has been filed directing the Respondents Nos.4 to 7 not to harass the Petitioner without any legally sustainable complaint and consequently forbearing the respondents from interfering with **the petitioner's right to**

practice Electropathy Service as a mode of therapy. Court concluded that Considering the submissions made on either side, the respondents are directed to consider the representation of the petitioner on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order and communicate the result to the petitioner so that he can work out his remedy in the manner known to law. This order petitioner got prima precedence. [25]

Conclusion: Today there are various recognized medical systems in India as mentioned above. Next will almost certainly be recognized, because no act of Parliament has been passed to prohibit the invention, and subsequent promotion, development, and research of any medical system. All medical systems had to fight for recognition for a long period before they were recognized. In the meantime, these methods were professionally and scientifically developed, and they continued to cure and assist the sick for several years before being acknowledged by the government. In fact, the government acknowledged these medical systems one by one, so that while one was being recognized, the others were still in the development stage. Qualified practitioners and skilled people from other system of medicine were on the field at all times, contributing in the development, research and authentication of the new systems Electrohomoeopathy recognized soon with all possible scientific evidence.

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