



Council of Alternative System of Medicines

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SUPREME COURT JUDGMENT

No Harassment To Alternative Medical Practitioners, Hon'ble Supreme Court Of India

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Latest contents of judgment of Hon'ble 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)

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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.

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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.

1. THE HON'BLE HIGH COURT OF KARNATAKA :



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2. THE HON'BLE HIGH COURT OF DELHI :

Stated in its Judgment dt. 18/11/1998 of CWP No. 4015/1996 & OM No.8468/ 1998 [From which the Govt. has to take proper action to regularize and recognize the alternative medicine in India.](#)

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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.

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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.

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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 [COURT JUDGMENT \(JUDGMENT.ASPX\)](#)

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

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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 [CONTACT \(CONTACT.ASPX\)](#) 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
79743-20052 | [Supreme court judgment \(Judgment.aspx\)](#) | [Pledge \(Pledge.aspx\)](#) | [Center List \(centerlist.aspx\)](#) | [Online Exam \(https://onlineexam.softac.co.in/\)](#)
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 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



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([Definition.aspx](#)) 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.

Even though the Union health ministry has clarified time and again that electropathy is not recognised as a system of medicine, over 2 lakh electropathy practitioners are a part of this system in the country and over 150 colleges across the country are offering courses in electropathy, it is learnt. Electropathy is a derivative of homeopathy that relies on



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and a fair years.
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The Union health ministry has recently clarified in response to an RTI application filed by health advocacy group Chikitsasansar Trust that electropathy is not recognised as a system of medicine because the ministry does not support its clinical practice by any person as the concerned Bill is still under consideration of Indian Parliament.

In its RTI application, filed on April 7/2014, the Chikitsasansar Trust has contested that absence of any government regulation has led to widespread quackery across the country.

While contesting the issue of recognition of electro homeopathy which has come up before various high courts, its practitioners say that no law has banned its practice and they are entitled to engage in a profession as guaranteed by the Constitution. The right of Electro Homoeopathic Practitioners are well protected under article 19(1)(g) of Constitution of India.

There are over 2 lakh electropaths working in an unregulated manner because there is no Act in force. As such it does not come under the purview of either of the central or state government's medical Act. This can have a bearing on the patient safety as quacks are practicing it in several villages of the country. The recognition of this system is under consideration in Parliament in the form of a bill since 2005." According to a notification 14019/29/95-NCH (R) dt, electro homoeopathic practitioner is not permitted to practice but the notification was challenged through a writ petition filed in 2008 in the Punjab and Haryana High court and the verdict was that practice of Electropathy/Electro homoeopathy is not prohibited in any state of India.

For practicing modern medicine or any other Indian system of medicine like Ayurveda/Unani systems of medicine, registration is required under Medical Council Act. For getting these registrations, the applicants should also possess the prescribed qualifications also. But electro homeopathy is an entirely different system of medicine. Its practice is not controlled by any state in India. It is not prohibited by any law also. Therefore, the petitioners have a fundamental right under article (19) (1) (g) of the constitution of India to proceed with the practice of the electro homeopathy. Doctors can practice electro homeopathy by settled law of the Government of India which means law allowed Supreme Court of India and Medical Council of India have declared on February 14, 2003 that those who are having Community Medical Service Certificate (CMS) or Rural medical practitioner (RMP) can do Practice on 42 drug groups of life saving drugs in Allopath. Metropolitan Session Court Secunderabad recognised the Electro Homoeopathy Practice on 16 May 2001. The court also ordered that "Any council in India has no right to interfere in the Practice." Metropolitan Court, Secunderabad recognised the practice of electro homeopathy on October 23, 2000.

Calcutta High Court recognised the electro homeopathy on May 7, 1999. High Court of Jabalpur recognised the electro homeopathy practice on March 19, 1999. Madras High Court on June 9/1998 had given the Judgment regarding using the word Doctor before the name that, "Those who are practicing electro homeopathy system of medicine has right to 'USE' the word "DOCTOR" before the name, by representing the symbol of "EH" (electro homoeopathic)

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Council of Alternative System of Medicines is a legally constituted and internationally accredited India's premier and leading educational organization established under purview of Article 14, 19(1) g and 21 of the constitution of India and registered under society registration Act.

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