



# Medicolegal issues in Homoeopathy

Dr. Rajneesh Kumar Sharma MD (Homoeopathy)

# There are certain bitter truths about Homoeopathy

- 1- Whenever a Homoeopath fails to treat a case, this is assumed that Homoeopathy fails. (Not that Homoeopath)
- 2- Whenever a typical case is cured with Homoeopathy, it is presumed that Homoeopathy, often does such a miracles, there is no special role of that Homoeopath.
- 3- Whenever a Homoeopath fails to establish a perfect diagnosis, it is accepted that this system of healing art deals with the sick person, not the disease in particular.
- 4- Whenever a Homoeopath treats a patient and the case is worsened or complicated further, entire system of Homoeopathy is blamed, not that Homoeopath.
- 5- Whenever a doctor of so called modern medicine or a super specialist in a particular field is failed in curing a condition, nothing happens. Very rarely, negligence may be confirmed.
- 6- If a Homoeopath is treating a generally benign condition (which rarely turns into malignancy), and the condition, by chance, is turned into malignancy, the Homoeopath is punished and declared not authorized to treat such conditions.

Dr. Rajneesh Kumar Sharma MD (Homoeopathy)

## From the rulings laid down by Central Council of Homoeopathy

- III. DUTIES OF HOMOEOPATHIC PRACTITIONERS TO THEIR PATIENTS
- 10. Patient not be Neglected (1)
- A practitioner of Homoeopathy is free to choose whom he will serve provided he shall respond to any request for his assistance in an emergency or whenever temperate public opinion expects the service.
- 12. Acts of Negligence (1)
- (4) A practitioner of Homoeopathy shall use any drug prepared according to Homoeopathic principles and **adopt other necessary measures** as required.

## Necessary measures other than medicine

- ▶ Correction and maintenance of Airways, Breathing, Circulation etc.
- ▶ Fluid and electrolytes balancing
- ▶ Maintenance of BP by fluids and Homoeopathic remedies
- ▶ Supplementation by Oxygen, Blood transfusion and nutrients
- ▶ Minor surgeries as first aid and stoppage of bleeders prior to refer to concerned specialist
- ▶ Fixation of fractures etc. prior to refer to concerned specialist
- ▶ Conduction of normal labor and maintaining the complicated patient prior to refer to concerned specialist
- ▶ CPR, defibrillation and shock management



# Obstacles to the path of Homoeopathy

- ▶ There are some rumble strips in the way of modernized Homoeopathy. We have restricted rights. Some major restrictions are on-
  - ▶ Pathological tests
  - ▶ Radiological investigations
  - ▶ Cardiac examinations like TMT and Echocardiography
  - ▶ Minor surgical procedures, even FNAC and biopsies
- ▶ In spite of all these draw backs, we have some rights too. I have asked the Government under RTI act for several points.

# Some rights of Homoeopaths

- ▶ Right to give any evidence in court required by law-

State;

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

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

1 of 1872.

063-17

# Some rights of Homoeopaths

- Right to issue any certificate required by law-

सेवा में,  
सचिव,  
सभी राज्य/केन्द्र शासित प्रदेश शासन  
स्वास्थ्य एवं परिवार कल्याण विभाग/  
आयुर्विज्ञान शिक्षा/आयुष/भा.चि.प.हो./ होम्योपैथी

निदेशक  
सभी राज्य/केन्द्र शासित प्रदेश शासन  
स्वास्थ्य एवं परिवार कल्याण विभाग/  
आयुर्विज्ञान शिक्षा/आयुष/भा.चि.प.हो./ होम्योपैथी

महोदया/महोदय,

मुझे यह कहने का निदेश हुआ है कि केन्द्रीय परिषद् की कार्यकारिणी समिति की दिनांक 10.02.2016 की बैठक में निर्णय लिया कि सभी राज्य/स.शा.प्र. शासनों को एक परिपत्र जारी किया जाए कि होम्योपैथिक चिकित्सक जो होम्योपैथी में एक मान्य आयुर्विज्ञान अर्हता रखते हैं और राज्य/केन्द्रीय परिषद् से पंजिकृत हैं, को होम्योपैथी केन्द्रीय परिषद् अधिनियम, 1973 की धारा 15(2) एवं होम्योपैथिक चिकित्सा व्यवसायी (वृत्तिक आचरण, शिष्टाचार और नैतिकता संहिता) विनियम, 1982 (2014 तक संशोधित) में प्रावधानित वे सभी प्रमाण पत्र चिकित्सीय व योग्य सहित जारी कर सकते हैं।

आपसे यह आग्रह किया जाता है कि कृपया उक्त जानकारी राज्य/स.शा. क्षेत्र के संबंधित लोगों के ध्यान में ला दें।

भवदीय

4.3.16

(डॉ० आरिस्त दत्ता)  
सहायक सचिव (तकनीकी)

# Some rights of Homoeopaths

- Right to use supplementation and routine diagnostic methods

With reference to your letter dated 19 & 20.07.2012, I am directed to say that the Education Committee of Central Council in its meeting held on 20.11.96 had clarified as follows:-

“होमियोपैथी केन्द्रीय परिषद् अधिनियम, 1973 के धाराओं के अर्न्तगत पंजीकृत होम्योपैथिक चिकित्सकों को होम्योपैथी के द्वारा ही चिकित्सा करनी चाहिए एवं आवश्यकतानुसार रोगियों के खान पान व अन्य तरीके जैसे कि Glucose/Saline/Oxygen/- वगैरह का देना, भी उनके द्वारा अपनाए जा सकते हैं अगर सम्बन्धित चिकित्सक ने उपरोक्त की अपनी शिक्षा के दौरान ट्रेनिंग ली हो।”

Please note that Clinical Establishment Act is applicable on all Clinics & Hospitals including Homoeopathy.

भवदीय,

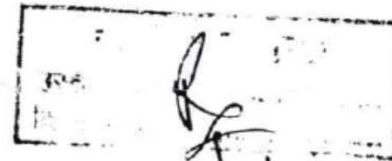


(डॉ. आशिश कट्टा)

सहायक सचिव (तकनीकी)

Dr. Katta

21/8/12  
06-3-17





# Some rights of Homoeopaths

- Right to conduct normal deliveries

Extract of Regulation 24 of Homoeopathic Practitioners (Professional Conduct, Etiquette & Code of Ethics) Regulation, 1982 (as amended as per Notification published in the Official Gazette dated 12-7-2014)

## 24. Engagement for an Obstetrics Case

(1) If a practitioner of Homoeopathy is engaged to attend to a woman during her confinement, he shall do so. Refusal to do so on an excuse of any other engagement shall not be considered ethical except when he is already engaged on a similar or other serious case.

(2) When a practitioner of Homoeopathy who has been engaged to attend on an obstetrics case is absent and another is sent for and delivery is accomplished, the acting practitioner of Homoeopathy shall be entitled to his professional fees; provided he shall secure the patient's consent to withdraw on the arrival of the practitioner of Homoeopathy already engaged.

— X — X —

06-3-17

07/17  
P.I.O., C.C.H.

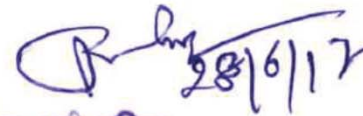
# Some limitations of Homoeopaths

- No right to do Radiological or pathological investigations

**T-170 received from Sh. Rajneesh Kumar Sharma.**

Information	Reply
Can a BHMS doctor perform ultrasound scanning and pathology test, along with reporting, like an MBBS.	No record found available in this Council, hence transferred to Medical Council of India.

  
28.6.17

  
28/6/17

“DB”

अनिल रानी मलिक  
Anil Rani Malik  
कार्यालय अधीक्षक  
Office Supdt.  
केन्द्रीय होम्योपैथी परिषद्  
Central Council of Homoeopathy  
जानकपुरी, नई दिल्ली-58  
Janakpuri, New Delhi-58

Sh. Rajneesh Kumar Sharma,  
 Homoeo Cure and Research Institute,  
 NH-74, Moradabad Road,  
 Kashipur, Uttarakhand- 244713

Subject: Information sought under RTI ACT, 2005.

Sir,

I am directed to refer to your online RTI application dated 18.01.2018 received from Online RTI portal on 08/02/2018 under the RTI Act, 2005, seeking information from this Ministry. With regard to your RTI application, point no. 4 pertains to PNDT Division, the requisite information is as under:-

Information Sought	Information
Point no. 4	<p>Qualification to perform Ultrasonography has been prescribed under the PC &amp; PNDT Act, 1994 and Rules made thereunder. You may please refer Section 2 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and Rule 3(3) of the PC &amp; PNDT (Prohibition of Sex Selection) Rules, 1996.</p> <p>Further, it is to state in this regard that non existing information is not covered under the definition of 'information' in the RTI Act, 2005. Under the RTI Act, 2005 information available in material form can be provided to the applicant. The Public Information Officer is not required to furnish information which requires drawing of inference and/or making assumption; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical question.</p>

2. The First Appellate Authority in this matter is Smt. Bindu Sharma, Director (PNDT), Room No. 209 D, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi.

Yours faithfully,

(Ajay Kumar)

Under Secretary to the Govt. of India & CPIO  
 Tel: 23061883

# Some Bonds for Homoeopaths


[\* 12A. Physician to obey law and regulation:-

A physician, -

- (a) shall not act contrary to the laws regulating the practice of Homoeopathy;
- (b) shall not assist others to disobey the law regulating the practice of Homoeopathy;
- (c) shall act in aid of the enforcement of sanitary laws and regulations in the interest of public health;
- (d) shall comply with the provisions of the Drugs and Cosmetics Act, 1940 (23 of 1940), Drugs and Cosmetics Rules, 1945; the Pharmacy Act, 1948 (8 of 1948); the Narcotic Drugs and Psychotropic Substances Act 1985 (61 of 1985); the Medical Termination of Pregnancy Act, 1971 (34 of 1971), the Transplantation of Human Organ Act, 1994 (42 of 1994); the Persons with Disabilities (Equal Opportunity and Full Participation) Act, 1995 (1 of 1996) and Biomedical Waste (Management and Handling) Rules, 1998 and such other related Acts, Rules, of the Central Government or the State Government or the Local Administrative bodies relating to protection and promotion of public health.]

X — X — X

*Dany*  
01-02-18



# Some common and safer diagnostic tools for Homoeopaths

- Autorefractometer
- Dermo-scope
- Electrocardiograph (ECG)
- Electroencephalograph (EEG)
- Electromyograph (EMG)
- Glucometer
- Goniometer
- Knee Hammer
- Nerve conduction velocity test (NCV)
- Nebulizer
- Non-invasive blood pressure (NIBP)
- Ophthalmoscope
- Otoscope
- Pulse-oximeter
- Rhino-scope
- Sphygmomanometer (BP)
- Spirometer (PFT)
- Stethoscope
- Thermometer
- Tuning Fork
- Uroflow-meter

A hand holding a black pen with gold accents is writing the words "Thank you" in a brown, cursive font on a light green background. The word "Thank" is on the top line and "you" is on the bottom line. The hand is positioned on the right side of the frame, with the pen tip touching the end of the word "you".

Thank

you

## High Class Homoeopathy



### AVAILABLE SERVICES

- 1- OPD
- 2- IPD- General and Private wards
- 5- Pharmacy- Manufacturing and dispensing of high quality Homoeopathic remedies
- 6- Radiology- Ultrasound, X Ray of all types (Plain, Contrast, IVP, Barium Meal, HSG, Mammographyetc.)
- 7- Cardiology- ECG, Echo, TMT, Phonocardiography, Pulse Oximetry etc.
- 8- Endoscopy- Otoscopy, Rhinoscopy (Anterior and Posterior), Laryngoscopy
- 9- Pathology- All type of investigations of blood, urine, semen, sputum, CSF, Ascitic fluid, LP, Biopsyetc.
- 10- Physiotherapy and Rehabilitation- Well qualified and skilled doctors and staff.
- 11- Library- A well-furnished and rich collection of books and e-books on various subjects, more than4000 books ready to be read all the time.

Bhartiya Chikitsak Ratn, Homoeopathic Gem  
awardee

**Dr. Rajneesh Kumar Sharma**  
BSc, BHMS, MD (Homoeopathy), DI (Hom)  
London, hMD (UK) etc.



**Homoeo Cure & Research Institute**  
**ISO 9001:2008, 9001:2015 Certified**  
**NH 74, Moradabad Road, Kashipur**  
**(Uttaranchal)**  
**INDIA, Pin- 244713**  
**Ph. 05947- 260327, 9897618594**

[drrajneeshhom@hotmail.com](mailto:drrajneeshhom@hotmail.com), [drrajneeshhom@yahoo.co.in](mailto:drrajneeshhom@yahoo.co.in)


[www.homeopathyworldcommunity.com](http://www.homeopathyworldcommunity.com)

[www.treatmenthomeopathy.com](http://www.treatmenthomeopathy.com)

\*APPENDIX -2  
[See regulation 38(w)]

LIST OF CERTIFICATES TO BE ISSUED BY DOCTORS FOR THE PURPOSE OF  
VARIOUS ACTS OR ADMINISTRATIVE REQUIREMENTS.

1. Certificates of birth or death or disposal of the dead under various Central Acts or State Acts;
2. Certificates of lunacy and mental illness under the Mental Health Act, 1987 (14 of 1987) and the rules made thereunder.
3. Certificates under the Education Acts.
4. Certificates under the Public Health Acts and the orders made thereunder.
5. Certificates under the Acts and orders relating to the notification of infectious diseases.
6. Certificates under the Employee's State Insurance Act, 1948 (34 of 1948).
7. Certificates in connection with sick benefit insurance and friendly societies.
8. Certificates for procuring or issuing of passports.
9. Certificates of illness for seeking exemption from attending Court of Justice, in public services, in public offices or in ordinary employment.
10. Certificates in connection with matters under the control of Department of Pensions.
11. Certificates for procuring driving license.

 **केन्द्रीय होमियोपैथी परिषद्**  
**CENTRAL COUNCIL OF HOMOEOPATHY**  
अयुष मंत्रालय, भारत सरकार के औषध विभाग के अधीन  
A Statutory Body under Ministry of AYUSH, Govt. of India  
Jawahar Lal Nehru Bhartiya Chikitsa Avum Homoeopathy Anusandhan Bhavan  
No.61-65, Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110 058.  
[An ISO 9001:2008 Certified Organization]

सं 14-18/2015-के.हो.प. 33992-34063 दिनांक : 22 FEB 2016

सेवा में,  
सचिव,  
सभी राज्य/केन्द्र शासित प्रदेश शासन  
स्वास्थ्य एवं परिवार कल्याण विभाग/  
आयुर्विज्ञान शिक्षा/आयुष/भा.चि.प.हो./ होम्योपैथी

निदेशक,  
सभी राज्य/केन्द्र शासित प्रदेश शासन  
स्वास्थ्य एवं परिवार कल्याण विभाग/  
आयुर्विज्ञान शिक्षा/आयुष/भा.चि.प.हो./ होम्योपैथी

महोदय/ महोदय,

मुझे यह कहने का निदेश हुआ है कि केन्द्रीय परिषद् की कार्यकारिणी समिति की दिनांक 10.02.2016 की बैठक में निर्णय लिया कि सभी राज्य/स.शा.प्र. शासनों को एक परिपत्र जारी किया जाए कि होम्योपैथिक चिकित्सक जो होम्योपैथी में एक मान्य आयुर्विज्ञान अर्हता रखते हैं और राज्य/केन्द्रीय परिषद् से पंजीकृत हैं, को होम्योपैथी केन्द्रीय परिषद् अधिनियम 1973 की धारा 15(2) एवं होम्योपैथिक चिकित्सा व्यवसायी (वृत्तिक आचरण, शिष्टाचार और नैतिकता संहिता) विनियम, 1982 (2014 तक संशोधित) में प्रावधित वै सभी प्रमाण पत्र चिकित्सीय व योग्य सहित जारी कर सकते हैं।

आपसे यह आग्रह किया जाता है कि कृपया उक्त जानकारी राज्य/स.शा. क्षेत्र के संबंधित लोगों के ध्यान में ला दें।

भवदीय  
(श्री आशिष दत्ता)  
सहायक सचिव (तकनीकी)

3/2/16  
4.3.16



File No.RTI.12034/619/2017/CGHS-III /E/3132137/2018

**F. No.RTI.12034/619/2017-CGHS.III**  
Government of India  
Ministry of Health & Family Welfare  
Directorate General of Central Govt. Health Scheme  
(CGHS-III)

Nirman Bhawan, New Delhi,  
19/01/2018

To

The CPIO o/o, PNDD Division  
Dept. of Health & Family Welfare,  
A wing, Nirman Bhawan  
New Delhi -110011

**Sub: -RTI application in respect of Sh. Rajneesh Kumar Sharma, Uttrakhand under Right to Information Act, 2005.**

The RTI application dated 14.12.2017 received from Central Council of Homoeopathy, New Delhi in r/o Sh. Rajneesh Kumar Sharma, Uttrakhand is hereby transferred under Section 6(3) of RTI Act, 2005 with a request to provide the information directly to the applicant. If the information does not pertain to you, RTI application may be transferred to the concerned CPIO.

**The First Appellate Authority** -Director, PNDD Division, Room No. 520 ,A wing Nirman Bhawan, New Delhi -110011

Encl: - As above.

(Dr. Pardeep Kumar)  
Addl.Dy.Director General (HQ) & CPIO

Copy to:-

1. Sh. Rajneesh Kumar Sharma, Homoeo Cure and Research Institute, NH-74, Moradabad Road, Kashipur, Uttrakhand-244713.
2. The Central Council of Homoeopathy, (A statutory Body Under the ministry of AYUSH Govt. Of India.) Jawahar Lal Nehru Bhartiya Chikitsa Avum Homoeopathy Anusandhan Bhavan, No. 61-65, Institutional Area, Opp.'D' Block, Janakpuri, New Delhi.

Signature valid

Digitally signed by PARDEEP KUMAR  
Date: 2018.01.19 11:22:22 IST  
Reason: I AM APPROVE



**Sanjeev Kumar "Akash"**  
Advocate

Off.& Resi., Law Palace, Opp. Girital Temple  
Kashipur (Udham Singh Nagar) Uttrakhand  
Email : [law\\_palace@yahoo.com](mailto:law_palace@yahoo.com),  
[aryannamdev@gmail.com](mailto:aryannamdev@gmail.com)  
Ph. (05947)270527.  
Mob-09837271159, 09412410621  
Date: 11-02-2017

Ref.....

To,

Respected Public Information Officer,  
Central council of Homoeopathy,  
Jawaharlal Nehru Bhartiya Chikitsa avum Homoeopathic Anusandhan Bhawan  
61-65, Institutional Area, Opp. 'D' Block, Janak Puri  
New Delhi, PIN - 1100 58.

Subject: We require the following information under the RTI Act 2005

1. Can a Homoeopathic physician who is duly registered in any central or state board of Homocopathy is regarded as Professional doctor? As like a MBBS Doctor.
2. Can a Homoeopathic physician use and report X ray, ECG, Echocardiography, routine Pathology investigations, spirometry, Ultrasound scanning, audiometry, NCV, EEG, EMG, uroflowmetry, laryngoscopy, otoscopy, rhinoscopy etc., the so called modern necessary diagnostic methods as an MBBS does in routine?
3. Can a Homoeopathic physician use stitches, dressings, plastering, nasogastric intubation for nasogastric feeding, IV drips including saline, dextrose, mannitol, electrolytes, whole blood transfusion, blood components transfusion etc. as life preventive measures and supplementation, like an MBBS?
4. Can a Homoeopathic physician conduct labor in his clinic/ hospital?
5. Can a Homoeopathic practitioner do MTP?
6. Why biomedical waste registration is compulsory for a Homoeopathic physician who is running a small-scale Homocopathy dispensary, which does not excrete any bio wastes?

Dear sir you are requested to give us information from para no.1 to Para no.6.. We are also deposited the required fees for information and copying fees. Thank you.

Annx. 1. Indian Postal Order No. 906 501221 for Rs. 50/-  
246739727 # 11-2-17

Your Faithfully,

## CENTRAL COUNCIL OF HOMOEOPATHY

(A Statutory Body under the Ministry of AYUSH Govt. of India)  
Jawahar Lal Nehru Bhartiya Chikitsa Avum Homoeopathy Anusandhan Bhavan  
No.61-65, Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110 058



Speed Post  
Phone: (Direct) 28522906  
28520607  
Fax: 011-28520691  
E-mail: centralcouncil@nic.in  
Website: www.cchindia.com

F.No.21-3/2016-CCH 35750

Dated:-  
07 MAR 2017

To  
Shri Sanjeev Kumar,  
"Akash" Advocate,  
Law Palace, Opp. Girital Temple  
Kashipur (Udham Singh Nagar),  
Uttarkhand/

Sub: Information under RTI Act, 2005.

Sir,

With reference to your RTI application dated 11.02.2017 (received on 17.02.2017, Dy.No. T-604), on the subject cited above, please find enclosed herewith the information as desired.

The First Appellate Authority of this Council is Dr. Lalit Verma, Registrar-cum-Secretary.

Rs. 70/- (out of which Rs. 10/- as application fee + Rs. 10 for documents has been deducted). Rs. 50/- is being refunded shortly.

Yours faithfully,

(Dr. Ashis Datta)  
Public Information Officer

Encl.-7 pages

"A"

आवती टी-604

श्री संजीव कुमार 'अकाश' से प्राप्त सूचना के अधिकार अधिनियम, 2005 के अन्तर्गत  
आवेदन दिनांक 11.02.2017 (परिषद में प्राप्त दिनांक 17.02.2017)

Information Asked	Information
1. Can a Homoeopathic physician who is duly registered in any central or state board of Homoeopathy is regarded as Professional doctor? As like a MBBS Doctor.	Extract of Section 15 of H.C.C. Act, 1973 is relevant in the matter is enclosed.
2. Can a Homoeopathic physician use and report X ray, ECG, Echocardiography, routine Pathology investigations, spirometry, Ultrasound scanning, audiometry, NCV, EEG, EMG, uroflowmetry, laryngoscopy, otoscopy, rhinoscopy etc., the so called modern necessary diagnostic methods as an MBBS does in routine?	Copies of Council's letter No.12-17/84-CCH/12275 dated 20.01.1997 and letter No.14-15/2012-CCH/11753 dated 21.08.2012 are enclosed which is self-explanatory.
3. Can a Homoeopathic physician use stitches, dressings, plastering, nasogastric intubation for nasogastric feeding, IV drips including saline, dextrose, mannitol, electrolytes, whole blood transfusion, blood components transfusion etc. as life preventive measures and supplementation, like an MBBS?	
4. Can a Homoeopathic physician conduct labor in his clinic/hospital?	Extract of Regulation 24 of Homoeopathic Practitioners (Professional Conduct, Etiquette & Code of Ethics) Regulation, 1982 (as amended as per Notification published in the Official Gazette dated 12 <sup>th</sup> July, 2014) is enclosed.
5. Can a Homoeopathic practitioner do MTP?	Extract of M.T.P. Act, 1971 is enclosed.
6. Why biomedical waste registration is compulsory for a Homoeopathic physician who is running a small-scale Homoeopathy dispensary, which does not excrete any bio wastes?	Matter does not come under the purview of this Council.

P.I.O. C.C.H.

अ.प्र.  
06-3-17

Extract of Section 15 of H.C.C. Act, 1973 is relevant in the matter is enclosed.

15.

(2) No person, other than a practitioner of Homoeopathy who possesses a recognised medical qualification and is enrolled on a State Register or the Central Register of Homoeopathy --

(a) shall hold office as Homoeopathic physician or any other office (by whatever designation called) in Government or in any institution maintained by a local or other authority;

(b) shall practise Homoeopathy in any State;

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

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

1 of 1872.

P.I.O., C.C.H.



केन्द्रीय होम्योपैथी परिषद्  
**CENTRAL COUNCIL OF HOMOEOPATHY**

स्वास्थ्य और परिवार कल्याण मंत्रालय, आयुर्वेद, योग और प्राकृतिक चिकित्सा, नूतनी, सिद्ध और होम्योपैथी विभाग (आयुर्वेद), भारत सरकार, नई दिल्ली, भारत  
A Statutory Body under the Ministry of Health & Family Welfare, Dept. of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homoeopathy (AYUSH), Govt. of India

Jawahar Lal Nehru Bhartiya Chikitsa Avum Homoeopathy Anusandhan Bhavan

No.61-65, Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110 058

No. 14-15/2012/CCH 11752

Dated: 21 AUG 2012

Cr:m: CENCOHOM  
Phone: (Direct) 28525582  
28520607  
Fax: 011-28522906  
E-Mail: cenhom@vsnl.com  
Website: www.cchnda.com

To,

Dr. Omprakash Patel,  
S/o Mr. S.L. Patel,  
House No. - R - 35, Jaijpara,  
P.O. & Tah. - Dharamjaigarh,  
Dist. Raigarh,  
State Chhattisgarh - 496116.

Sir,

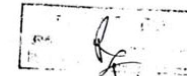
With reference to your letter dated 19 & 20.07.2012, I am directed to say that the Education Committee of Central Council in its meeting held on 20.11.96 had clarified as follows:-

"होम्योपैथी केन्द्रीय परिषद् अधिनियम, 1973 के धाराओं के अन्तर्गत पंजीकृत होम्योपैथिक चिकित्सकों को होम्योपैथी के द्वारा ही चिकित्सा करनी चाहिए एवं आवश्यकतानुसार रोगियों के खान पान व अन्य तरीके जैसे कि Glucose/Saline/Oxygen/- चमक का देना, भी उनके द्वारा उपनाए जा सकते हैं अगर सम्बन्धित चिकित्सक ने उपरोक्त की अपनी शिक्षा के दौरान ट्रेनिंग ली हो।"

Please note that Clinical Establishment Act is applicable on all Clinics & Hospitals including Homoeopathy.

भवदीय,

(डॉ. आशिष कर्ता)  
सहायक सचिव (तकनीकी)



21/8/12

P.I.O., C.C.H.

NO. 011-5622906

क्रमांक-12-17/84-सी०सी०एच०  
केन्द्रीय होमियोपैथी परिषद्  
जवाहर लाल नेहरू भारतीय चिकित्सा  
एवं होमियोपैथी अनुसंधान भवन नं० 61-65,  
इस्ट टॉटलमन रोड, डी ब्लॉक के सामने,  
जन्मपुरी, नई दिल्ली - 110058

1227S

दिनांक: 20.1.97

सेवा में,

डॉ० आर्.एम.सलमानो,  
डॉ० सर्जन्स एसोसिएशन आफ इण्डिया,  
ब्रह्मस्थान, राजमगढ़

विषय:- होमियोपैथी चिकित्सा व्यवसायों के प्रतिष्ठित आचरण शिष्टाचार  
और नैतिक संहिता विनियम 1982 के रेगुलेशन 12 के क्लॉज 4  
के सम्बन्ध में।

\*\*\*\*\*

महोदय,

उपर्युक्त विषयक आपके पत्र क्रमांक एच.एस.आई./96/81 दिनांक  
1.10.96 के संदर्भ में इस परिषद् को शिक्षा समिति ने अपनी 20.11.96  
को हुई बैठक में यह स्पष्ट किया है कि होमियोपैथिक केन्द्रीय परिषद्  
विनियम, 1975 के धाराओं के अन्तर्गत परीक्षित होमियोपैथिक  
चिकित्सकों को होमियोपैथी के द्वारा ही चिकित्सा करनी चाहिए एवं  
आवश्यकतानुसार रोगियों को खान-पान व अन्य तरीके जैसे कि  
Glucose/Saline/Oxygen/ - वगैरह का देना, भी उनके द्वारा  
अनाये जा सकते हैं, अगर सम्बन्धित चिकित्सक ने उपरोक्त अपनी  
शिक्षा के दौरान प्रशिक्षण ली हो।

भवदीय,

§ डॉ० अरिंस दत्ता §  
सहायक सचिव, तकनीक

राज

8  
20.1.97

Signature  
16.1.97  
Secretary of State  
06-3-17

Extract of Regulation 24 of Homoeopathic Practitioners (Professional  
Conduct, Etiquette & Code of Ethics) Regulation, 1982 (as amended  
as per Notification published in the Official Gazette dated 12-7-2014)

24. Engagement for an Obstetrics Case

(1) If a practitioner of Homoeopathy is engaged to attend to a woman during her  
confinement, he shall do so. Refusal to do so on an excuse of any other engagement shall not be  
considered ethical except when he is already engaged on a similar or other serious case.

(2) When a practitioner of Homoeopathy who has been engaged to attend on an obstetrics  
case is absent and another is sent for and delivery is accomplished, the acting practitioner of  
Homoeopathy shall be entitled to his professional fees; provided he shall secure the patient's  
consent to withdraw on the arrival of the practitioner of Homoeopathy already engaged.

X - - - X -

06-3-17

Signature  
07/01/97  
P.I.O., C.C.H.

M.P.A. 1

✓ No termination of pregnancy shall be made in accordance with the Act at any place other than -

(a) a hospital established or maintained by Government, or

(b) a place for the time being approved for the purpose of this Act by Government.

5. (1) The provisions of Section 4, and so much of the provisions of sub-section (2) of Section 3 as relate to the length of the pregnancy and the opinion of not less than two registered medical practitioners, shall not apply to the termination of a pregnancy by a registered medical practitioner in a case where he is of opinion, formed in good faith, that the termination of such pregnancy is immediately necessary to save the life of the pregnant woman.

(2) Notwithstanding anything contained in the Indian Penal Code, the termination of pregnancy by a person who is not a registered medical practitioner shall be an offence punishable under that Code, and that Code shall, to this extent, stand modified.

**Explanation :**  
For the purposes of this section, so much of provisions of clause (d) of Section 2 as relate to the possession, by a registered medical practitioner, of experience or training in gynaecology and obstetrics shall not apply.

3/17  
06-3-17

P.I.O., C.C.H.



**CENTRAL COUNCIL OF HOMOEOPATHY**

(A Statutory Body under the Ministry of AYUSH Govt. of India)  
Jawahar Lal Nehru Shartiya Chikitsa Avum Homoeopathy Anusandhan Bhavan  
No.61-65, Institutional Area, Opp. D' Block, Janakpuri, New Delhi-110 058

Speed Post  
Phone: (Direct) 28525682  
28520907  
Fax: 011-28520691  
E-mail: centralcouncil@ccih.org  
Website: www.cchindia.com

F.No.21-5/2017-CCH 12491

Dated:- 24 JUL 2017

**DECISION**  
In respect of

**APPEAL BY - SH. RAJNEESH KUMAR SHARMA UNDER RTI ACT, 2005.**

The Appeal Registration No. CCFHP/A/2017/60008 dated 12.07.2017 from Sh. Rajneesh Kumar Sharma of Uttarakhand is considered alongwith his RTI request dated 16.06.2017 and letter dated 30.06.2017 of Public Information Officer of Central Council of Homoeopathy.

The Public Information Officer of Central Council of Homoeopathy is asked to confirm from Medical Council of India about information provided by them in the matter to the applicant, if any. However, the applicant has enquired whether a BHMS doctor can perform Ultrasonography and Pathology or not, which does not come in the domain of Medical Council of India as such Public Information Officer may either find out the information from the records of CCH and/or transfer the matter to concerned authorities of Ministry of AYUSH and/ or the Ministry of Health and Family Welfare, Gov. of India. The required action needs to be completed within 10 days time from its receipt.

*(Signature)*  
**(Dr. Lalit Verma)**  
First Appellate Authority and Secretary

1. Dr. Ashis Datta,  
Public Information Officer  
Central Council of Homoeopathy,  
**Janakpuri, New Delhi - 110058**
- ✓ 2. Shri Rajneesh Kumar Sharma,  
Homoeo Cure and Research Institute,  
NH-74, Moradabad Road,  
**Kashipur - 244 713**



### CENTRAL COUNCIL OF HOMOEOPATHY

(A Statutory Body under the Ministry of AYUSH Govt. of India)  
Jawahar Lal Nehru Bhartiya Chikitsa Avum Homoeopathy Anusandhan Bhawan  
No 61-65, Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110 058

Speed Post  
Phone: (Direct) 28525582  
28520607  
Fax: 011-28520691  
E-mail: cc@ccohomoclinic.org@ccohomoclinic.org  
Website: www.cchindia.com

F.No.21-3/2017-CCH 1285P

Dated:-

28 JUL 2017

To

1. CPIO/Addl. Dy. Director General (HQ)  
Govt. of India,  
Ministry of Health & Family Welfare,  
Directorate General of Central Govt. Health Scheme,  
Nirman Bhawan,  
New Delhi
2. Shri Kundan Bharti Sinha,  
Central Public Information Officer,  
Ministry of AYUSH, Govt. of India,  
AYUSH Bhawan, B-Block, GPO Complex, I.N.A.,  
New Delhi - 110023.

Sub:- Information under RTI Act, 2005.

Sir,

In reference this Council's letter dated 24.07.2017 from First Appellate Authority. I am to say that this Council has received an online application, Registration No. ccthp/r/2017/50029 (through online portal) dated 16.06.2017 of Shri Rajneesh Kumar Sharma. As this information is not available in this Council, so it is transferred to you under the provisions of RTI Act, 2005, with the request to make available the necessary information to the applicant directly under intimation to this Council.

Yours faithfully,

(Dr. Ashis Datta)  
Public Information Officer

Copy to:-

1. Shri Rajneesh Kumar Sharma, Homoeo Cure and Research Institute, NH-74, Moradabad Road, Kashipur - 244 713.
2. First Appellate Authority, CCH, Janakpuri, New Delhi - 110058

Public Information Officer

http://JUDIS.NIC.IN

SUPREME COURT OF INDIA

Page 1 of 1

PETITIONER:  
POONAM VERMA

Vs.

RESPONDENT:  
ASHWIN PATEL & ORS

DATE OF JUDGMENT: 10/05/1996

BENCH:  
AHMAD SAGHIR S. (J)  
BENCH:  
AHMAD SAGHIR S. (J)  
KULDIP SINGH (J)

CITATION:  
1996 AIR 2111 1996 SCC (4) 332  
JT 1996 (5) 1 1996 SCALE (4)364

ACT:

HEADNOTE:

JUDGMENT:

J U D G M E N T

S. SAGHIR AHMAD

"Similia Similibus Curantur" (Like Cures Like) is the basis of a system of therapeutics known popularly as Homoeopathy. It is based on the premise that most effective way to treat disease is to use drugs or other agents that produce the symptoms of the disease in healthy persons. This theory had its origin in or about 460 B.C. when the Greek physician, Hippocrates, noted the similarity between the effect of some drugs and the symptoms of the diseases they seemed to relieve. It was, however, in the late 18th Century that this theory was tested and popularised by German Physician, Christian Friedrich Samuel Hahnemann as a new form of therapeutic treatment after six years test study of scores of drugs on himself and others. Ultimately, in 1796, he published his findings in a leading Medical journal under the caption "On a New Principle for Ascertaining the Curative Power of Drugs which set in motion a process of continued research in all directions including its Pharmacology with the result that Homoeopathy is taught today as a positive science in various Medical Colleges all over the country.

2. Respondent No. 1 pursued a 4 years' course in Homoeopathic Medicine and Surgery and after being declared successful in the Examination conducted by the Homoeopathic Medical College, Anand, Gujarat, he was awarded a Diploma in Homoeopathic Medicine and Surgery on the basis of which he was registered as a Medical Practitioner in 1983. Initially, he joined a private nursing home at Bombay where he worked, as he claims, as Chief Medical Officer from 1983 till he opened his own private clinic in 1989 and took up private practice.

3. Pramod Verma, husband of the appellant, was Sales Manager in M/s Encore Marketing P. Ltd. where the last salary drawn by him is said to be Rs.5,700/- out of which he

maintained his family comprising of himself, his wife and two children besides supporting the aged parents.

4. On 4th of July, 1992, Pramod Verma, who complained of fever was examined at his residence by Respondent No.1 (Dr. Ashwin Patel) who kept him on allopathic drugs for viral fever up to 6th July, 1992 and thereafter, for typhoid fever. When condition of Pramod Verma deteriorated, he was shifted to Sanjeevani Maternity and General Nursing Home of Dr. Rajeev Warty (Respondent No.2) as an indoor patient on 12th July, 1992. This was done on the advice of Respondent No. 1. Verma received treatment there till the evening of 14th July, 1992 when he was transferred to the Hinduja Hospital in an unconscious state where, after about four and a half hour of admission, he died.

5. Appellant, thereafter, filed on 14.8.92 Original Petition No. 184 of 1992 before the National Consumer Disputes Redressal Commission (for short, 'commission'), at New Delhi praying for compensation and damages being awarded to her by Respondents 1 and 2 for their negligence and carelessness in treating her husband (Pramod Verma) but the Commission by its judgment and order dated 8.11.1994 dismissed the petition. It is in this judgment which is challenged in this appeal.

6. It appears that in the claim lodged before the Commission it was set out by the appellant that Respondent No. 1 was negligent in administering strong antibiotics to Pramod Verma initially for the treatment of Viral Fever and subsequently for Typhoid Fever without confirming the diagnosis by Blood Test or Urine Examination. It was also set out that Respondent No. 1 was not qualified or even authorised to practise in Allopathic System of Medicine and prescribe allopathic drugs and, therefore, his lack of expertise in the Allopathic System of Medicine was responsible for deficiency in the treatment administered by him.

7. Negligence imputed to Respondent No. 2 is that Pramod Verma, immediately on his admission in the Nursing Home, was put on intravenous Glucose (Dextrose) drip without ascertaining the level of Blood Sugar by a simple Blood Test. This was said to be primarily responsible for constant and steady deterioration of Pramod Verma's condition, but Respondent No. 2 continued to assure the appellant that Pramod Verma would soon recover and there was no need to shift him to a better equipped Hospital. It was, however, in the evening of 14th July, 1992, that Pramod Verma who was already in an unconscious state, was shifted to Hinduja Hospital on the advice of Respondent No. 2.

8. Both the Respondents filed separate counter-affidavits in which they denied the allegation of negligence made against them and contended that they had taken all due and reasonable care to cure Mr. Verma or the ailment from which he suffered. They contended that there was no deficiency in service nor was there any negligence on their part.

9. The exact pleas raised in defence by Respondent No.1 which have been set out by the Commission in its judgment under appeal, are given below:

"It has been submitted by opposite party no. 1 that he has undergone an integrated course of study in both the Homeopathic and Allopathic systems of medicine and was awarded the D.R.M.B. Diploma after his having passed the final examination at the end of a four year course conducted by the Homeopathic

Medical College, Anand, Gujarat. Exhibit Annexure R-1 is a copy of the said diploma and it shows that the said diploma had been awarded after the candidate had been examined inter alia in the following subjects: Anatomy, Physiology, Pathology, Forensic Medicine, surgery, Practice of Medicine, Hygiene, Midwifery and Gynaecology. Opposite party no. 1 has stated in his counter affidavit that during the final year of the study in the Homeopathic Medical college, Anand he had been given training in the Anand Municipal Hospital and also another private nursing home in Anand for a period of six months. Opposite party no. 1 was thereafter enrolled as a Registered Medical Practitioner in the states of Gujarat and Maharashtra with Registration numbers G649 (Gujarat) and 10197 (Maharashtra). Opposite party no. 1 has denied the allegations of the complainant that he is not qualified, competent and authorised to practice the Allopathic system of Medicine. He has submitted that he used reasonable degree of skill and knowledge in treating the complainant's husband and had taken reasonable degree of care of the patient while he was under his treatment.

It is further submitted by opposite party no. 1 in his counter that after the completion of his studies and obtaining the diploma, he had worked as Chief Medical officer at a well known Allopathic clinic by name, Patel Surgical & Nursing Home, Andheri, Bombay from 1983 to 1990 and he had gained very good experience in examining, diagnosing and treating the patients with complaints of various types of sickness and in prescribing necessary Allopathic medicines. It is also submitted by opposite party no. 1 that late Mr. Pramod Verma and his family had been taking Allopathic treatment from him for the sickness of the members of the family ever since they moved into the colony about one and a half years prior to July, 1992 and he had been functioning as their family physician.

According to opposite party no. 1, Mrs. Poonam Verma came to his clinic on the evening of 4th July, 1992 and requested him to see her husband at her home. Accordingly,

opposite party no.1 made a house visit and examined Mr. Pramod Verma in the evening of 4th July, 1992 and on such examination it was found that Shri Verma had fever. Thereupon he prescribed :

- 1) Cap. Ampicillin (500 mg. - four times a day)
- 2) Tab. Paracetamol (500 mg. - 3 times a day)
- 3) Tab. Diavol (2 times a day) and
- 4) Tab B. Complex (2 times a day)

Opposite party no. 1 has stated that he gave the above treatment as he felt it may be a case of viral fever which was then very much prevalent in the locality. Thereafter on 6th July, 1992, Mrs. Verma called opposite party no. 1 again to see her husband and hence he went to examine Mr. Verma at his house on that day in the evening. It was found that Shri Verma had mild fever and since the fever had continued for the third day, opposite party no. 1 states that he advised Mr. Verma to undergo pathological tests, namely, Blood test & urine examination etc. Since enteric fever was prevalent at that time in the locality in question (Asha Nagar) and neighbouring localities of Bombay, opposite party no. 1 prescribed Tab. Quinter (500 mg. 2 times a day for 2 days) in the place of Cap. Ampicillin. It is stated in the counter affidavit that Quinter is a broad-spectrum antibiotic which is active against the broad-spectrum, of gram negative and gram positive bacteria including Enterobacter. According to opposite party no. 1, Mr. Verma thereafter came to his clinic on 8th July, 1992 and on examining him, opposite party no. 1 found that the was not having any fever. Since there was no other complaint also, opposite party no. 1 advised Mr. Verma to continue the same treatment for another two days, i.e. upto 10th July, 1992. It is further averred in the counter affidavit that on 10th July, 1992 Mr. Pramod Verma again came to the clinic of opposite party no. 1, he had no fever but complained of back-ache. Thereupon opposite party no. 1 advised him to continue the same treatment as before and added a pain killer Tab. Ibuflamor MX 2 times a day for two days. He also gave him an injection Diclonac (3 cc.1 I/M (Intra-Muscular) to the patient. Subsequently, at about

10.30 p.m. on the night of 11th July, 1992, the complainant requested opposite party no. 1 to visit her residence to see her husband. Opposite party no. 1 thereupon went there and examined late Mr. Verma. It was found that he had again developed mild fever and was complaining of pain in the shoulder. Opposite party no. 1 then prescribed for him Tab. Vovaron 1 twice daily and Tab. Neopan plus Cap. Becosules 1 twice daily in addition to Quinter and Ibuflamor tablets which he was already taking. The Intra-Muscular injection of Diclonac (3 cc.) was also given to the patient. It is the definite case of opposite party no. 1 that he once again advised Mr. Verma to get pathology investigations done for blood count, E.S.R., urine routine and viral test and told him to meet him with the investigation reports. On the next date - 12th of July, 1992 at about 1 p.m. Mrs. Verma came to the residence of opposite party no. 1 and requested him to see Mr. Verma at their residence. Thereupon opposite party no. 1 visited Mr. Verma at his home and examined him. On clinical examination it was found that he had mild fever and that his blood pressure was 90/70 mm. of Hg. On the patient being asked about the reports of the pathological investigations, opposite party no. 1 was informed that Mr. Verma had not got them done. Thereupon opposite party no. 1 advised the complainant to get her husband admitted to some physician's nursing home of their choice for examination, pathological investigations and further management. It is the case of opposite party no. 1 that at that time, Mrs. Verma herself mentioned the name of Dr. Warty (opposite party no. 2) and suggested admission of the patient into his Sanjeevani nursing home saying that she knew Dr. Warty quite well because she had earlier been admitted for her delivery in Dr. (Mrs.) Warty's Maternity Home. Opposite party no. 1 agreed to the said suggestion and gave a medical note setting out the treatment that he has so far been administering to the patient for being shown to Dr. Warty. The complainant's allegation that opposite party no. 1 had



prescribed strong antibiotics without conducting any pathological investigations is strongly refuted by opposite party no. 1 as incorrect and untrue. He submitted that on the contrary he had specifically advised the deceased Mr. Pramod Verma as early as on 6th July, 1992 to undergo pathological tests and on finding that the tests had not been got done till then this advise was reiterated on the night of 11th July, 1992. But, for reasons best known to himself, Mr. Verma ignored the said suggestion also and did not get the investigations done. When it was found in the after noon of 12th July, 1992 that the patient was not cooperating in getting the investigations done, opposite party no. 1 advised the complainant to get her husband admitted to some physician's nursing home for pathological investigation and further management as it was felt by opposite party no. 1 that it would not be prudent or correct to proceed with the treatment of the patient without getting the requisite pathological investigation done.

Opposite party no. 1 has submitted that the treatment administered by him to late Pramod Verma was correct in every respect and there was no negligence, carelessness or deficiency of any kind on his part in relation to the said treatment given to the deceased Shri Verma during the period 4th July, 1992 to 12th July, 1992.

Respondent No.1 was examined on oath by the Commission, which was keen to know his qualifications and experience in Allopathic System of Medicine. His statement was recorded in question - answer form and the relevant questions and answers given by Respondent No. 1 are set out below:

Mr. Raju Ramchandran,  
Advocate for the  
Opposite Party No.1:

Dr. Patel, can you briefly describe your educational qualification, the number of years you have put in practice, your age?  
I passed my DHMS degree i.e. Diploma in Homeopathic Medicines and Surgery in 1983 and thereafter I jointed in Bombay one Private Nursing Home.

A.

Hon'ble President:

A.

This DHMS is conducted by? This DHMS is conducted by Gujarat Homeopathic Medical Council and from 1983 to 1989 I was working as a Chief Medical Officer there.

Hon'ble Pr.

A.

Where? In Patel Surgical Nursing Home at

Hon'ble Pr.

A.

Mr.Y. Krishnan

A.

Hon'ble Pr.

A.

Hon'ble Pr.

A.

Hon'ble Pr.

A.

Hon'ble Pr.

A.

Hon'ble Pr.

A.

A.

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Q.

A.

Q.

Bombay.

That is your own.

No that is another Patel. He is himself is a Surgeon.

is he an Allopathic Surgeon.

Yes, he is an Allopathic Surgeon.

Upto 1989 I was there, then I

started my private practice and

opened my clinic in 1989 and

another clinic I opened in 1991.

Do you practice allopathy or

homeopathy?

Both, I am practising.

Are you registered as Allopathic

Practitioner?

I am registered with the

Homeopathic Council.

How are you entitled to practice

allopathy?

As and when required in emergency

cases.

Are you permitted in the Medical

Council's Rules to practice allopathy?

In Gujarat it is allowed.

Are you allowed in Maharashtra

I have not gone through.

Your age also for the record.

I am right now running 35.

Dr. Patel, in the course of your

Homeopathic Studies were you also

given instructions in Allopathic

medicines.

Yes.

For how many years is the

Homeopathic course,

Four years.

And your instructions in

Allopathic medicines was for

now long?

That is upto second year when

we got the subject of Anatomy.

When were you working in

Patel Surgical Nursing Home,

you have started your career?

Did you handle Allopathic

cases? Did you prescribe

allopathic medicines.

Yes, in the absence of Dr.

Patel, I have to manage all

the emergency cases including

medicines.

The decision whether to give

Allopathic medicine or

Homeopathic medicine is taken

by you or at the patients

request.

No, I was taking the

decision.

10. The counter-affidavit and the statement of Respondent No.1 recorded by the Commission are self contradictory While in the counter-affidavit, he stated to have studied an integrated course in Allopathic and Homeopathic System of Medicine, in his statement on oath, he categorically stated that he had studied Homeopathy only and instructions in Allopathic medicines were given only in the second year when

fine which may extend to one thousand rupees, or with both."

31. The impact of the above provisions is that no person can practice medicine in any State unless he possesses the requisite qualification and is enrolled as a Medical Practitioner on State Medical Register. The consequences for the breach of these provisions are indicated in Sub-section 3. If a person practices medicine without possessing either the requisite qualification or enrollment under the Act on any State Medical Register, he becomes liable to be punished with imprisonment or fine or both.

32. Apart from the Central Act mentioned above, there is the Maharashtra Medical Council Act 7 1965 dealing with the registration of Medical Practitioners and recognition of qualification and medical institutions. Section 2 (d) defines 'Medical Practitioner' or 'Practitioner' as under :

"Medical Practitioner or Practitioner means a person who is engaged in the practice of modern scientific medicine in any of its branches including surgery and obstetrics, but not including Veterinary medicine or surgery of the Ayurvedic, Unani, Homoeopathic or Biochemic system of medicine (emphasis supplied)

33. It will be seen that the definition consists of two distinct parts; the first part contains the conclusive nature of phrasology and the latter part is the exclusionary part which specifically excludes Homoeopathic or Biochemic System of Medicine. A register of Medical Practitioners is to be maintained in terms of the mandate contained in Section 16(1) of the Act under Sub-section (3), a person possessing requisite qualification and on payment of requisite fee can apply for registration of his name in the aforesaid Register.

34. A combined reading of the aforesaid Acts, namely, the Bombay Homoeopathic Practitioners Act, 1959, the Indian Medical Council Act, 1956 and the Maharashtra Medical Council Act, 1965 indicates that a person who is registered under the Bombay Homoeopathic Practitioners Act, 1959 can practice Homoeopathy only and that he cannot be registered under the Indian Medical Council Act, 1956 or under the State Act, namely, the Maharashtra Medical Council Act, 1965, because of the restriction on registration of persons not possessing the requisite qualification. So also, a person possessing the qualification mentioned in the Schedule appended to the Indian Medical Council Act, 1956 or the Maharashtra Medical Council Act, 1965 cannot be registered as a Medical Practitioner under the Bombay Homoeopathic Practitioners Act, 1959, as he does not possess any qualification in Homoeopathic System of Medicine. The significance of mutual exclusion is relevant inasmuch as the right to practice in any particular system of medicine is dependent upon registration which is permissible only if qualification and that too, recognised qualification, is possessed by a person in that System.

35. It is true that in all the aforesaid Systems of Medicine, the patient is always a human being. It is also true that Anatomy and Physiology of every human being all over the world, irrespective of the country, the habitat and the region to which he may belong, is the same. He has the same faculties and same systems. The Central Nervous System, the Cardio-Vascular System, the Digestive and Reproductive systems etc. are similar all over the world. Similarly,

Emotions, namely, anger, sorrow, happiness, pain etc. are naturally possessed by every human being.

36. But merely because the Anatomy and Physiology are similar, it does not mean that a person having studied one System of Medicine can claim to treat the patient by drugs of another system which he might not have studied at any stage. No doubt, study of Physiology and Anatomy is common in all Systems of Medicines and the students belonging to different Systems of Medicines may be taught physiology and Anatomy together, but so far as the study of drugs is concerned, the pharmacology of all systems is entirely different.

37. an ailment, if it is not surgical, is treated by medicines or drugs. Typhoid Fever, for example, can be treated not only under Allopathic System of medicine, but also under the Ayurvedic, Unani and Homoeopathic Systems of Medicine by drugs prepared and manufactured according to their own formulae and pharmacopoeia. Therefore, a person having studied one particular System of Medicine cannot possibly claim deep and complete knowledge about the drugs of the other System of Medicine.

38. Thebane of Allopathic medicine is that it always has a side-effect. A warning to this effect is printed on the trade label for the use of the person (Doctor) having studied that System of Medicine.

39. Since the law, under which Respondent No. 1 was registered as a Medical Practitioner, required him to practice in HOMOEOPATHY ONLY, he was under a statutory duty not to enter the field of any other System of Medicine as, admittedly, he was not qualified in the other system, Allopathy, to be precise. He trespassed into a prohibited field and was liable to be prosecuted under Section 15(3) of the Indian Medical Council Act, 1956. His conduct amounted to an actionable negligence particularly as the duty of care indicated by this Court in DR. LAXMAN JOSHI'S CASE (SUPRA) WAS BREACHED BY HIM ON ALL THE THREE COUNTS INDICATED THEREIN.

40. Negligence has many manifestations - it may be active negligence, collateral negligence, comparative negligence, concurrent negligence, continued negligence, criminal negligence, gross negligence, hazardous negligence, active and passive negligence, willful or reckless negligence or Negligence per se, which is defined in Black's Law Dictionary as under :

Negligence per se: Conduct, whether of action or omission, which may be declared and treated as negligence without any argument or proof as to the particular surrounding circumstances, either because it is in violation of a statute or valid municipal ordinance, or because it is so palpably opposed to the dictates of common prudence that it can be said without hesitation or doubt that no careful person would have been guilty of it. As a general rule, the violation of a public duty, enjoined by law for the protection of person or property, so constitutes."

41. A person who does not have knowledge of a particular System of Medicine but practices in that System is a Quack and a mere pretender to medical knowledge or skill, or to put it differently, a Charlatan.

42. Where a person is guilty of Negligence per se, no further proof is needed. However, we may notice that Respondent No.1 started treatment of Pramod Verma for Viral Fever as it was "very much prevalent in the locality". Subsequently, he treated Pramod Verma for Typhoid Fever since it was "prevalent at that time in the locality in question and neighbouring localities of Bombay". On both the occasions, treatment was given for fever which Respondent No.1 thought was prevalent in the locality and, therefore, Pramod Verma would also be suffering from that fever. He did not feel it necessary to confirm the diagnosis by pathological tests which would have positively established whether Pramod Verma was suffering from typhoid fever. Respondent No.1 has given out in his statement on oath, recorded by the Commission, that he had advised Blood test and Urine test but Pramod Verma did not get it done. All the prescriptions of Respondent No.1 have been filed by the appellant but on none of them any advice was written by Respondent No.1 for Blood or Urine Test. We cannot ignore the usual practice of almost all the Doctors that when they want pathological tests to be done, they advise in writing or a prescription setting out all the tests which are required to be done. Admittedly, Respondent No.1 had not done it in writing. He says that he had advised it orally. This cannot be believed as this statement is contrary to the usual code of conduct of medical practitioners.

43. The condition of Pramod Verma while under treatment of Respondent No.1 deteriorated so much so that he had to be shifted to the private nursing home of Respondent No.1 and from that nursing home, he was shifted to the Hinduja Hospital in an unconscious state where he ultimately breathed his last.

44. On 29th of November, 1995, the following Order was passed by us:

"This appeal is sequel to a complaint filed by Ms.Poonam Verma, before the National Consumer Disputes Redressal Commission, New Delhi, (the Commission), alleging negligence and deficiency in service on the part of two doctors of Bombay, namely, Ashwin Patel and Rajeev M.Warty. The Commission recorded the statements of both the doctors. Dr. Ashwin Patel as R.W.1 and Dr. Rajeev M.Warty as R.W.3, appeared before the Commission. Dr. Ashwin Patel produced an Expert, namely, Dr.Jitender V.Patel as R.W.2 in support of his case before the Commission.

Dr.Ashwin Patel is admittedly a Homeopath Physician. It is also admitted that he prescribed Allopath medicines to the deceased husband of the complainant. Dr. Rajeev M. Warty is an Allopath Practitioner running a Nursing Home in Bombay. Deceased husband of the complainant was admitted in the Nursing where he stayed for two-three days. Finally the deceased was admitted in Hinduja Hospital, where he passed away within four hours of his admission. No expert

was produced by the complainant before the Commission. The Commission finally dismissed the complaint by a speaking order.

We are of the view that in order to do complete justice between the parties, it is necessary to have opinion from eminent doctors on the basis of the material which is on the record. We, therefore, request the Director of the All India Institute of Medical Sciences, New Delhi to appoint a Board of doctors/Specialist in Medicine and other related branches, to examine the material which is being sent along with this order, regarding the correctness, adequacy and other relative aspects of the treatment rendered to the deceased. The Board shall give its opinion within two weeks of the receipt of this order. Registry to send a copy of this order to the Director of the All India Institute of Medical Sciences, New Delhi, within 2 days along with the following documents:

(1) Copies of the statements of Dr. Ashwin Patel (R.W.1), Dr. Jitender V.Patel (R.W.2) and Dr.R.M.Warty (R.W.3). These documents are at pages 141 to 201 of the record received from the Commission.

(2) Copies of the documents from pages 20 to 48 and 121 to 129 of the above said record.

The opinion of the Board of doctors shall be sent to this Court in sealed cover, with in the period indicated by us.

45. In pursuance of the above Order, Dr. J.N. Pande, Prof. & Head, Deptt. of Medicine, Dr. A.K. Mukhopadhyay, Prof. & Head, Deptt. of Lab. Medicine, Dr. K. Frasad, Assoc. Prof. of Neurology, Dr. Y.K. Joshi, Assoc. Prof. of Gastroenterology, Dr. Kamal Kishore, Assoc. Prof. of Pharmacology and Dr. Shakti Gupta, Asstt. Prof. of Hosp. Admn. of the All India Institute of Medical Sciences examined the record of this case including all the prescriptions and they gave the following opinion:

"Mr.Pramod Verma suffered from fever on the 3rd of July, 1992 and after a brief period of illness of less than 2 weeks he expired on the 15th of July, 1992 at Hinduja Hospital. It was felt that material available to the Medical Board, it is not possible to arrive at a definitive conclusive diagnosis regarding the deceased. It appears most probably that Mr.Verma had an infection leading to septicemia possibly on a background of hitherto unrecognized diabetes mellitus. He probably suffered

from some intracranial complications presumably related to infection and died as a consequence thereof. He received the usual treatment by antipyretics and commonly used antibiotics in the initial stages of his illness as per the usual practice in patients suffering from fever. Mr. Verma's illness however followed a fulminant course with rapid deterioration in his general condition requiring admission into a private nursing home and subsequently to a large referral hospital. From the available information it appears that the treatment administered to Mr. Verma was in keeping with the usual practice in the management of such problems. It is unfortunate that Mr. Verma had rather fulminant course of his disease and expired before the definitive diagnosis could be established."

46. The Professors have not been able to give a positive opinion but they do observe that Pramod Verma died before a positive diagnosis could be established. The sad story had its beginning in the hands of a Quack Allopathic Doctor, namely, Respondent No.1 who, having not studied Allopathic System of Medicine, treated Mr. Pramod Verma in that System and gave Broad Spectrum Antibiotics with antipyretics for Viral Fever "which was prevalent" and then for Typhoid Fever "which was also prevalent" together with tablets as also intra-muscular injections of a sodium compound to relieve him of pain without ascertaining the cause for the pain. Since Pramod Verma had already suffered at the hands of Respondent No.1 and his condition had already been damaged to an unascertainable extent before he was shifted to the clinic of Respondent No.2, we do not, specially in view of the report of the Professors of AIIMS, consider it proper to proceed against Respondent No.2.

47. But we are of the positive opinion that Respondent No.1, having practised in Allopathy, without being qualified in that system, was guilty of Negligence per se and, therefore, the appeal against him has to be allowed in consonance with the maxim Sic Utere tuo ut alienum non loedas (a person is held liable at law for the consequences of his negligence), leaving it to repeat to himself the words of Dr. J.C. Lettson (On Himself) :

'When people's ill, they comes  
to I,  
I physics, bleeds, and sweats  
as:  
Sometimes they live, sometimes  
they die.

What's that to I? I lets 'em.'

48. Pramod Verma was 35 years of age and was getting Rs.5,700/- per month as salary. He died a young death which has deprived his dependants, namely: the widow, two children and parents, of the monetary benefit they were getting. They are entitled under law to be compensated.

49. For the reasons stated above:

(a) The appeal as against Respondent No.1 is allowed and the judgment of the Commission,

to that extent, is set aside. The claim of the appellant is decreed as against Respondent No.1 for a sum of Rs.3,00,000/- payable to her within three months from, today failing which it shall be recoverable in accordance with law.

(b) Medical Council of India constituted under the Indian Medical Council Act, 1956 as also the State Medical Council under the Maharashtra Medical Council Act, 1965 to whom a copy of this Judgment shall be sent shall consider the feasibility of initiating appropriate action against Respondent No.1 under Section 15(3) of the Indian Medical Council Act, 1956 for his having practised in Allopathic System of Medicine without being registered with the Medical Council of India or the State Medical Council as also without possessing the requisite qualifications.

(c) The appellant shall be entitled to her costs which are quantified at Rs. 30,000/-.

he was studying Anatomy. Usually, Pharmacology is taught to students after they have learned Physiology and Anatomy. D.H.M.S. Diploma awarded to Respondent No. 1 though indicates that he had studied Anatomy, Physiology, Pathology, Forensic Medicine, Surgery, Practice of Medicine, Hygiene, Midwifery and Gynaecology, does not mention Pharmacology relating to Allopathic System of Medicine to have been taught to him. He appears to have gained some experience (if at all it can be said to be experience) while he worked as Medical Officer in the private nursing home where he prescribed Allopathic Medicines also. It is admitted by him that he was not registered as a Medical Practitioner in Allopathy under the relevant statutory provisions applicable to the State of Maharashtra to which a detailed reference shall be presently made.

11. It will be seen that Respondent No. 1 had all along treated Pramod Verma under Allopathic System prescribing Allopathic Medicines though he himself was registered as Medical Practitioner with the Gujarat Homeopathic Medical Council as he had studied Homeopathy for 4 years in the medical College at Anand and had, thereafter, obtained a Diploma in Homeopathic Medicine and Surgery. If, therefore, he had not studied Allopathy and had not pursued the prescribed course in Allopathy nor had he obtained any degree or diploma in Allopathy from any recognised Medical College, could he prescribe and administer allopathic medicines, is the question which is to be answered in this appeal with the connected question whether this will amount to actionable negligence.

12. The decision of this Court in Indian Medical Association vs. B.P. Shantha (1955) 1 SCC 651, has settled the dispute regarding applicability of the Act to persons engaged in medical profession either as private practitioners or as Government Doctors working in Hospitals or Govt. Dispensaries. It is also settled that a patient who is a 'consumer' within the meaning of the Act has to be awarded compensation for loss or injury suffered by him due to negligence of the Doctor by applying the same tests as are applied in an action for damages for negligence.

13. Negligence as a tort is the breach of a duty caused by omission to do something which a reasonable man would do, or doing something which a prudent and reasonable man would not do. (See : Blyth vs. Birmingham Waterworks Co. (1856) 11 Ex 781; Bridges vs. Directors, etc. of N.L. Be. (1873-74) LR 7 HR 213; Governor-General in Council vs. Mr. Sallman (1948) 1LR 27 Pat. 207; Winfield and Jolowicz on Tort.)

14. The definition involves the following constituents:

- (1) a legal duty to exercise due care;
- (2) breach of the duty; and
- (3) consequential damages.

15. The breach of duty may be occasioned either by not doing something which a reasonable man, under a given set of circumstances would do, or, by doing some act which a reasonable prudent man would not do.

16. So far as persons engaged in Medical Profession are concerned, it may be stated that every person who enters into the profession, undertakes to bring to the exercise of it, a reasonable degree of care and skill. It is true that a Doctor or a Suregon does not undertake that he will positively cure a patient nor, does he undertake to use the highest possible degree of skills as there may be persons more learned and skilled than himself, but he definitely undertakes to use a fair, reasonable and competent degree of skill. This implied undertaking constitutes the real test, which will also be clear from a study and analysis of the

Judgment in Bolam vs. Friern Hospital Management Committee. (1957) 2 All ER 118, in which, McNaair, J., while addressing the jury summed up the law as under :

The test is the standard of the ordinary skilled man exercising and professing to have that special skill. A man need not possess the highest expert skill; it is well established law that it is sufficient if he exercises the ordinary skill of an ordinary competent man exercising that particular art. In the case of a medical man, negligence means failure to act in accordance with the standards of reasonably competent medical men at the time. There may be one or more perfectly proper standards, and if he conforms with one of these proper standards, then he is not negligent.

17. This decision has since been approved by the House of Lords in Whitehouse vs. Jordan (1961) 1 All ER 267 (HL); Maynard vs. West Midlands Regional Health Authority (1985) 1 All ER 635 (HL); Sidaway vs. Bethlem Royal Hospital (1995) 1 All ER 643 (HL); Chin Keo vs. Govt. of Malaysia (1967) 1 WLR 813 (PC)

18. The test pointed out by McNaair, J. covers the liability of a Doctor in respect of his diagnosis. His liability to warn the patients of the risk inherent in the treatment and his liability in respect of the treatment.

19. This Court in Dr. Lakshman Balakrishna Joshi vs. Dr. TrimbaK Bapu Godbole & Anr. AIR 1969 SC 128, laid down that a Doctor when consulted by a patient owes him certain duties, namely, (a) a duty of care in deciding whether to undertake the case; (b) a duty of care in deciding what treatment to give; and (c) a duty of care in the administration of that treatment. A breach of any of these duties gives a cause of action for negligence to the patient.

20. The principles were reiterated in A.S. Mittal vs. State of U.P. AIR 1989 SC 1570, in which wide extracts from that judgment were made and approved.

21. It is in the light of the above principles that it is to be seen now whether there was a breach of duty of care on the part of Respondent No. 1 in the process of treatment of Pramod Verma.

22. Respondent No. 1, at the relevant time, was practicing at Bombay and admittedly he was also registered under the Bombay Homeopathic Practitioners Act, 1959, in which, 'Homeopathy' has been defined under Section 2(8) as under :  
"Homeopathy means the Homeopathic System of Medicine and includes the Use of Biochemic remedies."

23. 'Practitioner' has been defined in Section 2(12) while 'Registered Practitioner' is defined in section 2(16). 'Recognised Medical Qualification', according to Section (14A) means any of the medical qualifications in Homeopathy, included in the Second or Third Schedule to the Homeopathy Central Council Act, 1973.

24. Registration of Practitioners is dealt with in Chapter IV of the Act. Section 20 provides that the Registrar shall prepare and maintain a register of Homeopathic Practitioners for the State of Maharashtra in accordance

with the provisions of the Act. The particulars which are required to be entered in this register and the persons possessing requisite qualifications, whose names would be entered therein, are indicated in other Sub-sections of this Section.

25. Sub-section 12 (a) of Section 20 provides as under:

"Every registered practitioner shall be given a certificate of registration in the form prescribed by rules and shall practise Homoeopathy only. The registered practitioner shall display the certificate of registration, in a conspicuous place in his dispensary, clinic or place of practice."

26. On registration, a person gets the right to practice. This Section also provides that it shall be lawful for such person to use, after his name, the words "Registered Homoeopathic Practitioner" in full to indicate that his name has been entered in the register under the Act.

27. Under Section 23, the Maharashtra Council of Homoeopathy has been given the power to remove the name of any registered practitioner if he is found guilty of any misconduct. Explanation appended to Section 23(1) defines misconduct, *inter alia*, as any conduct which is infamous in relation to the profession.

28. The rights of Registered Practitioners are indicated in Section 28 which is quoted below:

"28. Notwithstanding anything in any law for the time being in force

(i) the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word importing a person recognised by law as a medical practitioner or member of the medical profession shall, in all Acts of the Legislature in the State of Maharashtra and in all Central Acts (in their application to the State of Maharashtra) in so far as such Acts relate to any matters specified in List II or List III in the Seventh Schedule to the Constitution of India, include a practitioner whose name is entered in the register under this Act;

(ii) a certificate required by any Act from any medical practitioner or medical officer shall be valid if such certificate has been signed by a practitioner whose name is entered in the register under this Act;

(iii) a practitioner whose name is entered in the register shall be eligible to hold any appointment as physician or other medical officer in any homoeopathic dispensary, hospital or infirmary supported by or receiving a grant from the State Government and treating patients

according to the Homoeopathic system of medicine or in any public establishment, body or institution dealing with such system of medicine;

(iv) every registered practitioner shall be exempt, if he so desires, from serving on an inquest under the Code of Criminal Procedure, 1973.

29. The scheme of the Act, therefore, indicates that a person gets the right to practice in Homoeopathy on being registered as a Medical Practitioner. The certificate of registration issued to such practitioner requires him to practice in HOMOEOPATHY ONLY as is clear from the words "AND SHALL PRACTISE HOMOEOPATHY ONLY" used in Sub-section 12(a) of Section 20. Apart from the right to practice, other rights which become immediately available to a person on registration of his name are indicated in Section 28 which, *inter alia*, includes right to treat patients according to the Homoeopathic System of Medicine.

30. Right to practice in Allopathic System of Medicine as also the right to practice in Ayurvedic or Unani System of Medicine is regulated by separate independent Central and Local Acts. Indian Medical Council Act, 1958 deals, *inter alia*, with the registration of persons possessing requisite qualifications as Medical Practitioner in Allopathic System as also recognition of Medical Qualifications and Examinations by Universities or Medical Institutions in India.

Section 15 of this Act provides that any person possessing any of the qualifications mentioned in the Schedule appended to the Act, may apply for the registration of his name. Sub-sections 2 and 3 of Section 15, which are extremely relevant, are quoted below:

"15(2) Save as provided in section

25, no person other than a medical practitioner enrolled on a State Medical Register-

(a) shall hold office as physician or surgeon or any other office (by whatever designation called) in Government or in any institution maintained by a local or other authority;

(b) shall practice medicine in any State;

(c) shall be entitled to sign or authenticate a medical or fitness certificate or any other certificate required by any law to be signed by 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 Indian Evidence Act, 1872 on any matter relating to medicine.

(3) 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

T-170 received from Sh. Rajneesh Kumar Sharma.

Information	Reply
Can a BHMS doctor perform ultrasound scanning and pathology test, along with reporting, like an MBBS.	No record found available in this Council, hence transferred to Medical Council of India.

*[Handwritten signature]*  
28/6/17

*[Handwritten signature]*  
28/6/17

"DB"

डॉ. राजेश कुमर शर्मा  
Ajai Rani Malik  
ऑफिस अवर  
Office Supdt.  
केन्द्रीय आयुर्वेदिक परिषद  
Central Council of Homoeopathy  
जवाहरलाल नेहरू भवन-58  
Janakpuri, New Delhi-58

*[Handwritten signature]*  
30/6/17  
C.C.H.

IMMEDIATE  
RTI MATTER

F. No.RTI.12034/619/2017-CGHS.III  
Government of India  
Ministry of Health & Family Welfare  
Directorate General of Central Govt. Health Scheme  
(CGHS-III)

Nirman Bhawan, New Delhi,  
Dated: the 14/12/2017

To

The Central Council of Homoeopathy,  
(A statutory Body Under the ministry of AYUSH Govt. Of India.)  
Jawahar Lal Nehru Bhartiya Chikitsa Avum Homoeopathy Anusandhan  
Bhavan, No. 61-65, Institutional Area, Opp.'D' Block, Janakpuri, New  
Delhi.

Sub: -Furnishing information sought under RTI Act, 2005- Regarding.

Sir,

With reference to RTI application dated 11/08/2017 transferred from  
CPIO, The Central Council of Homoeopathy, Janakpuri, New Delhi for  
providing information under RTI Act, 2005, It is stated that RTI application  
dt.11/08/2017 is not attached with letter of transfer. You are requested to  
send the copy of RTI for perusal.

(Dr. Pardeep kumar)  
Addl.Dy. Director General (HQ) & CPIO

Copy to:-

✓ Sh. Rajneesh Kumar Sharma, Homoco Cure and Research Institute, NH-74,  
Moradabad Road, Kashipur, Uttrakhand-244713

Signature valid

Digitally signed by PARDEEP  
KUMAR  
Date: 2017.12.13 11:25:28 IST  
Reason: Approved

Government of India  
Ministry of Health & Family Welfare  
(PNDT Section)

Nirman Bhawan, New Delhi.  
Dated the 22 February, 2018.

To  
Sh. Rajneesh Kumar Sharma,  
Homoeo Cure and Research Institute,  
NH-74, Moradabad Road,  
Kashipur, Uttarakhand- 244713

Subject: Information sought under RTI ACT, 2005.


Sir,

I am directed to refer to your online RTI application dated 18.01.2018 received from Online RTI portal on 08/02/2018 under the RTI Act, 2005, seeking information from this Ministry. With regard to your RTI application, point no. 4 pertains to PNDT Division, the requisite information is as under:-

Information Sought	Information
Point no. 4	Qualification to perform Ultrasonography has been prescribed under the PC & PNDT Act, 1994 and Rules made thereunder. You may please refer Section 2 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and Rule 3(3) of the PC & PNDT (Prohibition of Sex Selection) Rules, 1996.  Further, it is to state in this regard that non existing information is not covered under the definition of 'information' in the RTI Act, 2005. Under the RTI Act, 2005 information available in material form can be provided to the applicant. The Public Information Officer is not required to furnish information which requires drawing of inference and/or making assumption; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical question.

2. The First Appellate Authority in this matter is Smt. Bindu Sharma, Director (PNDT), Room No. 209 D, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi.

Yours faithfully,

  
(Ajay Kumar)  
Under Secretary to the Govt. of India & CPIO  
Tel: 23061883

Copy to: - RTI cell, Ministry of H&FW, Nirman Bhawan, New Delhi.

Government of India  
Ministry of Health & Family Welfare  
(PNDT Section)

Nirman Bhawan, New Delhi.  
Dated the 13 February, 2018.

To  
Sh. Rajneesh Kumar Sharma,  
Homoeo Cure and Research Institute,  
NH-74, Moradabad Road,  
Kashipur, Uttarakhand- 244713

Subject: Information sought under RTI ACT, 2005.

Sir,

I am directed to refer to your RTI application dated 14.12.2017 transferred from Directorate General of Central Govt. Health Scheme which was received on 23.01.2018 under the RTI Act, 2005, seeking information from this Ministry. With regard to your RTI application the requisite information is as under:-

Information Sought	Information
Point no. 1	Qualification to perform Ultrasonography has been prescribed under the PC & PNDT Act, 1994 and Rules made thereunder. You may please refer Section 2 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and Rule 3(3) of the PC & PNDT (Prohibition of Sex Selection) Rules, 1996.

2. The First Appellate Authority in this matter is Smt. Bindu Sharma, Director (PNDT), Room No. 209 D, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi.

Yours faithfully,

  
(Ajay Kumar)  
Under Secretary to the Govt. of India & CPIO  
Tel: 23061883

Copy to: -

RTI cell, Ministry of H&FW, Nirman Bhawan, New Delhi.





### CENTRAL COUNCIL OF HOMOEOPATHY

( A Statutory Body under the Ministry of AYUSH Govt. of India )  
Jawahar Lal Nehru Bhariya Chikitsa Avum Homoeopathy Anusandhan Bhavan  
No.61-65, Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110 058

Speed Post  
Phone: (Direct) 28525682  
28520607  
Fax: 011-28520691  
E-mail: cchindia13@yahoosm  
Website: www.cchindia.com

F.No.21-3/2017-CCH (2836)

Dated:- 05 FEB 2018

To  
Shri Rajneesh Kumar Sharma,  
Homoco Cure and Research Institute,  
NH-74 Moradabad Road,  
Kashipur – 244 713  
**Uttarakhand**

**Sub: Information under RTI Act, 2005.**

Sir,

With reference to your online RTI Registration No. CCFHP/R/2018/80006 dated 19.01.2018 (received on 22.01.2018 through online portal vide Dy. No. T-697), on the subject cited above, please find enclosed herewith the information in respect of Point No.4. The matter related to point No. 1 to 3 has been transferred to CCIM and Ministry of Health & Family Welfare through portal on 22.01.2018.

The First Appellate Authority of this Council is Dr. Ashis Datta, Registrar-cum-Secretary. His Phone No. and E-mail id is given above.

Yours faithfully,

(Dr. Shoukath Ali P. K.)  
Public Information Officer

Encl.-03 pages

T-697

Application under Right to Information Act, 2005  
from Rajneesh Kumar Sharma(Kashipur) dated 19.01.2018  
(received in the Council on 22.01.2018)

Information Asked	Information
4.Since the entire syllabi are the same except pharmacology in MBBS material medica in BHMS nighantu in BAMS which are only for therapeutic value not diagnostic what is the criteria of discrimination for various rights in practice by various streams of medicine to heal suffering humanity eg registration in PNDD act signing in pathology reports etc.	Copy of Ministry's letter No.H.11016/6/93-Homoeo dated 23 <sup>rd</sup> Feb., 1994 is enclosed, which is self-explanatory.  Extract of Regulation 12 of Homoeopathic Practitioners (Professional Conduct, Etiquette & Code of Ethics) Regulation, 1982 (as amended as per Notification published in the Official Gazette dated 12 <sup>th</sup> July, 2014) is enclosed, which is self-explanatory.

*Followed*  
01/02/18  
श्रीम. क. क.  
Khem Chand  
अधीनस्थ अधिकारी  
ऑफिस सुपेड.  
सेंट्रल परिषद  
सेंट्रल परिषद  
of Homoeopathy  
जवाहर, नई दिल्ली-58  
Janakpuri, New Delhi-58

*01/02/18*  
P.I.O., C.C.H.

*01-02-18*

NO. H.11016/6/93-Homoeo  
Government of India  
Ministry of Health & Family Welfare

IMMEDIATE

Nirman Bhavan, New Delhi,  
Dated the, 23rd Dec, 1994.

To

The Health Secretaries of all  
States/Union Territories.

Subject:- Prescription by Practitioners of various systems  
of medicines.

Sir,

I am directed to say that there are the following  
Central Acts for practice of medicine by practitioners of  
various systems of medicine indicated against each:-

- President may like to see Dkt. No. 111/14*
- |                         |   |   |
|-------------------------|---|---|
| i) L.M.C. Act, 1956     | - | For Modern System of Medicine.                    |
| ii) L.M.C.C. Act, 1970- |   | For Ayurveda, Sidha and Unani Systems of Medicine |
| iii) H.C.C. Act, 1973   | - | For Homoeopathy System of Medicine.               |

*Abuse 21-7-14*

It has come to the notice of the Government that certain practitioners are practicing in the system of medicine and prescribing medicines for which they are not otherwise eligible as per laws and regulations regarding prescriptions of medicines. This calls for stricter checks by the appropriate authorities.

*President*

It is, therefore, requested that immediate necessary instructions may please be issued to all concerned in this regard and the public at large may also be educated on the different systems of medicines recognised under the law and also the type of treatment each type of practitioner is qualified to give. A copy of the directions issued to the appropriate authorities may also be forwarded to this Ministry for information.

*Pr. 1/1/14*

This may please be treated as immediate.

Yours faithfully,

*Pawan Chopra*  
(PAWAN CHOPRA)  
JOINT SECRETARY

*Pr. 1/1/14*  
Khem Chand  
Secretary  
Central Council of Homoeopathy  
Jangpuri, New Delhi-69

**Extracts taken from the Homoeopathic Practitioners (Professional Conduct, Etiquette and Code of Ethics) Regulations, 1982 (as amended upto July, 2014).**

12. Acts of Negligence

- (1) No practitioner of Homoeopathy shall wilfully commit an act of negligence that may deprive his patient of necessary medical care.
- (2) A practitioner of Homoeopathy is expected to render that diligence and skill in services as would be expected of another practitioner of Homoeopathy with similar qualifications, experience and attainments.
- (3) His acts of commission or omission shall be judged by the standards of professional service expected of him as per the training received by him during his education in Homoeopathy.
- (4) A practitioner of Homoeopathy shall use any drug prepared according to Homoeopathic principles and adopt other necessary measures as required.

[\*12A. Physician to obey law and regulation:-

A physician, -

- (a) shall not act contrary to the laws regulating the practice of Homoeopathy;
- (b) shall not assist others to disobey the law regulating the practice of Homoeopathy;
- (c) shall act in aid of the enforcement of sanitary laws and regulations in the interest of public health;
- (d) shall comply with the provisions of the Drugs and Cosmetics Act, 1940 (23 of 1940), Drugs and Cosmetics Rules, 1945; the Pharmacy Act, 1948 (8 of 1948); the Narcotic Drugs and Psychotropic Substances Act 1985 (61 of 1985); the Medical Termination of Pregnancy Act, 1971 (34 of 1971), the Transplantation of Human Organ Act, 1994 (42 of 1994); the Persons with Disabilities (Equal Opportunity and Full Participation) Act, 1995 (1 of 1996) and Biomedical Waste (Management and Handling) Rules, 1998 and such other related Acts, Rules, of the Central Government or the State Government or the Local Administrative bodies relating to protection and promotion of public health.]

*Delivered 01/02/18*

X — X — X

*Sharma 01-02-18*

Khem Chand  
Secretary  
Central Council of Homoeopathy  
Jangpuri, New Delhi-69

**CENTRAL COUNCIL OF HOMOEOPATHY**

(A Statutory Body under the Ministry of AYUSH Govt. of India)  
Jawahar Lal Nehru Bhartiya Chikitsa Avum Homoeopathy Anusandhan Bhavan  
No.61-65, Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110 058



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Phone: (Direct) 28525682  
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Fax: 011-28520691  
E-mail: cchindia123@yahoo.com  
Website: www.cchindia.com

F.No.21-3/2017-CCH 30598

Dated:- 23 FEB 2018

23 FEB 2018

To,  
Shri Rajneesh Kumar Sharma,  
Homoeo Cure and Research Institute,  
NH-74, Moradabad Road,  
Kashipur - 244 713,  
**Uttarakhand**


**Sub: Information under RTI Act, 2005.**

Sir,

With reference to your online RTI application No. CCFHP/R/2018/80007 dated 24.01.2018 (received in this Council on 29.01.2018 vide Dy.No. T-712), on the subject cited above I am to say that the matter was earlier received through online Portal bearing registration No. CCFHP/R/2018/80006 dated 19.01.2018, which was transferred to the Department of Health & Family Welfare and Central Council of Indian Medicine through portal on 05.02.2018 for point No. 1 to 3 and the information regarding point No. 4 has already been sent to the applicant vide this Council's letter No. 21-3/2017-CCH dated 05.02.2018. Please find enclosed herewith the information as desired by you against RTI application No. CCFHP/R/2018/80007, which was transferred to this Council by Department of Health and Family Welfare, Govt. of India.

The First Appellate Authority of this Council is Dr. Ashis Datta, Registrar-cum-Secretary. His Phone No. and E-mail id is given above.

Yours faithfully,

  
(Dr. Shoukath Ali P.K.)  
Public Information Officer

T-712

Application under Right to Information Act, 2005  
from Sh.Rajneesh Kumar Sharma dated 24.01.2018.

Information Asked	Information
1. Kindly inform what are the types categories of pathology laboratories and what is the definition of basic composite laboratory what are the tests which can be done in it and what are the minimum required qualifications of the person to run this type of laboratory.	The matter does not come under jurisdiction of this Council
2.How many government hospitals including CHCs which are running pathology laboratories Kindly provide their names and addresses also and what are the qualifications of the persons running and signing them.	
3.How many private pathology labs are in Uttarakhand and how many pathologists are there.	Copy of Ministry's letter No.H.11016/6/93-Homoeo dated 23 <sup>rd</sup> Feb., 1994 is enclosed, which is self-explanatory.  Extract of Regulation 12 of Homoeopathic Practitioners (Professional Conduct, Etiquette & Code of Ethics) Regulation, 1982 (as amended as per Notification published in the Official Gazette dated 12 <sup>th</sup> July, 2014) is enclosed, which is self-explanatory.
4.Since the entire syllabi are the same except pharmacology in MBBS material medica in BHMS nighantu in BAMS which are only for therapeutic value not diagnostic what is the criteria of discrimination for various rights in practice by various streams of medicine to heal suffering humanity eg registration in PNDT act signing in pathology reports etc.	

  
22/02/2018  
P.I.O., C.C.H.

IMMEDIATE

NO. H. 11016/6/93-Homoeo  
Government of India  
Ministry of Health & Family Welfare

Nirman Bhavan, New Delhi.  
Dated the, 23rd Dec, 1994.

To

The Health Secretaries of all  
States/Union Territories.

Subject:- Prescription by Practitioners of various systems  
of medicines.

Sir,

*President  
may like  
to see  
Date 23/12/94  
Shukla  
21-12-94*

I am directed to say that there are the following  
Central Acts for practice of medicine by practitioners of  
various systems of medicine indicated against each:-

- i) I.M.C. Act, 1956 - For Modern System of Medicine.
- ii) I.M.C.C. Act, 1970- For Ayurveda, Sidha and Unani Systems of Medicine.
- iii) H.C.C. Act, 1973 - For Homoeopathy System of Medicine.

It has come to the notice of the Government that  
certain practitioners are practicing in the system of medicine  
and prescribing medicines for which they are not otherwise  
eligible as per laws and regulations regarding prescriptions  
of medicines. This calls for stricter checks by the appropriate  
authorities.

*President  
21-12-94  
Pankaj  
21/12/94*

It is, therefore, requested that immediate  
necessary instructions may please be issued to all concerned  
in this regard and the public at large may also be educated  
on the different systems of medicines recognised under the  
law and also the type of treatment each type of practitioner  
is qualified to give. A copy of the directions issued to  
the appropriate authorities may also be forwarded to this  
Ministry for information.

*P/enclosed  
to all States  
Copy for information to  
the Secretary, Ministry of Health & Family Welfare  
to 17/12/94*

This may please be treated as immediate.

Yours faithfully,

*Pawan Chopra*  
(PAWAN CHOPRA)  
JOINT SECRETARY

*22-2-18*

Extracts taken from the Homoeopathic Practitioners  
(Professional Conduct, Etiquette and Code of Ethics)  
Regulations, 1982 (as amended upto July, 2014).

12. Acts of Negligence

- (1) No practitioner of Homoeopathy shall wilfully commit an act of negligence that may deprive his patient of necessary medical care.
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- (3) His acts of commission or omission shall be judged by the standards of professional service expected of him as per the training received by him during his education in Homoeopathy.
- (4) A practitioner of Homoeopathy shall use any drug prepared according to Homoeopathic principles and adopt other necessary measures as required.

[\* 12A. Physician to obey law and regulation:-

A physician, -

- (a) shall not act contrary to the laws regulating the practice of Homoeopathy;
- (b) shall not assist others to disobey the law regulating the practice of Homoeopathy;
- (c) shall act in aid of the enforcement of sanitary laws and regulations in the interest of public health;
- (d) shall comply with the provisions of the Drugs and Cosmetics Act, 1940 (23 of 1940), Drugs and Cosmetics Rules, 1945; the Pharmacy Act, 1948 (8 of 1948); the Narcotic Drugs and Psychotropic Substances Act 1985 (61 of 1985); the Medical Termination of Pregnancy Act, 1971 (34 of 1971), the Transplantation of Human Organ Act, 1994 (42 of 1994); the Persons with Disabilities (Equal Opportunity and Full Participation) Act, 1995 (1 of 1996) and Biomedical Waste (Management and Handling) Rules, 1998 and such other related Acts, Rules, of the Central Government or the State Government or the Local Administrative bodies relating to protection and promotion of public health.]

*X-X-X*

*22-2-18*

Ref: UEPPCB/ROK/शं-12/18/561

दि 23/8/18

सेवा में,

M/s. RAJNISH KUMAR SHARMA HOSPITAL  
MORADA BAD ROAD, KASHIPUR

विषय- जैव चिकित्सा अपशिष्ट प्रबंधन नियम-2016 के अन्तर्गत प्राधिकार तथा विनिर्दिष्ट धाराओं के अनुपालन के संबंध में।

महोदय,

सरकार द्वारा पर्यावरण (संरक्षण) अधिनियम 1986 के अन्तर्गत जैव चिकित्सा अपशिष्ट (प्रबंधन एवं हथालन) नियम 2016 अधिसूचित किया गया है। जिसके अन्तर्गत प्रत्येक चिकित्सा अपशिष्ट को नियम 2016 के अन्तर्गत उचित नियम की धारा-8 के अन्तर्गत दिये गये उपबन्धों के अधीन जैव चिकित्सा अपशिष्ट का पृथक्करण, एकत्रकरण, परिवहन एवं भण्डारण किया जाना है साथ ही उक्त नियम की धारा-10 के अन्तर्गत, जैव चिकित्सा अपशिष्ट को हथालन करने वाले प्रत्येक संस्थान को जिसकी मात्रा चाहे जो भी हो, प्राधिकार हेतु राज्य प्रदूषण नियंत्रण बोर्ड में आवेदन किया जाना है। धारा-4 में अधिभागी को उनके द्वारा किये जाने वाले कार्यों को अधिसूचित किया गया है। प्रत्येक चिकित्सालय को यह भी सुनिश्चित करना है कि उनके द्वारा प्राप्त किये गये उपरोक्त प्राधिकार की वैधता अवधि जल प्रदूषण (नियंत्रण एवं निवारण) अधिनियम 1974 की धारा 25/26 के अन्तर्गत प्राप्ति संचालनाथ सहमति की वैधता अवधि के समकालिन (Synchronise) हो। पूर्व में इस कार्यालय द्वारा दिनांक 06.08.18 07.08.18 व 09.08.18 को निरीक्षण किया गया, जिसके दौरान पाया गया कि आपका चिकित्सालय कई वर्षों से संचालन में है तथा आपके द्वारा वर्तमान तक कोई आवेदन नहीं किया गया न ही आपके चिकित्सालय में जैव चिकित्सा अपशिष्ट के लिए उचित व्यवस्था है, जो आपके स्तर पर घोर लापरवाही एवं प्रकरण के प्रति असंवेदनशीलता को दर्शाता है।

अतः आपको निर्देशित किया जाता है कि आग अगिलम्ब चिकित्सालय से जगित होने वाले जैव चिकित्सालय अपशिष्ट के उपरोक्त नियमों के अनुसार प्रबंधन एवं निस्तारण सुनिश्चित करें एवं बोर्ड से जैव चिकित्सा अपशिष्ट प्रबंधन नियमों के अन्तर्गत प्राधिकार एवं जल अधिनियम के अन्तर्गत संचालनाथ सहमति के साथ वार्षिक शुल्क सहित 10 दिनों में आवेदन करना सुनिश्चित करें। अन्यथा, की दशा में चिकित्सालयों के विरुद्ध नियमानुसार कार्यवाही जिसमें भी शामिल है, किये जाने की संस्तुति बोर्ड मुख्यालय कर दी जायेगी, जिसकी सम्पूर्ण उत्तरदायित्व स्वयं चिकित्सालय को होगा।

भवदीय

(डा० अशोक कंसल)

क्षेत्रीय अधिकारी

- प्रतिलिपि-1. सदस्य सचिव महोदय, उत्तराखण्ड पर्यावरण संरक्षण एवं प्रदूषण नियंत्रण बोर्ड, देहरादून को सूचनाार्थ सादर प्रेषित।  
2. मुख्य चिकित्साधिकारी रुद्रपुर, जनपद-उधमसिंहनगर को सूचनाार्थ प्रेषित।

क्षेत्रीय अधिकारी

No. N-24026/67/2013 PNDT  
GOVERNMENT OF INDIA  
MINISTRY OF HEALTH AND FAMILY WELFARE  
(Department of Family Welfare)

Nirman Bhavan, New Delhi - 11011

01.11.2013

The Secretary to the Govt. of Indian State, UT

Sub- Clarification notification regarding practice of Gynaecology & obstetric and diagnostic Ultrasonography by ISM Graduates.

Sir,

National Integrity Medical Association has represented that they are institutionally qualified graduates of Indian System of Medicine and they are eligible to carry out various diagnostic procedures and other technological innovations, and practice modern medicines including surgery, Gynecology and Obstetrics, as per the Circular issued from time to time by the Central Council of Indian Medicine.

The matter has been examined by the Government. In view of the notifications / letters issued by CCIM from time to time. It is clarified that institutionalized qualified practitioners of Indian systems of Indian Medicine (Ayurvedi, Siddha & Unani) are eligible to practise Indian Systems of Indian Medicine and Modern Medicine including Surgery, Gynecology and Obstetrics based on their training and teaching which are included in the syllabi of via courses of ISM prescribed by Central Council of Indian Medicine after approval of the Government of India.

The meaning of the word "Modern Medicine" (Advances) means advances made in various branches of Modern Scientific Medicine Clinical, Non-clinical, bio-Sciences also technological innovations made from time to time and nobly that the courses and curriculum conducted and recognized by the Central Council of Indian Medicine are supplemented with such Modern Advances.

Further, it is clarified that the rights of practitioners of Indian Systems of Medicine to practise Modern Scientific System of Medicine (Allopathic Medicine) are protected under Section 17 (3) (b) of Indian Medicine Central Council Act 1970.

Further, holders of Ayurvedacharya (BAMS) Kamil - e - Bab - e - Jarahat (BUMS), and equivalent qualification included in second schedule to IMCC Act, 1970 are competent to use Modern Technological Innovation e.g Radiology, Ultrasonography, E.C.G., etc in their clinical practice on the basis of their teaching and training, as notified already by CCIM notification No. 8-5/06-AY (MM) dated 06.01.2009.

However, it is made clear that they will not violate any of the provisions of the pre-Natal Diagnostic Techniques (Prohibition) of Sex Selection Act, 1994 and the Medical Termination of Pregnancy Act, 1971.

Your's faithfully

Sd/  
MADHY BALA  
Director

## Homoeopathic Practitioners - (Professional Conduct, Etiquette & Code of Ethics)

### Regulations 1982

(As amended as per notification published in the Official Gazette dated July 12, 2014)



### CENTRAL COUNCIL OF HOMOEOPATHY

Jawahar Lal Nehru Bhartiya Chikitsa Avum Homoeopathy Anusandhan Bhavan  
No.61-65, 5th & 6th Floor, Institutional Area, Opp. D Block, Janakpuri,  
New Delhi-110058

(Approved by the Central Government vide Ministry of Health & Family Welfare letter No.V.27021/7/81 – Homoeo. dated the 12th August, 1981 and published by the Central Council of Homoeopathy vide Notification No.2 in Part III Section 4 of the Gazette of India Extraordinary dated the 16th March, 1982 and subsequent corrigendum notified in Official Gazette dated Nov. 11, 1982, and further amended as per notification published in Official Gazette dated July 12, 2014)

### CENTRAL COUNCIL OF HOMOEOPATHY

#### REGULATIONS

In exercise of the powers conferred by clause (1) of section 33 read with section 24 of the Homoeopathy Central Council Act, 1973 (59 of 1973), the Central Council of Homoeopathy, with the previous sanction of the Central Government, hereby makes the following regulations, namely : -

1. These regulations may be called the Homoeopathic Practitioners (Professional Conduct, Etiquette and Code of Ethics) Regulations, 1982.

#### I. DECLARATION AND OATH

2. (a) At the time of registration, each applicant shall submit the following declaration and oath read and signed by him to the Registrar concerned attested by the Registrar himself or by a registered practitioner of Homoeopathy : -

- (1) I solemnly pledge myself to consecrate my life to the service of humanity.
- (2) Even under threat, I will not use my medical knowledge contrary to the laws of humanity
- (3) I will maintain the utmost respect for human life.
- (4) I will not permit considerations of religion, nationality, race, political beliefs or social standing to intervene between my duty and my patient.
- (5) I will practise my profession with conscience and dignity in accordance with the principles of Homoeopathy and/or in accordance with the principles of biochemic system of medicine (tissue remedies)
- (6) The health of my patient shall be my first consideration.
- (7) I will respect the secrets which are confided to me.
- (8) I will give to my teachers the respect and gratitude which is their due.
- (9) I will maintain by all means in my power the honour and noble traditions of medical profession
- (10) My colleagues will be my brothers and sisters
- (11) I make these promises solemnly, freely and upon my honour

- (b) Hahnemannian Oath  
"On my honour I swear that I shall practise the teachings of Homoeopathy, perform my duty, render justice to my patients and help the sick whosoever comes to me for treatment.

May the teachings of master Hahnemann inspire me and may I have the strength for fulfilment of my mission."

#### II GENERAL PRINCIPLES

3. **Character of Medical Practitioner**  
The primary object of the medical profession is to render service to humanity with full respect for the dignity of man; financial reward is a subordinate consideration. Whosoever chooses this profession assumes the obligation to conduct himself in accordance with its ideals. A practitioner of Homoeopathy shall be an upright man, instructed in the art of healing. He shall keep himself pure in character and be diligent in caring for the sick. He shall be modest, sober, patient and prompt and do his duty without anxiety, and shall be pious and conduct himself with propriety in his profession and in all the actions of his life.
4. **Standards of Character and Morals**  
The medical profession expects from its members the highest level of character and morals, and every practitioner of Homoeopathy owes to the profession and to the public alike a duty to attain such a level. It shall be incumbent on a practitioner of Homoeopathy to be temperate in all matters, for the practice of medicine requires unremitting exercise of a clear and vigorous mind.
5. **Practitioner's Responsibility**

A practitioner of Homoeopathy shall merit the confidence of patients entrusted to his care, rendering to each full measure of service and devotion. The honoured ideals of the medical profession imply that the responsibilities of a practitioner of Homoeopathy extend not only to individuals but also to the entire society.

- (5A) (i) A registered medical practitioner shall maintain a Register of Medical Certificates containing the details of the medical certificates issued by him which shall be in the manner specified in Appendix-1.
- (ii) While issuing medical certificate referred to in sub-regulation (1), he shall enter the identification mark of the patient and keep a copy of the same.
- (iii) The medical practitioner shall obtain the signature or thumb mark of the patient and record at least one identification mark and address of the patient on the medical certificate.

6. (1) **Advertising**

Solicitation of patients directly or indirectly by a practitioner of Homoeopathy either personally or by advertisement in the newspapers, by placards or by the distribution of circular cards or handbills is unethical. A practitioner of Homoeopathy shall not make use of, or permit others to make use of, him or his name as a subject of any form or manner of advertising or publicity through lay channels which shall be of such a character as to invite attention to him or to his professional position or skill or as would ordinarily result in his self-aggrandisement provided that a practitioner of Homoeopathy is permitted formal announcement in press about the following matters, namely :-

- (i) the starting of his practice;
- (ii) change of the type of practice;
- (iii) change of address;
- (iv) temporary absence from duty;
- (v) resumption of practice
- (vi) succeeding to another's practice.

(2) He shall further not advertise himself directly or indirectly through price lists or publicity materials of manufacturing firms or traders with whom he may be connected in any capacity, nor shall he publish cases, operations or letters of thanks from patients in non-professional newspapers or journals provided it shall be permissible for him to publish his name in connection with a prospectus or a director's or a technical expert's report

7. **Payment of Professional Service**

(1) A practitioner of Homoeopathy engaged in the practice of medicine shall limit the sources of his income to fees received from professional activities for services rendered to the patient. Remuneration received for such services shall be in the form and amount specifically announced to the patient at the time the service is rendered; in all other cases he shall deem it a point of honour to adhere to the compensation for professional services prevailing in the

community in which he practices.

- (2) Fees are reducible at the discretion of the practitioner of Homoeopathy and he shall always recognize poverty as presenting valid claims for gratuitous services;
- (3) It shall be unethical to enter into a contract of "no cure no payment";

8. **Rebates and Commission**

A practitioner of Homoeopathy shall not give, solicit or receive, nor shall he offer to give, solicit or receive, any gift, gratuity, commission or bonus in consideration for the referring, recommending or procuring of any patient for medical, surgical or other treatment nor shall he receive any commission or other benefit from a professional colleague, trader of appliances, dentist or an oculist. [^or from laboratory or diagnostic centres].

**III. DUTIES OF HOMOEOPATHIC PRACTITIONERS TO THEIR PATIENTS**

9. **Obligations to the Sick**

Though a practitioner of Homoeopathy is not bound to treat each and every one asking for his services except in emergencies, he shall, for the sake of humanity and the noble traditions of the profession, not only be ever ready to respond to the calls of the sick and the injured, but shall be mindful of the high character of his mission and the responsibility he incurs in the discharge of his professional duties.

10. **Patient not be Neglected**

- (1) A practitioner of Homoeopathy is free to choose whom he will serve provided he shall respond to any request for his assistance in an emergency or whenever temperate public opinion expects the service.
- (2) Once having undertaken a case, a practitioner of Homoeopathy shall not neglect the patient nor shall he withdraw from the case without giving notice to the patient, his relatives or his responsible friends sufficiently long in advance of his withdrawal to allow them time to secure another practitioner.

11. (a) The following shall be valid reasons for his withdrawal :-

- (1) where he finds another practitioner in attendance;
- (2) where remedies other than those prescribed by him are being used;
- (3) where his remedies and instructions are refused;
- (4) where he is convinced that illness is an imposture and that he is being made a party to a false pretence;
- (5) where the patient persists in the use of opium, alcohol, chloral or similar intoxicating drugs against medical advice;
- (6) (6) where complete information concerning the facts and circumstances of the case are not supplied by the patient or his relatives.

(b) The discovery that the malady is incurable is no excuse to discontinue attendance so long as the patient desired his services.

12. Acts of Negligence

- (1) No practitioner of Homoeopathy shall wilfully commit an act of negligence that may deprive his patient of necessary medical care.
- (2) A practitioner of Homoeopathy is expected to render that diligence and skill in services as would be expected of another practitioner of Homoeopathy with similar qualifications, experience and attainments.
- (3) His acts of commission or omission shall not be judged by any non-Homoeopathic standards of professional service expected of him but by those standards as are expected from a Homoeopath of his training, standing and experience.
- (4) A practitioner of Homoeopathy shall use any drug prepared according to Homoeopathic principles and adopt other necessary measures as required.

(12A) **Physician to obey law and regulation:-**

A physician, -

- (a) shall not act contrary to the laws regulating the practice of Homoeopathy;
- (b) shall not assist others to disobey the law regulating the practice of Homoeopathy;
- (c) shall act in aid of the enforcement of sanitary laws and regulations in the interest of public health;
- (d) shall comply with the provisions of the Drugs and Cosmetics Act, 1940 (23 of 1940), Drugs and Cosmetics Rules, 1945; the Pharmacy Act, 1948 (8 of 1948); the Narcotic Drugs and Psychotropic Substances Act 1985 (61 of 1985); the Medical Termination of Pregnancy Act, 1971 (34 of 1971), the Transplantation of Human Organ Act, 1994 (42 of 1994); the Persons with Disabilities (Equal Opportunity and Full Participation) Act, 1995 (1 of 1996) and Biomedical Waste (Management and Handling) Rules, 1998 and such other related Acts, Rules of the Central Government or the State Government or the Local Administrative bodies relating to protection and promotion of public health.

13. **Behaviour Towards Patients**

The demeanour of a practitioner of Homoeopathy towards his patients shall always be courteous, sympathetic, friendly and helpful. Every patient shall be treated with attention and consideration.

14. **Visits**

A practitioner of Homoeopathy shall endeavour to add to the comfort of the sick by making his visits at the hour indicated to the patients.

15. **Prognosis**

- (1) The practitioner of Homoeopathy shall neither exaggerate nor minimize the gravity of a patient's condition. He shall ensure that the patient, his relatives or responsible friends have such knowledge of the patient's condition as will serve the best interest of the patient and his family.

- (2) In cases of dangerous manifestations, he shall not fail to give timely notice to the family or friends of the patient and also to the patient when necessary.

16. **Patience, Delicacy & Secrecy**

Patience and delicacy shall characterize the attitude of a practitioner of Homoeopathy. Confidences concerning individual or domestic life entrusted by patients to a practitioner and defects in the disposition or character of patients observed during the medical attendance shall not be revealed by him to anyone unless their revelation is required by the laws of the State.

**IV DUTIES OF PRACTITIONERS TO THE PROFESSION**

17. **Upholding honour of Profession**

A practitioner of Homoeopathy shall, at all times, uphold the dignity and honour of this profession.

18. **Membership of Medical Society**

For the advancement of his profession a practitioner of Homoeopathy may affiliate himself with Medical Societies and contribute his time, energy and means to their progress so that they may better represent and promote the ideals of the profession.

19. **Exposure of Unethical Conduct**

A practitioner of Homoeopathy shall expose, without fear or favour, the incompetent, corrupt, dishonest or unethical conduct on the part of any member of the profession.

20. **Association with Unregistered Persons**

A practitioner [omitted] shall not associate himself professionally with any body or society of unregistered practitioners of Homoeopathy.

21. **Appointment of Substitutes**

Whenever a practitioner of Homoeopathy requests another to attend to his patients during his temporary absence from practice, professional courtesy requires the acceptance of such appointment by the latter, if it is consistent with his other duties. The practitioner of Homoeopathy acting under such an appointment shall give the utmost consideration to the interests and reputation of the absent practitioner. He shall not charge either the patient or the absent practitioner of Homoeopathy for his services, except in the case of a special arrangement between them.

All such patients shall be restored to the care of the absent practitioner of Homoeopathy upon his return.

22. **Charges for service to Practitioners of Homoeopathy**

- (1) There is no rule that a practitioner of Homoeopathy shall not charge another practitioner of Homoeopathy for his services, but a practitioner of Homoeopathy shall consider it a pleasure and privilege to render gratuitous service to his professional brother and his dependents, if they are in his vicinity or to a medical student.
- (2) When a practitioner of Homoeopathy is called from a distance to attend or advise another practitioner of Homoeopathy or his dependents reimbursement shall be made for travelling and other incidental expenses.



23. (1) The practitioner of Homoeopathy called in an emergency to visit a patient under the care of another practitioner of Homoeopathy shall, when the emergency is over, retire in favour of the latter; but he shall be entitled to charge the patient for his services.
- (2) When a practitioner of Homoeopathy is consulted at his own residence, it is not necessary for him to enquire of the patient if he is under the care of another practitioner of Homoeopathy
- (3) When a consulting practitioner of Homoeopathy sees a patient at the request of another practitioner of Homoeopathy, it shall be his duty to write a letter stating his opinion of the case with the mode of treatment he thinks is required to be adopted.
24. **Engagement for an Obstetrics Case**
  - (1) If a practitioner of Homoeopathy is engaged to attend to a woman during her confinement, he shall do so. Refusal to do so on an excuse of any other engagement shall not be considered ethical except when he is already engaged on a similar or other serious case.
  - (2) When a practitioner of Homoeopathy who has been engaged to attend on an obstetrics case is absent and another is sent for and delivery is accomplished, the acting practitioner of Homoeopathy shall be entitled to his professional fees; provided he shall secure the patient's consent to withdraw on the arrival of the practitioner of Homoeopathy already engaged.
25. When it becomes the duty of a practitioner of Homoeopathy occupying an official position to see and report upon an illness or injury, he shall communicate to the practitioner of Homoeopathy in attendance so as to give him an option of being present. The medical officer shall avoid remarks upon the diagnosis or the treatment that has been adopted.

#### V. DUTIES OF PRACTITIONERS IN CONSULTATION

26. **Consultation shall be Encouraged**  
In cases of serious illness, especially in doubtful or difficult conditions the practitioner of Homoeopathy shall request consultation. He shall also do so in perplexing illness, in therapeutic abortions, in the treatment of a woman who had procured criminal abortion, in suspected cases of poisoning, or when desired by the patient or his representative.
27. **Punctuality in Consultation**  
Utmost punctuality shall be observed by a practitioner of Homoeopathy in meeting for consultation. If the consultant practitioner of Homoeopathy does not arrive within a reasonable time such as a quarter of an hour after the appointed time, the first practitioner of Homoeopathy shall be at liberty to see the patient alone provided he shall leave his conclusion in writing in a closed envelope.
28. **Patient referred to another Physician**  
When a patient is referred to another practitioner of Homoeopathy by the attending practitioner of Homoeopathy, a statement of the case shall be given to the latter practitioner of Homoeopathy. The latter practitioner of Homoeopathy shall communicate his opinion in writing in a closed cover direct to the attending practitioner of Homoeopathy.
29. **Consultation for Patient's Benefit**  
In every consultation, the benefit to the patient shall be of first importance. All practitioners of Homoeopathy interested in the case shall be candid with a member of the patient's family or responsible friends.
30. **Conduct in Consultation**

- (1) In consultations, there shall be no place for insincerity, rivalry or envy. All due respect shall be shown to the practitioner of Homoeopathy in charge of case and no statement or remarks shall be made which would impair the confidence reposed in him by the patient. For this purpose, no discussion shall be carried on in the presence of the patient or his representatives.
- (2) All statements of the case to the patient or his representatives shall take place in the presence of all the practitioners consulting, except as otherwise agreed; the announcement of the opinion to the patient or his relations or friends shall rest with the attending practitioner of Homoeopathy.
- (3) Differences of opinion shall not be divulged unnecessarily; provided when there is an irreconcilable difference of opinion, the circumstances shall be frankly and impartially explained to the patient or his friends.
- (4) It shall be open to them to seek further advice if they so desire.
31. **Cessation of Consultation**  
Attendance of the consulting practitioner of Homoeopathy shall cease when the consultation is concluded, unless another appointment is arranged by the attending practitioner of Homoeopathy.
32. **Treatment after Consultation**
  - (1) No decision shall restrain the attending practitioner of Homoeopathy from making such subsequent variations in the treatment as any unexpected change may require; provided at the next consultation, reasons for variation are stated.
  - (2) (1) The same privilege, with its obligations, belongs to the consultant when sent for in an emergency during the absence of the attending practitioner of Homoeopathy. The attending practitioner of Homoeopathy may prescribe at any time for the patient, but the consultant, only in case of emergency.
33. **Consultant not to take charge of the case**
  - (1) When a practitioner of Homoeopathy has been called as a Consultant none but the rarest and most exceptional circumstances shall justify the consultant taking charge of the case.
  - (2) He must not do so merely on the solicitation of the patient or his friends.
34. **Bar against Consulting Non-registered Practitioner**  
No practitioner of Homoeopathy shall have consultation with any practitioner of Homoeopathy who is not registered.

#### VI. DUTIES OF PRACTITIONERS TO THE PUBLIC

35. **Practitioners as Citizens**  
*Practitioners of Homoeopathy as good citizens, possessed of special training, shall advise concerning the health of the community wherein they dwell. They shall play their part in enforcing the laws of the community and in sustaining the institutions that advance the interest of humanity. They shall cooperate with the authorities in the observance and enforcement of sanitary laws and regulations and shall observe the provisions of all laws relating to Drugs, Poisons and Pharmacy made for the protection and promotion of public health.*
36. **Public Health**

Practitioners of Homoeopathy engaged in public health work, shall enlighten the public concerning quarantine regulations and measures for the prevention of epidemic and communicable disease. At all times the practitioners shall notify the constituted public health authorities of every case of communicable disease under their care, in accordance with the laws, rules and regulations of the health authorities. When an epidemic prevails, the practitioner of Homoeopathy shall continue his labours without regard to the risk to his own health.

37. **Dispensing**

A practitioner of Homoeopathy has a right to prepare and dispense his own prescription.

**VII. PROFESSIONAL MISCONDUCT**

38. [\* The following acts of commission or omission by a practitioner shall constitute professional misconduct and he shall be liable for disciplinary action, namely:-

- a) if the practitioner contravenes any of the provisions of these regulations;
- b) if the practitioner fails to display the registration number accorded to him by the State Homoeopathic Council or Board or the Central Council of Homoeopathy, as the case may be, in his clinic;
- c) if fails to maintain the records of prescription and certificates issued by him;
- d) if commits the offence of adultery or misbehaves with a patient, or maintaining an improper association with a patient;
- e) if convicted by a court of law for offences involving moral turpitude;
- f) if signs or gives under his name and authority any certificate, report or document of kindred character which is untrue, misleading or improper;
- g) if contravenes the provisions of law relating to the Drugs and Cosmetics Act, 1940 (23 of 1940) and the rules made thereunder;
- h) if sells a drug or poison prohibited by the Drugs and Cosmetics Act, 1940 (23 of 1940).
- i) if performs or encourages un-qualified person to perform abortion or any operation;
- j) if issues certificates in Homoeopathy to unqualified or non-medical persons:

Provided that nothing contained in these regulations shall prevent or restrict the proper training and instruction of legitimate employees of doctors, midwives, dispensers, attendants or skilled mechanical and technical assistants under the personal supervision of practitioners of Homoeopathy.

- k) if affixes a signboard in the shop of a chemist or in a place where he does not reside or work;
- l) if discloses the secrets of a patient that have been learnt in the exercise of profession, except in a court of law under order of the presiding judge;
- m) if contravenes the guidelines issued by the concerned Council :

Provided that nothing contained in these regulations shall apply if he conducts the Clinical

Drug Trials or other Research involving patients or Volunteers as per the guidelines of Council constituted for Homeopathy by the Central Government or State Government:

Provided further that in all cases regard shall be had to the ethical consideration.

- n) if publishes photographs or case-reports of patients in any medical or other journal:

Provided nothing contained in these regulations shall apply if the same is published with the consent of the patient or without disclosing his identity.

- o) if exhibits in public the scale of fees:

Provided that nothing contained in these regulations shall apply if he displays the same in the physician's consulting or waiting room;

- p) if he uses touts or agents for procuring patients;
- q) if he claims to be a specialist without possessing a special qualification in the branch concerned;
- r) if he contravenes the provisions of sub-regulation (4) of regulation 12;
- s) if he advertises or notifies the name of the institution or clinic in which no facility is offered, names of the diseases not treated;
- t) if he publishes the names or photographs of doctor running or attending the clinic or institution in the advertisement;
- u) if he affixes a sign board unusually large in size and having on it anything other than the name of the practitioner and his qualification with the name of the awarding authority;
- v) if he refuses to treat the patients on the grounds of religion or caste;

Provided that nothing contained in these regulations shall apply if he writes for laying in the press under Provided that nothing contained in these regulations shall apply if he writes for laying in the press under his own name in matters of public health, hygiene or occasionally delivers a public lecture, gives talks on television or radio relating to health or hygiene without suggesting specific treatment or prescription;

- w) if he issues any certificate referred to in Appendix- 2 which is false, untrue, misleading or improper, his name shall be removed from the Register of Homoeopathic Practitioners.

39. \* Disciplinary Action.—

- 1) If a homoeopathic practitioner commits any act of misconduct, the State Board may,—

(a). take such disciplinary action as it thinks fit;  
(b). remove his name from the Register of State Homoeopathic practitioners permanently or for specified period if convicted of any offence;  
Provided that no action under this sub-regulation shall be taken without giving the practitioner a reasonable opportunity of being heard;  
Provided further that no complaint of misconduct under this regulation shall be maintained

unless the complaint has been made to the State Board or State Council in the form of an affidavit on a non-judicial stamp paper of rupees one hundred, duly attested by a Notary Public or Oath Commissioner.

- 2) The State Board shall forward its decision referred to in sub-regulation (1) to the Central Council.
- 3) The aggrieved homoeopathic practitioner may prefer an appeal to the Central Council against the decision of the State Board and the Central Council may decide the case after giving the practitioner and the State Board an opportunity of being heard.
- 4) The Council may direct the State Board to restore the name of the practitioner in the State Register after the expiry of the period for which the name of the practitioner was removed.
- 5) The Council may restrain the practitioner from practicing homoeopathy during the pendency of the complaint.
- 6) While deciding the complaint of professional incompetency, the Central Council shall take the opinion of peer group of practitioners as specified by the Central Council of Homoeopathy.
- 7) No complaint against a practitioner for misconduct shall be allowed unless it is made within a period of six months from the date of the alleged misconduct.]

\*APPENDIX-I  
[See regulation 5A (1)]

**FORM OF CERTIFICATE RECOMMENDED FOR LEAVE OR EXTENSION OR  
COMMUNICATION OF LEAVE AND FOR FITNESS**

Signature of patient  
Or thumb impression \_\_\_\_\_

To be filled in by the applicant in the presence of the Government Medical Attendant, or Medical Practitioner.

Identification marks:-

1. \_\_\_\_\_
2. \_\_\_\_\_

I, Dr. \_\_\_\_\_ after careful examination of the case hereby certify that \_\_\_\_\_ whose signature is given above is suffering from \_\_\_\_\_ and I consider that a period of absence from duty of \_\_\_\_\_ with effect from \_\_\_\_\_ is absolutely necessary for the restoration of his or her health.

I, Dr. \_\_\_\_\_ after careful examination of the case certify hereby that \_\_\_\_\_ on restoration of health is now fit to join service.

**Signature of Medical Attendant.**

Place \_\_\_\_\_  
Date \_\_\_\_\_

Registration No. \_\_\_\_\_

(Central Council of Homoeopathy/State Council of Homoeopathy)

**Note.** — The nature and probable duration of the illness should also be specified. This certificate must be accompanied by a brief resume of the case giving the nature of the illness, its symptoms, causes and duration.