Homoeopaths with LCEH can practise allopathy - Mumbai HC

Bombay High Court (HC) directed the state government Monday to allow homoeopaths to practise allopathy.

In a February 4, 2002, circular, the state had asked doctors holding licences under Mumbai Homoeopathic Practitioners Act, 1959, to restrict practice to homeopathy.

LCEH (licentiate of the court of examiners in homeopathy) Doctors Association challenged the circular in November 2010, asking the government and the medical education department to consider eligibility of homoeopaths to practice allopathy.

On March 31, 2011, secretary, medical education and medical drugs department, rejected its application. The association then moved HC.

It said the four-year LCEH course that included study of allopathy with homoeopathy was started in Maharashtra in 1951 and continued till 1982.

The association told HC there were only about 800 such doctors in the state. Its counsel A A Kumbhakoni said the course was aimed at creating "barefoot doctors" who would attend to patients in rural and inaccessible areas. These doctors did not treat serious ailments or carry out invasive surgeries but prescribed allopathic drugs for treatment of minor ailments, the counsel said.

However, Bombay Homoeopathic & Biochemic Practitioners (Amendment) Act, 1985, restricted the doctors to "homoeopathic and biochemic systems of medicine" in June 1988. The question before the court was whether an amendment enforced in 1988 would be applicable to petitioners who had already completed the LCEH course.

Justices S J Vazifdar and Mridula Bhatkar noted that there was nothing in the amended Act that made it retrospective.

"Clearer language would be required to make the provision retrospective, for it substantially adversely affects the rights of persons with LCEH qualification practicing in fields other than homoeopathic and biochemic systems of medicine," they said.[Source]