

Supreme Court judgment of Homeopathy practitioners

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In news

Recently, the country's apex Court stated that Homeopathy practitioners can prescribe 'immunity boosters', cannot claim Covid cure

Key highlights of the judgment

- The apex court ruled that Institutionally qualified practitioners can prescribe homeopathic medicines as "preventive measure/immunity boosters" for Covid-19 patients, but cannot label them as a cure for the disease
- Supreme Court bench of Justices Ashok Bhushan, R Subhash Reddy and M R Shah, which upheld a Kerala High Court order in this regard, however, did not approve of the high court direction sanctioning action under the Disaster Management Act, 2005 against doctors violating the guidelines and advertising it as a cure.
- The Apex Court was hearing an appeal by the Dr A K B Sadbhavana Mission School of Homeo Pharmacy, which said that the direction to take action against errant physicians under the Disaster Management Act was uncalled for and outside the scope of the original petition.

The Apex Court's order on advertisement by homeopathic practitioners

It said that in so far as advertisement by homeopathic practitioners is concerned, it is clearly prohibited by the Homeopathic Practitioners (Professional Conduct, Etiquette and Code of Ethics) Regulations, 1982.

The bench said “When statutory regulations itself prohibit advertisement, there is no occasion for homeopathic medical practitioners to advertise that they are competent to cure Covid-19 disease. When the scientists of the entire world are engaged in research to find out proper medicine/vaccine for Covid-19, there is no occasion for making any observation as contained in paragraph 14 with regard to Homeopathic medical practitioners. The homeopathy does not cure the disease, but it cures the patients,”.

On Ministry of AYUSH advisory for AYURVEDA Practitioners for Covid 19

The Supreme Court also pointed out that the March 6 advisory by the AYUSH Ministry had permitted homeopathy practitioners to prescribe medicines as preventive and prophylactic, for symptom management of Covid-19 like illnesses, and as add-on interventions to conventional care.

It also took note of an affidavit filed by the ministry stating that homeopathic medical practitioners have been permitted to prescribe the drugs, as mentioned in its guidelines, as an add-on drug to the conventional treatment for patients who have been tested Covid positive and are undergoing conventional treatment and that “the only embargo is that the said medicines should not be administered or advertised as a cure”

Homeopathic Practitioners (Professional Conduct, Etiquette and Code of Ethics) Regulation 1982

Registered Homoeopathic Practitioner Would be required to fully abide by the Homoeopathic Practitioners (Professional Conduct, Etiquette and Code of Ethics) Regulation 1982

It also provides for declaration and oath by each practitioner

On Advertising:

It states that, 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 hand-bills 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 big self-aggrandizement provided that a petitioner of Homoeopathy is permitted formal announcement in press about the following matters namely:

- the starting of his practice
- change of the type of practice
- change of address
- temporary absence from duty
- resumption of practice
- succeeding to another's practice.