

# THE HAHNEMANNIAN GLEANINGS

*with which is incorporated*  
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## EDITORIAL

### THE STATUS OF REGISTERED HOMŒOPATHIC PRACTITIONERS IN THE EYE OF THE LAW OF THE STATE

It is often remarked in the homœopathic practitioners' parlance that their status is just the same as it was before the Homœopathic State Faculty, West Bengal was constituted and their registration with the said Faculty was effected. Their charge against the Government and the State Faculty is that their certificates issued by them are not accepted by the former or any other concern which chooses to reject those medical certificates of sickness, fitness or otherwise. It is not a fact that our Homœopathic State Faculty is sleeping over it. Times without number our Faculty has drawn the attention of the Governments both of the State and the Centre to the anomalous position of the said Faculty. The Homœopathic State Faculty, West Bengal is a statutory body constituted by executive order of the Governor of the Province. By virtue of powers vested on the Faculty it issues diplomas to the successful candidates authorising them to practice Homœopathic medicine, surgery, etc. within the province of West Bengal. In other words they are allowed to take charge of sick men and to treat them. But it is a paradox that certificates for medical leave, fitness or birth and death, issued by those

registered homœopathic practitioners will not be accepted by those whom they might concern. What does it imply? Either the people who need medical certificates in connection with their illness, will not get themselves treated by those doctors whose certificatory rights are officially denied; or the patients have to secure a false certificate from an allopathic doctor (with certificatory rights) for the interest of their services or place themselves under the treatment of allopathic doctors towards the fag end of their sickness. These factors were also brought to the notice of the Hon'ble Health Minister at New Delhi. To solve this impasse, the Ministry of Home Affairs sent a circular to all Ministries of the Government of India on the 1st February 1952 (per O. M. No. 38/3/52-Ests.) to the following effect:

Subject—Recognition of medical certificates granted by the Ayurvedic, Unani or Homœopathic medical practitioners for purposes of grant of leave, for fitness to return to duty, etc.

The relevant sections are as follows:

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(1) As a rule, medical certificates only from "authorised medical attendant or from a registered allopathic medical practitioner" will be accepted in support of applications by Government servants for leave on medical grounds [cf. S. R. 229 (a)], or for purpose of S. R. 212.

(2) Medical certificates issued by registered Ayurvedic or Unani practitioners i.e., by Registered Vaid or Hakim, will also be accepted for purposes of Supplementary Rules 229 (a) and 212, provided that such certificates are accepted, for the relevant purpose, in respect of its own employees by the Government of the State in which the Central Govt. employee falls ill or to which he proceeds for treatment.

(3) Medical certificates issued by registered Homœopathic practitioners will not be accepted for any purpose for which a medical certificate is a pre-requisite under the Supplementary Rules or any other applicable Rules.

(4) Notwithstanding anything contained in the preceding sub-paragraph the leave sanctioning authority may, in its discretion, either altogether waive the requirements of a medical certificate or may accept a certificate from a Vaid, Hakim or a Homœopath in cases of applications for leave on grounds of sickness for periods not exceeding 3 days at a time. Such leave shall not however be treated as "leave on medical certificate" and shall be debited against leave other than leave on medical grounds.

The Central Government of India issued this circular to regularise the absence of general orders existing at present to govern the admissibility of medical certificates granted by the Ayurvedic, Unani or Homœopathic medical practitioners to Government servants for the grant of casual or other leave on medical grounds etc. But is it not a glaring instance of the "confusion made worse confounded" or of the step-motherly attitude of the Government towards Homœopathy or the Homœopathic practitioners?

The Homœopathic State Faculty, West Bengal sent a deputation to wait on the Hon'ble Health Minister at New Delhi (in June 1952) to clarify and rectify this anomalous situation arising out of the said circular. As usual the Health Minister agreed to look into the matter and advised the West Bengal Homœopathic Faculty to take up the matter with the West Bengal Government. They were driven from pillar to post and neither the Central Government nor the West Bengal State Government did anything to clear up the situation.

The Faculty drew the attention of the West Bengal Government to this subject for many times. After a considerable time the West Bengal Government forwarded a copy of a letter sent by the said Government to the Central Government wherein was stated that the Homœopathic State Faculty was of recent origin and the teaching in Homœopathy was not standardised up to mark so that the West Bengal Govt. was not in a position to accept the certi-

ificate issued by Registered Homœopathic Practitioners for the present.

A great row was created by a certain section of the Homœopathic press that the West Bengal Government has cancelled the acceptance of the medical certificates issued by Homœopathic practitioners registered with the General Council and the State Faculty of the Homœopathic medicines, West Bengal. A certain interested section insinuated with this statement that as if the certificates of the Registered Homœopathic practitioners were so long accepted by the Government and due to some fault on the part of the Faculty the previous recognition of the certificatory rights of the said practitioners was taken away. Any body who follows the sequence of events will realise whether the Faculty is to be blamed for this.

In the meantime the anomalous situation continued i.e. the medical certificates issued by Registered Homœopathic practitioners were in some cases accepted by the Government departments or other concerns and sometime rejected by others. The Faculty was trying its best to redress this grievance but failed in its attempt so far as the West Bengal Government kept mum over the situation. The Faculty repeatedly asked for an interview with the Chief Minister of West Bengal who happen to be also in charge of the Health Department, but was not favoured with one as yet.

Some responsible registered Homœopathic Practitioners were thinking of making a test case in the Court of Law by invoking the Section 226 of the Constitution of India in case the medical certificates issued by them were rejected by West Bengal Government departments or any other concern.

Fortunately, a decision of the learned Judge before the Fifth Industrial Tribunal, West Bengal was published in the Calcutta Gazette April 9, 1953, in the matter of a complaint under Section 33A of the Industrial Disputes Act (XIV of 1947), as amended by the Industrial Disputes

(Appellate Tribunal) Act, 1950, filed by one Mahendra Das, Ticket No. 541, Moulding Department, B. Shift, of Messrs. Asbestos Cement Ltd., against the aforesaid Company. (Vide The Calcutta Gazette, April 9, 1953, pp. 1133).

We present the readers the relevant portions from the Award granted by Shri G. Palit, Dt. Judge, Judge Fifth Industrial Tribunal:

The petitioner's contention is that his service under this Company dates back six years and a half, i.e. since the 24th April 1946. He was suddenly taken ill in course of his duty on the 11th November 1952. The Medical Officer of the factory permitted him to leave the factory and granted him subsequently sick leave for 3 days. The petitioner was treated by a private doctor named Dr. Nalini Ranjan Roy, D.M.S. He submitted a medical certificate from the said doctor recommending him 3 days' leave provisionally from the 12th November 1952. Thereafter the disease was diagnosed to be Typhoid fever, and he could not recover till the 24th November 1952. At 10 a.m. on that day he turned up before the factory with a medical certificate of fitness from the said doctor, but he was bewildered to see that his service was being retrenched with effect from that day. The petitioner claims under Section 33A of the Industrial Disputes (Appellate Tribunal) Act, 1950, for an order for reinstatement with retrospective effect and for suitable reliefs.

Here this workman was admittedly taken ill. He was admittedly granted 3 days' sick leave as per Ext. C., up to the 14th November 1952. The petitioner had a sense of duty and so he sent a medical certificate by his attending doctor recommending him leave up to the 15th November 1952 as per Ext. B. The Medical Officer of the Company as per Ext. CI has refused to accept this certificate because it revealed spelling mistakes and because the date was inaccurate...

...There is, however, nothing to contradict the medical certificate as per Ext I. This certificate purports to show

that the petitioner was suffering from Typhoid and was under the treatment of Dr. Nalini Ranjan Roy from the 15th November 1952 to the 23rd November 1952. The doctor of the Company, O. P. W. I., contends that if one suffers from Typhoid he cannot be cured within 10 days. But Typhoid is after all a generic term which may be loosely applied to the case of a paratyphoid, and other such cases of the enteric group. The doctor in this case is a registered doctor. I do not see how he should be disbelieved. He holds a diploma of D.M.S. This degree in Homœopathy is granted by the Association approved by the Government. Homœopathy may not be very precise in the matter of giving the name of the disease under the Allopathic nomenclature, but is that the reason why this should be straight way disbelieved and that only by the surmise of the Company's doctor? It is contended on behalf of the Company that this doctor should have been examined. We know how limited are the resources of a workman, particularly when he has undergone expenses of treatment. Can we expect that he would go in for further expenses by producing the doctor before the Tribunal? Besides, when there is no evidence on behalf of the Company to contradict the story of illness set up by the workman and supported by the medical certificate of a registered doctor, I find it hard to disbelieve the story. That being the position, I accept that the workman was ill from the 11th November 1952 to the 23rd November 1952 as per those certificates.

..Regarding the relief that the workman would be entitled to by way of reparation I hold that he would be reinstated with effect from the 24th November 1952, and the period prior to that will be treated as sick leave on terms as in vogue under the Company. He would get full wages and dearness allowances from the 24th November 1952 up to the date he is reinstated. He must be reinstated within one week of the award coming into force.'

The decision of the learned judge in this case speaks for itself. This case is a pointer to homœopathic practi-

tioners who grumble that nothing has been done to improve their status since the inception of the Homœopathic State Faculty. We are fighting for the rights and privileges of Registered Homœopathic Practitioners. He who runs may read the signs of our eventual victory in this struggle.

—B. K. S.

## BIHAR HOMŒOPATHIC VASANT SAMMELAN

### WELCOME ADDRESS

DR. D. C. KERN

Hon'ble Sri Deva Sharan Sinha Jee, Dr. B. K. Sarkar, Representatives of Sri Ram Krishna Mission, the Gaudiya Math, the Bihar State Homœopathic Association, the Bihar State Homœopathic Federation, the Missionary Society of India—Bihar Branch, Delegates, Ladies & Gentlemen,

I rise to welcome you on my behalf, on behalf of the State Council of Homœopaths, the provincial Executive of the Bihar State Homœopathic Science Congress and also on behalf of Dr. Habibul Haque, M.L.C., Chairman and other members of the Reception Committee. Welcome you all are to this ancient city of Pataliputra, a city against whose flanks splash the waves of the holy Ganga reminding one, as it were, of the fact that mansions may be meant for kings but greater men live in humble huts and from there they guide the destinies of the Nation. Friends, even a dirty-looking old street of this city may have something to tell you of a Guru Govind and the fragments of excavated earthen wares, of a great Asoka. All these are thoughts that must throw any son or daughter of the soil into ecstasy and make it possible to become oblivious of the inconveniences met with in the way or the troubles that may be awaiting you. The fact is that we have not been able to arrange for you