

AN APPEAL

THE HON'BLE SHRI B. G. KHER,
Chief Minister, Government of Bombay,
Bombay.

Sir,

We the undersigned members of the deputation appointed by the Homœopaths of Bombay State at a meeting held on 20th May, 1951, beg to submit the following few lines for favour of your kind consideration.

1. The Bombay Medical Practitioners Act of 1938 was passed to regulate the qualifications and to provide for the registration of the Indian systems of Medicine with a view to encourage the study and spread of such systems.

2. The Preamble to the act clearly lays down that this act was passed exclusively for practitioners of the Indian Systems of Medicine, which phrase has been defined in the Act to mean Ayurveda and Unani Tibbi systems of Medicine.

3. Section 16 of the Act provides for registration of practitioners of the Indian Systems of Medicine and under section 16 sub-section 2, provides (now repealed) persons who have worked as apprentice under a practitioner or have training in an institution or have passed an examination or have put in 10 years practice, on payment of Rs. 10/- and the last date for receiving applications for such Registration was 4th November, 1941.

4. There is no provision at all in this Act for the registration of Homœopaths. Some of the Homœopaths, however, who applied for Registration, were placed on a "LIST" under section 18B. Thus the Homœopathic practitioners who were so placed on the list were not entitled to sign or authenticate a birth or death certificate required by any law or rule to be signed or authenticated by a duly

qualified practitioner or were qualified to give evidence in any court of law or to sign or grant a medical or physical fitness certificate which privileges were given only to those medical practitioners who were registered under the Act. In addition to the above disabilities for Listed Homœopaths; they were further debarred from having any representation on the State Medical Board constituted under the Act.

5. Section 32 of the Act prohibits the practice of any medical science by any person who is not Registered or placed on the List under this Act and section 34 provides the necessary penalty for contravention of the provisions of section 32. Section 36 (E) provides for an exemption from the operation of section 32 and section 34 for practitioners of Homœopathy provided such practitioners have undergone a course of training in Homœopathy for such period and in such institution and have passed an examination as may be prescribed by the provincial Government. We, however, regret to have to say that the Provincial Government has not as yet prescribed any such period of training or any institution or any examination and as such this proviso becomes inoperative in law and the exemption granted to Homœopaths under section 36 (E) from the operation of sections 32 and 34 becomes absolute.

6. This Medical Practitioners Act was amended in 1949. The amendment to section 31 given as section 31C provides for registration or enlistment of Ayurved and Unani refugees and persons of merged states by the Registration Tribunal appointed under the Act. Incidentally, sub-section 2 of section 31C gives an opportunity to practitioners of any other medical science to be enlisted or registered at the sole discretion of the Registration Tribunal which has no Homœopath as its member and which, therefore, can hardly be expected to give any fair and reasonable consideration to Homœopathy.

7. Apparently the inclusion of this section makes a great show of favour to Homœopaths by offering an oppor-

tunity to them for getting registration or for being placed on the List but unfortunately the limitations placed in the sub-section are such that only those who were in actual and regular practice on 4th November, 1941 are eligible for making an application for the said purpose. As a result of this procedure any Homœopath who started his practice on or after 5th November, 1941 has got no right to apply for being placed even on the list. The sponsors of the Act, it seems have taken care to see that no Homœopath should come into existence after 4th November, 1941. This is how they have put the last nail in the coffin of Homœopathy in Bombay.

8. While the Government of India is trying to create conditions by which the three medical sciences, Ayurveda, Unani and Homœopathy may be able to attain their full status and be placed on a level with Allopathy, the Government of Bombay, has completely and finally sealed the fate of Homœopathy for ever and no door has been left open to them. Can there be anything more unfortunate or regrettable than this act of the Government which has imposed deadly disabilities on the Homœopaths without giving them any rights or privileges under the said Act? A law that creates duties and obligations without giving any corresponding rights and privileges is from all juristic and equitable points of view most unfair and unjust.

9. The third Health Ministers Conference held in August-September 1950 passed certain resolutions regarding the three Medical Sciences, *i.e.*, Ayurveda, Unani and Homœopathy. One of these resolutions No. IV recommends, to all State Governments that a State Medical Board for the aforesaid three medical sciences should be appointed to regulate the practice of the three Medical Sciences by their practitioners. May we ask in all humility that while more than nine months have passed since these resolutions were passed by the Third Health Ministers Conference what steps have been taken by the Government of Bombay to imple-

ment those resolutions? There is already such a Board in existence for Ayurveda and Unani but there is no such Board for Homœopathy. Is there any justification for this discrimination against Homœopathy. It is this great wrong to Homœopathy and Homœopaths that we request you to set right first and forthwith.

10. There is a very large number of Homœopaths practising in the State of Bombay and on a rough estimate we may put down their number to be approximately 10,000 and the number of patients under their treatment is legion. This is a positive proof of the ever increasing popularity and demand for Homœopathy as far as the public is concerned.

At present these Homœopaths have no status or legal recognition under the existing law. The Government has therefore to provide a machinery to give them a legal status and to regulate the practice of Homœopathy in future. For, unless it is done, the Government would defeat by its own inaction the very purpose of regulating the practice of Homœopathy and putting a stop to any malpractices. It is, therefore, in the interest of both the Government and the Homœopaths that immediate steps should be taken to bring up comprehensive legislation to regulate the practice of Homœopathy. We feel that a great injustice has been done to Homœopaths in not giving them the same status as has been given to the practitioners of Ayurveda and Unani.

11. The Governments of Madhya Pradesh, Uttar Pradesh, Bengal, Bihar, Orissa, Baroda and Travancore have already passed laws for regulating the practice of Homœopathy and for imparting Homœopathic education on sound modern lines, and other States Governments are taking active steps to put forth such legislation as soon as possible. Even the British Parliament has passed a statute giving statutory recognition to Homœopathy and even lay Homœopaths are allowed to practise in England. It is surprising

to note that why of all the State Governments, the Government of Bombay is so reluctant to do anything favourable to Homœopathy, even though the Central Government have accepted the recommendations of the Homœopathic Enquiry Committee.

12. The amended Medical Practitioners Act of 1949 even goes to the extent of constituting a State Faculty of Ayurveda and Unani in addition to the State Medical Board provided by the old Act.

Homœopaths also are as good citizens of the State as Vaidyas and Hakims. The constitution of India provides for equal opportunities to all the citizens without any discrimination of any kind whatsoever. The constitution further guarantees free choice of profession to all citizens. Why should then the Homœopaths of Bombay be debarred from practising Homœopathy?

13. In conclusion we beg to place our demands before you as under and humbly request you that you will be good enough to give them your best consideration.

(a) Registration of Homœopaths so as to give them the same legal status as is given to Allopaths, Vaidyas and Hakims.

(b) Appointment of a State Medical Board for Homœopathy as recommended by the Third Health Ministers Conference.

(c) Constitution of a State Faculty of Homœopathic Medicine for regulating the teaching of Homœopathy.

(d) Comprehensive and omnibus legislation relating to the various matters pertaining to the practice of Homœopathy and Homœopaths.

(e) Providing for institutions for teaching of Homœopathy by starting colleges and attached hospitals solely by

the Government or by substantially subsidising such other institutions as may be started by private enterprise or by public bodies.

1. DR. B. R. CHUGHHA,
Leader of Deputation.
2. DR. C. M. LAKDAWALA,
3. DR. S. R. WADIA,
4. DR. F. N. SURVEYOR,
5. DR. V. V. ATHALYE,
6. MR. N. C. VAKIL,
7. DR. U. M. MENON.

Bombay, 31st May, 1951.

COPY OF RESOLUTION NO. IV PASSED BY THE
THIRD HEALTH MINISTERS CONFERENCE HELD
IN AUGUST-SEPTEMBER, 1950 AT NEW DELHI.

IV. *Registration and Regulation of the professions of
Ayurveda, Unani and Homœopathy.*

The State Medical Boards appointed for the purpose of regulating registration and practice in these three systems should deal with standards of education with supervision over instructions, and with professional conduct in the respective systems. These Boards should not deal with problems relating to the starting of institutions and their management as has been contemplated in certain bills sponsored by some State Governments. Other organisations should be established for these purposes. Those who have qualified themselves after the five years course should be eligible for registration. Those who take a smaller course should not be eligible for registration. The membership of the respective Medical Boards should consist of registered practitioners of the systems concerned and of registered practitioners of Modern Medicine. They may also have a legal adviser on them.