

Bombay HC asks State Govt to take final decision on LCEH issue

Vishwas Kothari, TNN, Nov 18, 2010

PUNE: The Bombay high court has directed the state government and the medical education department to take a final decision within four months on whether homeopathy practitioners, who acquired an LCEH (licentiate of the court of examiners in homeopathy) qualification prior to 1982, are entitled to practise in any other branch of medicine.

The court issued the directive while disposing of a writ petition (No. 794 of 2006) filed by the LCEH Doctors' Association and two of its members, seeking directives that homeopathy practitioners having a licentiate qualification be recognised as persons practising the modern scientific system of medicine for the purpose of the Drugs and Cosmetics Act, 1940 and the Drugs and Cosmetics Rules, 1945.

According to Arun Bhasme, dean of homeopathy faculty at the Maharashtra University of Health Sciences, the LCEH used to be one of the several qualifications that prevailed till the early 1980s in the country. "The licentiate course was then seen as equivalent to bachelor's degree course in homeopathy (BHMS) but, was commonly referred as a licentiate diploma," he told TOI on Wednesday.

"All over India, there were other courses too by nomenclatures such as DHS, DHB, DMS and GCEH," said Bhasme. In an exercise to bring in uniformity in homeopathy studies, the central government, through the central council of homeopathy, settled for three qualifications, viz., the diploma (DHMS), the bachelor's degree (BHMS) and a graded degree course for the diploma-holders (BHMS graded), which are now in vogue, Bhasme said.

The Maharashtra government, in circular issued on February 4, 2002, stated that medical practitioners holding homeopathy qualification and licence under the Maharashtra Homeopathic Practitioners' Act, 1959, shall practise only homeopathy medicine. The LCEH doctors' association had challenged this circular in the court. The petitioners also sought the court's directives to the authorities for recognition of LCEH as one of the qualification under Section 28 of the Maharashtra Medical Council (MMC) Act, 1965 and under the Indian Medical Council Act, 1956, for grant of registration and other ancillary benefits.

In an affidavit filed on March 1, 2006, the deputy secretary to the state department of medical education had stated that allopathy and homeopathy were two different courses and that the holders of LCEH qualification were not entitled to be registered under the MMC Act. However, the petitioners brought to the court's notice a letter issued by the state director of medical education and research (DMER) on October 27, 2009, suggesting that homeopathic practitioners, who have completed their study prior to 1982, may be permitted to practice allopathy medicine.

During the hearing of the case on November 15 before the division bench of chief justice Mohit Shah and justice S J Kathawala, additional government pleader G.W. Mattos informed the bench that there were no instructions from the government regarding to decisions, if any, taken subsequent to the DMER's recommendation.

The bench noted in its order, "... We are of the view that the petition deserves to be disposed of with a direction to the state government and the medical education department to take final decision on the issues sought to be raised through the petition."

