

Karnataka Electro Homeopathy Research ... vs Union Of India on 8 August, 2024

Author: Hemant Chandangoudar

Bench: Hemant Chandangoudar

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NC: 2024:KHC:31686
WP No. 15771 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF AUGUST, 2024

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

WRIT PETITION NO. 15771 OF 2024 (GM-RES)

BETWEEN:

1. KARNATAKA ELECTRO HOMEOPATHY
RESEARCH AND DEVELOPMENT ASSOCIATION (R)
MR LAYOUT, GADANGADA KERI,
NEAR SADIA SCHOOL, SHIRALAKOPPA,
SHIVAMOGGA-577 428.
REP. BY ITS PRESIDENT,
MR. EHTESHAM UL HAQ,
PRESIDENT,
MR. RAVI HUDED, JOINT SECRETARY.
REGD. UNDER KARNATAKA COOPERATIVE
SOCIETIES REGISTRATION ACT.

...PETITIONER

(BY SRI. KEERTHI PRASAD D C., ADVOCATE)

AND:

1. UNION OF INDIA
DEPARTMENT OF HEALTH RESEARCH,
MINISTRY OF HEALTH AND FAMILY WELFARE,
NIRMAN BHAVAN, NEW DELHI-110 001.
2. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,

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K
MAHENDRAKUMAR
Location: HIGH

COURT OF
KARNATAKA

DEPARTMENT OF HEALTH AND
FAMILY WELFARE,
VIKASA SOUDHA, BENGALURU-560 001.

3. COMMISSIONERATE OF HEALTH AND
FAMILY WELFARE SERVICES
AROGYA SOUDHA, 1ST MAIN ROAD,
MAGADI ROAD, BENGALURU-560 023,
REP. BY ITS COMMISSIONER/DIRECTOR.

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4. DEPARTMENT OF AYUSH
DHANVANTRI ROAD,
ANAND ROAD CIRCLE,
BENGALURU-560 009,
REPRESENTED BY ITS DIRECTOR.

...RESPONDENTS

(BY SRI. AJAY PRABHU M., ADVOCATE FOR R-1;
SRI. N.B.PATIL, AGA FOR R-2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE
THAT THE KARNATAKA PRIVATE MEDICAL ESTABLISHMENT ACT
AND RULES FRAMED THEREUNDER IS NOT APPLICABLE TO
MEMBERS OF THE PETITIONER WHO ARE HOLDERS OF
CERTIFICATE ELECTRO HOMEOPATHY TO PRACTICE, DEVELOP
AND RESEARCH ELECTRO HOMEOPATHY AS THERE IS NO BAN
BY ANY STATUE OR RULES, ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

ORAL ORDER

The petitioner, an Association registered under the Karnataka Societies Registration Act, 1960, is dedicated to educating its members on imparting medical knowledge, conducting awareness programs regarding the Electro Homeopathy system of medicine, and providing free therapy to the needy. The petitioner has approached this Honorable Court seeking the following reliefs:

A) To declare that the Karnataka Private Medical Establishment Act, along with the rules framed thereunder, is not applicable to the members of the petitioner Association who hold certificates in Electro NC: 2024:KHC:31686 Homeopathy, allowing them to practice, develop, and conduct research in the field of Electro Homeopathy, given that no statute or rule currently imposes a ban on such activities.

B) To issue a direction or a Writ of Mandamus against respondents No. 2 to 4, or the concerned respondent authorities, restraining them from interfering with the petitioner's members in their efforts to practice, develop, and conduct research in Electro Homeopathy within the State, until appropriate rules are framed by the competent authority, in the interest of justice and equity.

C) To permit the members of the petitioner Association to practice, develop, and conduct research in Electro Homeopathy within the State, strictly in accordance with the parameters issued by respondent No.1, the Central Government, until such time as rules are framed by the competent authority, in the interest of justice and equity.

2. The Court has heard the learned counsel for the parties.

3. The Supreme Court, while addressing similar issues concerning the practice of Electro Homeopathy, has ruled that no institution is authorized to confer a degree or diploma in Electro Homeopathy without statutory authorization. However, individuals are permitted to practice Electro Homeopathy as an alternative NC: 2024:KHC:31686 therapy, provided they do so without claiming the conferment of any degree or diploma without the necessary statutory backing.

4. It is therefore imperative to state that the members of the petitioner Association are permitted to practice Electro Homeopathy without claiming the conferment of any degree or diploma without the necessary statutory backing .

Sd/-

(HEMANT CHANDANGOUDAR) JUDGE GSR