

News

Kerala High Court: Electro-homoeopathy practitioners must register

The Court made it clear that in order for electro-homoeopathic practitioners to work in the field, they must also register with the state's homoeopathic medical legislation.



Registration a must for electro-homoeopathy practitioners: Kerala High Court

Physicians and the Kerala High Court

In the recent case of **The Travancore-Cochin Medical Council v. Rajesh K & ors, the Kerala High Court** emphasized that electro-homeopathy cannot be considered an unregulated area and that its practitioners must register under applicable State legislation before they may lawfully practice medicine in Kerala.

The Kerala State Medical Practitioners Act of 2021 and the Travancore-Cochin Medical Practitioners Act of 1953 govern the practice of electro-homeopathy, according to a Division **Bench of Justices AK Jayasankaran Nambiar and Preeta AK.**

The Court decided that in order for practitioners of electro-homoeopathy to engage in their profession, they must be registered under those laws.

Justices Preeta AK and Jayashankar Nambiar

The decision was made by the Court in a case involving an electro-homoeopathic practitioner who claimed that state authorities were interfering with his work. He argued that there was no state law that prohibited or regulated electro-homoeopathy.

The police could not interfere with the practice of electro-homeopathy since there is no law that forbids it, according to a previous ruling by a single court.

However, a High Court Division Bench has now made it clear that electro-homeopathy, as a component of homeopathic medicine, is likewise governed by the State's medical practitioner regulations.

The Court cautioned that the public's health would suffer if electro-homoeopathic practitioners were not subject to statutory regulation. The Court stated, "To hold otherwise would be disastrous for the people of this country because their lives are at stake."

The Travancore-Cochin Medical Council's position that anyone practicing a branch of homoeopathic medicine must likewise comply with registration and regulatory criteria was deemed valid by the Court.

The Court further pointed out that the single-judge **Bench had relied on a 2020 Division Bench determination that had made its decision without taking into account any current legal issues.**

As a result, the Court decided that the earlier ruling could not be used as support for the claim that **electro-homeopathy is uncontrolled.** It decided that the Division Bench's prior decision to overlook the governing legislation was per incuriam.

The sole judge's statement that citizens could have complete freedom to do anything unless it was forbidden by law was similarly rejected by the Court.

The Court said on June 17 that there is no such thing as perfect freedom under the Indian Constitution since rights and freedoms must always be weighed against matching responsibilities. A citizen's fundamental right to engage in any vocation, trade, or business is guaranteed, but it is by no means unqualified. The Court stated, "It is subject to laws governing professional qualification and conduct that are enacted with a view to balancing the rights of the professional concerned with the right to life and proper healthcare of persons who receive medical care and treatment."

As a result, the Court granted the Travancore-Cochin Medical Council's appeal against the single-judge decision and ruled that the State rules pertaining to homoeopathy control the practice of electro-homoeopathy.

The Travancore-Cochin Medical Council was represented by **senior counsel N Raghuraj, lawyers Lal K Joseph, P Muraleedharan, TA Luxy, Suresh Sukumar, Anzil Salim, and Sanjay Sellen.**

Rajesh, a practitioner of electro-homoeopathy, was represented by advocate AT Anil Kumar. TP Sajid, a senior government pleader, represented the State.