

Homoeopathy in the Eyes of Legislation in India

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Abstract

Therapeutics systems are governed by public health laws of the nations in which these are rolled out & practiced. The current article discusses the therapeutic system of Homoeopathy of AYUSH in India & the public health laws that govern this therapeutic system in India. The next step which the article goes through is the journey of the therapeutic system in the nation which becomes the pivotal for the article. The current article deals with the current situation of the homoeopathic therapeutic system at global followed by the national level. As an intervention strategy to deal with the roll out modalities of homoeopathy, the article discusses the journey of its related public health laws also. Finally, the article discusses the role of homoeopathy of AYUSH ministry of India in the current context & proposes a multi stage involvement based on the successful therapeutics in Homoeopathic Materia Medica. The focus of the article on homoeopathy & its related public health laws is critical as it can cover masses as it is cost effective, therapeutically effective & has no side effects. In order to achieve the roll out of these beneficial properties, the related public health laws need effective implementation.

Keywords: Drugs & Cosmetics Act, Homoeopathy, AYUSH.

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INTRODUCTION

Homoeopathy entered India in 1810 when German missionaries began distributing the homoeopathic medicines. The therapeutic system received a fillip in 1839 when Dr. John Hoenigberger

was called to treat Maharaja Ranjit Singh for paralysis of vocal cords & oedema [1-5].

Currently, as per the global scenario, Homoeopathy is currently used in over 80 countries. It has legal recognition as an individual system of medicine in 42 countries while being recognized as a part of

complementary & alternative medicine in 28 countries [1-3].

World Health Organization considers Homoeopathy as one of the most commonly used forms of Traditional & Complementary Medicine (T & CM) [1-3].

Homoeopathy is basically a part of the AYUSH (Ayurveda, Yoga, Unani, Siddha and Homoeopathy) ministry that was formed at the centre in 2014. The latest addition to these therapeutic systems is Sowa Rigpa, a therapeutic practiced by the exiled Tibetans in India. Prior to that, it was a part of ISM & H (Indian System of Medicine & Homoeopathy) under the Ministry of Health and Family Welfare both at center and state level. The Central Council of Homoeopathy (CCH) Act came into effect in India in 1973. On the lines of Indian Council of Medical Research, India has Central Council of Research in Homoeopathy which operates through its units at centre and state level. Since 2021, the CCH has been replaced by National Commission on Homoeopathy (NCH) on the lines of the National Medical Commission (NMC) [1-3].

Homoeopathy- The Meaning

The word comes from an amalgamation of two words- 'Homoeo' that comes from the word 'Homoios' means 'Similar' and 'Pathy' comes from the word 'Pathos' meaning 'Suffering'. This means similar suffering. Dr. Samuel Hahnemann (1755-1843) who passed MD from Erlangen University in 1779 in Germany along with Ohm (famous for Ohm's law) passing in MD Physics. He discovered this therapeutic system in 1793 and named it such to distinguish from the existing system of medicine practiced at that time. Grammatically, it is a mute word as the second 'O' is not pronounced. The principle of 'Theragnostics' of homoeopathy is that it is a personalized medicine. The principle of 'Nano Pharmacology' is that 'Minimum Dose' of the prescribed medicines are used. The principle of 'Drug Proving' is that only 'Human Pathogenic Trial' is used & 'No Animal Pathogenic' trial is done. Another principle is that it 'Promotes Health' through the use of 'Constitutional', 'Anti Miasmatic' approaches that are achieved through the use of 'Constitutional', 'Anti Miasmatic' & 'Polychrest' therapeutics or medicines [1-11].

In fact, it is he who coined the term Allopathy (Different Suffering) to name the system being practiced at that time. 'Different' meaning an emetic was given to get rid of congestion in the lungs thus showing that to treat a respiratory problem, you are treating the gastro intestinal system and therefore there is no relation between the ailment and treatment. That's why it is Allopathy. At that time, he also coined terms like Isopathy, which is actually vaccinations which means you only protect yourself from TB with BCG and nothing

else there by meaning same to same. He had also coined terms like Autopathy, which we see through the storage and usage of cord blood which will be used for the same individual in future. Use of the tissues of the cancer patient to treat himself/herself, drinking of own's urine are other examples of Autopathy. He also coined terms like Heteropathy/Enantiopathy where we use the opposites like the use of diuretics for swelling and purgatives/laxatives for constipation. Heat for cold and vice-versa are other examples [9, 10].

Human Clinical Trials only and No Use of Animal Clinical Trials

The ultra diluted medicines prepared from various sources help this system to do only drug proving on humans and animal proving are not done. Only human beings can tell mental symptoms. The drugs prepared homeopathically are tested to elicit symptoms from one group, symptoms are verified on another group, clinicians try out to match the symptom of the patient with the elicited symptoms of the drug through proving, give the drug to the patient so that the matching symptoms are eliminated in the patient. Thus the homoeopathic cycle is completed.

The benefit is that the patient's mental and physical symptoms are matched and thus when someone is taking a homoeopathic medicine, s/he is being addressed both physically and mentally. This is exactly today's need as ailments are becoming psychosomatic in nature meaning the ailment starts at the mental level and descends to physical level [1-7].

Therapeutic Use

As experienced during the recent global pandemic, the therapeutic system is effective in all viral diseases like COVID 19, Dengue, Japanese Encephalitis, Chikungunya, Flu, SARS, Measles, Common Cold, Herpes and even HIV/AIDS [1-10].

The other area is immune related disorders like Rheumatoid arthritis and other auto immune diseases like localized and systemic allergies such as chronic urticaria and PUPPP (Pruritic and Urticarial Patches and Plaques of Pregnancy) during pregnancy. Disorders of nervous system like vertigo, neuralgia, nerve dysfunctions, insomnia related issues in all ages and sex are another area of forte [1-10].

Metabolic problems like diabetes, uraemia, obesity affecting the vital organs like brain, lungs, kidney and heart is another area where the therapeutic system comes handy. In addition to that, all glandular disorders like thyroid related issues, problems related to lymph nodes is another catchment area of homoeopathy [1-10].

Respiratory problems, musculo- skeletal problems, GI problems are very well dealt by homoeopathy [1-10].

Mental diseases like stress, depression, anxiety, phobia, delusion, illusion, OCD, ADHD are very well addressed as the repertory of mental symptoms is huge all this has been elicited by human- beings as mentioned above [1-10].

Controversy

Homoeopathic medicines being ultra diluted goes much beyond the Avogadro’s number at molecular level. Science has not developed to that level where it can explain the physiology in the body when a common medicine like Aconite-30 CH (Centesimal Hahnemann) or DH (Decimal Hahnemann) is given to the patient. CH and DH are the two scales to prepare Homoeopathy medicines as per the Indian Homoeopathic Pharmacopeia that is mentioned as HPI (Homoeopathic

Pharmacopeia of India) on the label of the medicines. Hence, there is practical but no theory. This is what the hard core scientists find difficult to digest. Studies have been done by IIT, Mumbai’s metallurgy department where they proved how the homoeopathic medicines from metallic source act in the body. The medicines from other sources are yet to get this certification [3-8].

History of Homoeopathy in India

In British India, the resolution on Homoeopathy was initiated. The brief history of Homoeopathy in India is given below. The following box gives the details. The history includes the journey of homoeopathy in public health law & the public health system. The journey includes a period of 83 years starting from 1937 [3-5].

Box 1: Brief history of Homoeopathy in India [3-5]

<p>1937- Resolution on homoeopathy in Central Legislative Assembly 1948- Homoeopathic enquiry committee instituted 1949- Enquiry committee report recommends constitution of Central Homoeopathic Council 1952- Homoeopathic ad-hoc committee constituted 1954- Homoeopathic Advisory Committee constituted. Co-operation with International Homoeopathic League established 1969- central Council for Research in Indian Medicine & Homoeopathy constituted 1973- Central Council of Homoeopathy Act passed & CCH constituted in 1974 1973- Directorate of Homoeopathy set up at center & state levels for administration 1975- Homoeopathic Pharmacopeia Laboratory established & National Institute of Homoeopathy established in Calcutta, West Bengal. 1978- Central Council for Research In Homoeopathy established 1989- CCH introduced PG courses in Homoeopathy 1995- Department of Indian System of Medicine & Homoeopathy under the Ministry of MOHFW at center & state level 2003- Department renamed as AYUSH 2006- Good Manufacturing Practices guidelines notified for Homoeopathic Medicines 2014- Ministry of AYUSH initiated at center & state levels 2018- CCH Act revised 2020- National Commission for Homoeopathy Act, 2020 constituted superseding the 1973 Act.</p>

The National Commission for Homoeopathy (NCH) Act, 2020 came in to force on 05th July 2021 by gazette notification dated 05th July 2021 [4].

Homoeopathy in Drugs & Cosmetics Act, 1940 & Rules, 1945, Corrected up to 2016.

Homoeopathic medicines were included in the act in 1973. Ayurveda & Unani medicines were included in 1964. The Drugs & Cosmetics Act of 1940 has been amended 12 times till date. These are in the years of 1945, 1955, 1960, 1962, 1964, 1972, 1982, 1986, 1995, 2007, 2008 & 2015. The definition of homoeopathic medicines is given in the above-mentioned act. As per the above act, Homoeopathic medicines include any drug

which is recorded in homoeopathic proving or therapeutic efficacy of which has been established through long clinical experiences as recorded in authoritative homoeopathic literature of India & abroad & which is prepared according to the techniques of homoeopathic pharmacy & covers combination of ingredients of such homoeopathic medicines but does not include a medicine which is administered by parenteral route [6].

Homoeopathic medicines are covered under the provisions of Drugs & Cosmetics Act, 1940 & the rules made there under some important provisions are given below in the box given below [6].

Box 2: Provisions of Homoeopathic Medicines under Drugs & Cosmetics Act, 1940 [6]

<p>Homoeopathic medicines are defined under Rule2 (dd) of Drugs & Cosmetics Rules, 1945. Standards of Homoeopathic medicines to be complied for manufacture, for sale, distribution or import are defined under second schedule of the Drugs & Cosmetics Act under item N.4a. New Homoeopathic medicines are covered under rule 30aa. Minimum requirement for good manufacturing are included in schedule m-1.</p>

Ophthalmic preparations standards & conditions for preparation thereof are covered under schedule ff that is under rule 126a.
 Homoeopathic pharmacopeia laboratory, Ghaziabad is to function as the Central Drugs Laboratory with respect to homoeopathic drugs under sub rule 7 of rule 3a.
 Anybody can get the medicines tested in a certified laboratory under section 26.
 Under section 26a, central government can cancel licence of manufacturing a drug if therapeutic claims are not genuine.
 Procedures for labeling & packing of Homoeopathic medicines are covered under rule 32a, rule 106a & rule 106b that are covered under part IXa.
 Rule 85b covers manufacture of mother tinctures, potencies or potencies from back potencies. The application for which is made under form 24c.
 Rule 85c & 30aa covers manufacture of new homoeopathic drugs.
 Individual pharmacists/shopkeepers are allowed to manufacture potencies only and that only from back potencies under rule 85d.
 Retail is covered under rule 67c & application can be made under form 20c that covers for ingle drugs.
 Though whole sale is covered under rule 67c, the application is made under form 20d that covers single drugs.
 Licencing authority for issue of licence for homoeopathic medicines lies with the state government as per rule 67a & 85b.

One of the point mentions about testing or analyzing the homoeopathic medicines by the drug laboratories at central & state level by anybody's

application. The following aspects are covered under the analysis [6].

Box 3: Aspects covered under analysis of Homoeopathic Medicines [6]

- Identification test for raw material or botanical origin (other than assay of constituents)
- Identification test for raw material of chemical origin (other than assay)
- Limit test for drugs of chemical origin
- Assay of total alkaloids or of drugs of chemical origin
- Identification test for drugs of animal origin or microbiological
- Fees for testing of Mother Tinctures, lower potencies can be done up to 3X or equivalent.
- Determination of Bio-chemic drug through atomic absorbance spectrophotometer.

The schedule K of the act related to homoeopathic medicines under the section 'class of drugs' & 'extent & conditions of exemption' includes Arnica Montana hair oil. Homoeopathic ointments in 15 grams tubes & the ointments are Arnica, Calendula, Cantharis & Rhustox [6].

The next aspect is about the 12 Bio-chemic salts in 3X & 6X triturations. Following that, the point mentions the following. The line is 'in pills in 30CH potency in 8 grams packing for a total list of 32 drugs' [6].

The schedule M-I mentions about the requirements of factory premises for manufacture of homoeopathic preparations. There are various aspects mentioned here. These are location & surroundings, buildings, water supply, disposal of waste, health, clothing, sanitary requirements of staffs, medical services, working benches & container agent [6].

Registration of Homoeopaths in India

As per the register of CCH, Delhi, Dr. Amarendra Lal Roy DMS (Calcutta), DF (Hom), London, June 1962 is the homoeopath who has the registration number CCH-1 in the central register of homoeopathy. The list is as on June 2020 & has the registration number from 1 to 8619 of Direct Registered

Practitioners. The lead author of the article has the registration number CCH-6353 [12].

The earliest homoeopathic degree in India is the Diploma in Medicine & Surgery (DMS). This degree was also with Diploma in Faculty of Homoeopathy (DF) & Master of Faculty of Homoeopathy (MF). These two degrees were given by the Royal London Homoeopathic Hospital, London. This degree was followed by Diploma in Homoeopathic Medicine & Surgery (DHMS) followed by the bachelor degree in the form of BHMS [12, 15].

As per the updated list of homoeopaths of the Government of West Bengal, other than the above-mentioned degrees, there are degrees like HLMS, HMB, MHMS, BMBS, MBS, BHMCB, LHMS, PHA, MDCH, PRSM, 24 pgs. As per the list, the DMS registrations continue till 2010, DHMS registrations continue till 2014. The state governments follow three categories for registration. In the state of Odisha for example, these are A, B & C. The A category includes those practitioners who had not done any prescribed courses like DMS, DHMS. These courses come under B category. BHMS & MD courses come under C category [13, 14].

Usually, homoeopaths register themselves with their respective state boards. These boards are now under the AYUSH missions at the state level which are the

State Homoeopathic Commissions. When a homoeopath registers himself or herself with the National Commission, his or her credentials related to ethics or malpractices are checked with the related state commissions [12].

Final Note

As the body has physical, mental, spiritual, emotional and rational dimensions, the homoeopathic medicines that go through only human clinical trials treat the person from all these dimensions. Hence, the strength of homoeopathy is the individualistic approach which is picking up now-a-days in the modern system that uses the generalization approach. Since this century will definitely be dominated by viral diseases and mental health issues, homoeopathy will and is a succor not only to human beings but also to the veterinary & avian fraternity as seen from the therapeutic application. This is only possible when the system is effectively governed as per the adherence to the related laws & regulations in our country [9, 10].

Declaration of the Lead Author

Prof. Shankar Das, a co-author of the current article was the Ph.D. guide of the lead author at Tata Institute of Social Sciences, Mumbai. Prof. D.P. Singh was the teacher of the lead author at TISS, Mumbai during 1995-1997. The lead author also certifies that he has expressed his personal opinion based upon his public health and clinical experiences. The treatment approach or the medicines suggested are only suggestive in nature.

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REFERENCES

1. WHO, Legal status of Traditional Medicine & Complementary Medicine: A worldwide review. Geneva: 2001.
2. WHO: safety issues in the preparation of homoeopathic medicines 2009. URL: www.who.int/medicines/areas/traditional/Homoeopathy.pdf.
3. GOI, Ministry of AYUSH, Central Council for Research in Homoeopathy, about homoeopathy, www.ccrhindi.nic.in.
4. GOI, Ministry of AYUSH, National Commission on Homoeopathy Act, 2020, <https://nch.org.in>.
5. History of Homoeopathy, B R Sur Homoeopathic Medical College. [delhi.gov.in](https://shmch.delhi.gov.in), <https://shmch.delhi.gov.in/shmch/history-homoeopathy>.
6. GOI, MOHFW, DGHS, Central Drugs Standard Control Organization, Drugs & Cosmetics Act, 1940, Drugs & Cosmetics Rules, 1945, Corrected up to 2016. cdsco.gov.in, https://cdsco.gov.in/pdf-documents/acts_rules.
7. GOI, Ministry of AYUSH, NLEAM, 8 February, 2022.
8. NLEM, GOI, PIB, 13th September 2022, <https://pib.gov.in>.
9. Sarkar, B. K. (1984). Organon of Medicine by Hahnemann, M. Bhattacharya & Co. 1st edition 1955, 8th edition.
10. Murphy, R. (2017). Lotus Materia Medica, 3rd edition, B. Jain publishers (P) Ltd, ISBN-978-81-319-0859-4.
11. Historical figures, FAU Erlangen-Nurnberg, [fau.eu](https://www.fau.eu/Alumni/Well-known-alumni), <https://www.fau.eu/Alumni/Well-known-alumni>
12. GOI, CCH, List of Direct Registered Practitioners, nch.org.in, June 2020, <http://nrh.nch.org.in/cch/directregistered>
13. Odisha, National AYUSH Mission (NAM), namayush.gov.in, <https://namayush.gov.in/content/odisha>.
14. Government of West Bengal, www.wbhealth.gov.in/uploaded-files/homoeopathy/physicians/20list-%20part-A.pdf.
15. Blackie M G, The Patient, Not the Cure: The Challenge of Homoeopathy, Santa Barbara, CA: Woodbridge Press, 1989. Reprint. Softcover. Octavo. 248pp. Index. B/w frontis. & illustrations. A tight, clean VG+ copy. Item #48774 ISBN: 9780912800493