

LEGAL ASPECT OF AGADA PRACTICE: CURRENT PERSPECTIVE**Dr. Parvesh Kumar¹, Dr. Umesh Shukla², Dr.Chandni³**¹P.G Scholar, Professor and HOD, P.G Scholar, Department of Agadtantra, Uttaranchal Ayurveda College, 17, OldMussoorie Road, Rajpur, Dehradun, Uttarakhand, India**ABSTRACT**

Treating ailments aroused due to exposure to different kind of *Vishas* is given utmost importance in *Ayurveda*. *Acharyas* have given unique place for *AgadaTantra* among the *Astangas*, but the practicality of the branch is lost with time. Although it is very well practiced in some parts of India, but still as per government norms it is considered as a preclinical subject. This paper aims towards creating awareness among scholars regarding the legal aspect of *AgadaTantra* practice in treating toxicological emergencies such as snake bite and other poisoning management. While explaining privileges of Registered Medical Practitioner it is given in Act 9 of 1962, Karnataka “Notwithstanding anything contained in any law for the time being in force”, means the regulations mentioned in the gazette claim superiority over any law and also says that a registered practitioner may possess and prescribe the poisonous drugs of the system or systems of medicine to which he belongs. Similarly Drug and Cosmetic Act, 1940 gave list of 64 classical books and the formulation mentioned in it are credited as legally accepted *Ayurvedic* formulations which lacks mentioning many popularly followed books of *VishaChikitsa* such as *PrayogSammuchaya* etc. Many more such legal rights and privileges are given by the law but lack of awareness regarding the same creates hesitation and confusion among the practitioners to prescribe and use poisonous drugs and other treatments during TE. There is a pressing need of creating understanding of these issues relation to safe and legal practice of *AgadaTantra*.(TE-Toxicological Emergencies)

Keywords: *AgadaTantra*, Snakebite, *Vishachikitsa*, *Ayurveda***INTRODUCTION**

AgadaTantra is one among the eight branches (*Ashtangas*) of *Ayurveda*¹ meant to deal with toxicological emergencies and treating ailments aroused due to exposure to different kind of *Vishas*, is given utmost importance. We find several references of such healing in *Vedas* and post- Vedic literature but as the time passed, practicality of this division has lost². At present, it is very

well practiced in various parts of India, especially southern region such as in some institutes of *Kerala* like *PappinisseryVishachikitsa Society (PVCS)* and *Parassinikkadavu Ayurveda medical college & Hospital (PAMCH)*³ where *Vishachikitsa* is still carried out with classical methods. But some of the legal issues create dilemma among the scholars regarding authorization of these

practices, for e.g. possession of poisonous drugs, management of animal, plant and mineral poisoning by *Vaidyas* etc.

AIMS AND OBJECTIVES:

As per government norms it is considered as a preclinical subject. This paper aims towards creating awareness among scholars regarding the legal aspect of *AgadaTantra* practice in treating toxicological emergencies such as snake bite and other poisoning management.

LIST OF ISSUES AND THEIR CURRENT LEGAL ASPECT:

- A. Are we authorised to prescribe Allopathic medicine in toxicological emergencies?
- B. Can a registered *Ayurvedic* practitioner possess poisonous substances of vegetable, animal and mineral origin?
- C. Whether *Vaidyas* are authorised for management of toxicological emergencies or not?
- D. Which drug or formulation shall be considered as an *Ayurvedic* one?
- E. What are the privileges of a registered *Ayurvedic* practitioner?

Prescribing allopathic medicine in toxicological emergencies or even in general

practice is not valid because a registered practitioner of ISM is not qualified to practice in allopathic medicine because this has been so held by the Supreme Court in the case *Dr Mukhtiarchand and others Vs State of Punjab and others* (date of judgement 08/10/1998; Bench: Hon. Judges *K.T.Thomas, Syed Shah Mohammed Quadri*)⁴. But some scholars have a different opinion by the reference of MMPA Act 1961 sec 2(fa) which states legally qualified medical practitioner have right to practice in any system of medicine⁵. But here system of medicine means the *Ayurvedic* System of medicine, the integrated system of medicine, [Naturopathy system of treatment, Siddha system of medicine, Unani system of medicine, Yoga system of treatment]. But efforts are on to make some basic emergency drugs to be legally allowed in practice by ISM practitioners.

It also said that a registered practitioner may possess and prescribe the poisonous drugs of the system or systems of medicine to which he belongs. Following is the list of poisonous drugs enlisted under *Drugs & Cosmetic Act, 1940*:

Table no. 1: List of Poisonous substances under the *Ayurvedic* System⁶

I. Drugs of vegetable origin		
1.	<i>Ahiphena(Except seeds)</i>	<i>Papaversomniferum Linn.(except seeds)</i>
2.	<i>Arka</i>	<i>Calotropisprocera(Ait) R.Br</i>
3.	<i>Bhallataka</i>	<i>SemecarpusanacardiumLinn.(Seed)</i>
4.	<i>Bhanga(Except seeds)</i>	<i>Cannabis sativa Linn. (Except seeds)</i>
5.	<i>Danti</i>	<i>BaliospermummontanumMull.Arg</i>
6.	<i>Dhattura</i>	<i>Daturametel Linn.</i>
7.	<i>Gunja(Seed)</i>	<i>Abrusprecatorius Linn.(Seed)</i>
8.	<i>Jaipala(seed)</i>	<i>Croton tiglium Linn</i>
9.	<i>Karaveera</i>	<i>Neriumindicum Mill.</i>
10.	<i>Langali</i>	<i>Gloriosasuperba Linn.</i>
11.	<i>ParasikaYavani</i>	<i>Hyoscyamusniger Linn.</i>

12.	Vatsanabha/Shringivisha	<i>Aconitum ferox</i> , Wall.ex Ser./ <i>Aconitum chasmanthum-Stapf.ex Holmes</i>
13.	Vishamushti	<i>Strychnosnuxvomica Linn.</i>
II. Drugs of Animal origin		
14.	SarpaVisha	Snake poison
III. Drugs of mineral origin		
15.	Gauripashana	Arsenic
16.	Hartala	Arsenic trisulphide
17.	Manahshila	Arsenic disulphide
18.	Parada	Mercury
19.	Raskarpura	Hudrargyrisubchloridum
20.	Tuttha	Copper sulphate
21.	Hingula	Cinnabar

There is always a quandary regarding Authorization of Vaidyas for treating toxicological emergencies but as given in Act 9 of 1962, Karnataka, Chapter III A, person shall be deemed to practice any system of medicine within the meaning of sub-section (1) who holds himself out as being able to diagnose, treat, operate or prescribe medicine or other remedy or to give medicine for any human disease, pain, injury, deformity or physical condition or who by any advertise-

ment, demonstration, exhibition or teaching, offers or undertakes, by any means or methods whatsoever to diagnose, treat, operate or prescribe medicine or other remedy or to give medicine for any human disease, pain, injury, deformity or physical condition⁷. Similarly Drug and Cosmetic Act, 1940 schedule 1 section 3(a), gives list of 54 classical books and the formulation and drugs mentioned in it are credited as Ayurvedic one⁸.

Table no-2 List of Ayurvedic books

Sl. No.	Name of the Book	Sl No.	Name of the Book
1	<i>Arogyakalpadruma</i>	10	<i>Bharat BhaishajyaRatnakara</i>
2	<i>Arkaprakasha</i>	11	<i>BhavaPrakasha</i>
3	<i>AryaBhishak</i>	12	<i>BrihatNighantuRatnakara</i>
4	<i>AshtangaHaridaya</i>	13	<i>CharakaSamhita</i>
5	<i>AshtangaSamgraha</i>	14	<i>Chakra Datta</i>
6	<i>Ayurveda Kalpadruma</i>	15	<i>GadaNigraha</i>
7	<i>Ayurveda Prakasha</i>	16	<i>KupiPakvaRasayana</i>
8	<i>Ayurveda Samgraha</i>	17	<i>NighantuRatnakara</i>
9	<i>BhaishajyaRatnavali</i>	18	<i>Rasa Chandanshu</i>
19	<i>Rasa Raja Sundara</i>	28	<i>Sahasrayoga</i>
20	<i>RasaratnaSamuchaya</i>	29	<i>SarvarogaChikitsaRatnam</i>
21	<i>Rasatantra Sara Va Siddha PrayogaSamgraha,</i>	30	<i>SarvayogaChikitsaRatnam</i>
	<i>part</i>		

<i>I(a)RastantraSarVaSiddha Prayog-Samgraha, Part (II)</i>			
22	<i>Rasa Tarangini</i>	31	<i>SharangadharaSamhita</i>
23	<i>RasaYogaRatnakara</i>	32	<i>Siddha BhaishajyaManimala</i>
24	<i>RasaYogaSagara</i>	33	<i>Siddha Yoga Samgraha</i>
25	<i>Rasa Yoga Samgraha</i>	34	<i>SushrutaSamhita</i>
26	<i>Rasendra Sara Samgraha</i>	35	<i>VaidyaChintamani</i>
27	<i>Rasa Pradipika</i>	37	<i>Vaidyakachikitsa Sara</i>
36	<i>VaidyakaShabdaSindu</i>	46	<i>Vrindachikitsa</i>
38	<i>VaidyaJiwan</i>	47	<i>Ayurvedachintamani</i>
39	<i>BasavaRajeeyam</i>	48	<i>Abhinavachintamani</i>
40	<i>Yoga Ratnakara</i>	49	<i>Ayurveda- ratnakara</i>
41	<i>Yoga Tarangini</i>	50	<i>Yogaratnasangraha</i>
42	<i>Yoga Chintamani</i>	51	<i>Rasamrita</i>
43	<i>Kashyapasamhita</i>	52	<i>Dravyagunanighantu</i>
44	<i>Bhelasamhita</i>	53	<i>Rasamanjari</i>
45	<i>Vishwanathachikitsa</i>	54	<i>Bangasena</i>
54A.	<i>Ayu. formulary of India and its parts</i>	54C.	<i>Ayurvedic Pharmacopeia of India</i>
54B.	<i>AyurvedaSaraSamgrah</i>	54D.	<i>Ayurvedic Pharmacopeia of India and its parts</i>

While explaining privileges of registered medical practitioner it is given in Act 9 of 1962, Karnataka, "Notwithstanding anything contained in any law for the time being in force", means the regulations mentioned in the gazette claim superiority over any law⁹.

(1) The expression legally qualified medical practitioner or duly qualified medical practitioner's or any word or expression importing a reference to a person recognized by law as a medical practitioner or member of the medical profession shall, in all laws in force.

(2) A certificate required by any Act from any medical practitioner or medical officer shall be valid, if such certificate has been signed by a registered practitioner;

(3) A registered practitioner shall be eligible to hold an appointment as a medical officer in any medical institution of any system of medicine in which he is registered.

DISCUSSION AND CONCLUSION:

Toxicological emergencies mentioned in *Ayurveda* such as *SarpaVishaChikitsa*, *VrishikaVishaChikitsa*, *GaraVishaChikitsa*¹⁰⁻¹² etc. needs to be validated in present era. One must correlate and use contemporary science with the ancient knowledge for management of these conditions. Legal issues related to *Agada* practices can be resolved by conducting workshops and CME's by inviting legal experts as well as clinicians from *Ayurveda* and modern faculty which will create awareness and motivation among the scholars for managing emergency conditions. Further the list of books mentioned in Drug and Cosmetic Act, 1940 lacks the mention of many popularly followed books of *VishaChikitsa* such as *PrayogSammuchaya*¹³ etc. which needs to be added to legalize the use of formulations

mentioned in it as *Ayurvedic* one. *Vaidyas* must have knowledge of their legal rights and privileges provided by the law so they can be just to practice the system of medicine to which they belong. Lack of awareness regarding such legal issues creates hesitation and confusion among the practitioners to prescribe and use poisonous drugs and other treatments during TE. There is a pressing need of creating understanding and liberating them about these issues in relation to safe and legal practice of *AgadaTantra*. The national health policy draft 2015 wants suggestion to make a bridge course for *Ayurvedic* and allopathic practitioner because in many primary health centres however they are the only medical professionals available and therefore take care of both *Ayush* and allopathic curative care. The addition of a mandatory bridge course that gives them at least the competencies of mid-level care provider with respect to allopathic remedies. Simultaneously, continuing education for upgrading of knowledge and skills in their own systems as regular in-service capacity strengthening would be instituted, just as for the modern medical system doctors.¹⁴

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