

Doctors' strike must not affect critically ill: SC

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NEW DELHI: The Supreme Court on Monday said it intends to evolve a mechanism by which doctors' strike do not deprive critically ill patients of care and derail emergency health services while seeking responses from the Indian Medical Association (IMA) and the health ministry.




A bench of Chief Justice S A Bobde and Justices B R Gavai

and Surya Kant issued notices to IMA secretary R V Asokan and health secretary Preeti Sudan on a petition by NGO 'People for Better Treatment', which sought initiation of contempt proceedings against them for allowing a nation-wide doctors' strike in June. While disagreeing with the petitioner's plea for initiation of contempt, the SC decided to evolve a mechanism to ensure that critically ill patients and those in need of emergency medical help are not neglected during doctors' strike.

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The NGO's president Kunal Saha moved the contempt petition alleging regular violation of the SC's November 11, 2014 order, which was passed after the same NGO had brought to the court's notice a series of strikes by doctors leading to enormous suffering to patients and death of some.

In the November 2014 order, the SC had recognised doctors' right to strike work but had said striking doctors could face disciplinary action from regulatory bodies like Medical Council of India and state medical councils if anyone approached these bodies with complaint against doctors for going on strike.

However, it had disposed of the NGO's PIL and said, "We would only express our desire that doctors, who carry out a noble service as god's agent by saving lives of people, should not resort to strikes with any intermittent cause but undertake their responsibilities with efficiency and utmost sincerity at all times."

Referring to the order, the bench headed by CJI Bobde told counsel Sanjay Hegde and Rabin Mazumdar that though the court had recognised doctors' right to go on strike, "we would like to evolve a mechanism by which patients who are admitted in ICU and emergency healthcare services remain unaffected during the strike by doctors".

The petitioner NGO said, "In spite of repeated and clear calls from the highest court of the land, doctors across India have continued to resort to strikes, disrupting regular hospital services and bringing endless pain, suffering and death for hapless patients." The NGO cited repeated strike calls by doctors in West Bengal and also mentioned the IMA-initiated nation-wide doctors' strike on June 17, which crippled medical services across the country.

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