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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.253 OF 2012

PEOPLE FOR BETTER TREATMENT (PBT)

... PETITIONER(S)

VERSUS

SECRETARY, INDIAN MEDICAL
ASSOCIATION (IMA) & ORS.

... RESPONDENT(S)

15/12/15
Assistant Registrar (Civil)

O R D E R

1. The present writ petition raises concern over the issue of Doctors going on a strike.
2. The petition is a public interest litigation filed pursuant to a series of strikes called by Doctors on numerous occasions, which brought enormous pain and suffering to certain patients, and was even responsible for the death of a few unfortunate patients nationwide, as enumerated in the various annexures filed by the Petitioner.

3. The Petitioner claims that stringent action must be taken against the doctors on a strike as stipulated in the Medical Council of India "Code of Ethics and Regulations", and as per the Hippocrates Oath, which is taken by every medical practitioner. The Petitioner also stated that any professional who is involved in public service must not cause inconveniences to people by striking work.

4. The said issue was highlighted before this Court previously in W.P. (Civil) No. 316/2006, wherein a total ban on "doctor's strike" and exemplary disciplinary action against the said doctors at AIIMS hospital who went on a strike was prayed for by the Petitioner therein. This Court disposed of the said petition by categorically stating that the doctor's involvement in a strike is a matter of great public importance and such an act may amount to negligence warranting action for

misconduct, vide an order dated 05.05.2012. However, this Court had directed the Petitioner to move a representation against 'doctor's strike' to the Ministry of Health.

5. The relief sought in this writ petition is commendable but difficult to either grant or if it is granted to enforce. Reliance must be placed upon the Constitution Bench decision in *Common Cause, A Registered Society v. Union of India & Others* (2006) 9 SCC 295, wherein this Court suggested that the Bar Council of India and State Bar Councils are the relevant authorities which must take disciplinary action against Bar associations on a strike and sponsors of such boycotts. On a perusal of the aforesaid, we are of the considered opinion that the same analogy would be equally applicable in case of the doctors on strike and that the appropriate authority i.e. the Medical Council of India and other State Medical Councils must be

approached to take suitable action against such striking doctors.

6. Therefore, we would only express our desire that the 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 responsibility with efficiency and utmost sincerity at all times.

7. With this observation the writ petition is disposed of.

Sd/-CJI.
(H.L. DATTU)

Sd/-J.
(MADAN B. LOKUR)

Sd/-J.
(A.K. SIKRI)

NEW DELHI,
NOVEMBER 11, 2014.