

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRAORDINARY CIVIL JURISDICTION)**

WRIT PETITION (CIVIL) NO.OF 2022

IN THE MATTER OF PUBLIC INTEREST LITIGATION

PEOPLE FOR BETTER TREATMENT
(PBT) THROUGH ITS PRESIDENT

.....PETITIONER

VERSUS

NATIONAL MEDICAL COMMISSION (NMC)
THROUGH ITS SECRETARY & ANR.

.....RESPONDENTS

PAPER-BOOK

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PETITIONER

THROUGH

SACHIN JAIN ADVOCATE,
28, LAWYERS CHAMBER, SUPREME COURT OF INDIA, NEW
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PETITIONER

Kolkata
Dated: 11/5/2022

THROUGH

Sachin Jain
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(PBT) THROUGH ITS PRESIDENT ... PETITIONER VERSUS

NATIONAL MEDICAL COMMISSION (NMC)
THROUGH ITS SECRETARY & ANR. ...RESPONDENTS

NOTICE OF MOTION

Sir,

The enclosed Writ Petition (PIL) in the aforesaid matter as being filed on behalf of the Petitioner and is likely to be listed on 13.05.2022. or any date, thereafter, please take notice accordingly.

Yours sincerely

PETITIONER

Kolkata

Dated: 11/5/2022

THROUGH

Sachin Jain,

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**IN THE HIGH COURT OF DELHI AT NEW DELHI
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PEOPLE FOR BETTER TREATMENT
(PBT) THROUGH ITS PRESIDENT ... PETITIONER

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NATIONAL MEDICAL COMMISSION (NMC)
THROUGH ITS SECRETARY & ANR. ... RESPONDENTS

URGENT APPLICATION

To
The Registrar
High Court of Delhi
New Delhi

Sir,

For the reasons explained in accompanied Public Interest Litigation and the grounds taken, it is humbly prayed that the same may kindly be directed to be listed before Hon'ble Bench for urgent hearing on 18.05.2022 most urgently.

Thanking you

Yours faithfully

PETITIONER

Kolkata
Dated: 11/5/2022

THROUGH 

SACHIN JAIN ADVOCATE,
28, LAWYERS CHAMBER, SUPREME COURT OF INDIA, NEW
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SYNOPSIS & LIST OF DATES

The Petitioner herein is an NGO working in the interest of Public good in health sector, seeks to file the present Public Interest Litigation (PIL) challenging “Doctors’ strike” as morally, ethically and legally wrong, as it disrupts regular hospital services bringing endless pain, suffering and death to the defenseless patients.

That while disposing an earlier PIL (W.P. Civil No. 316/2006) filed by the petitioner, Hon’ble Supreme Court of India passed a final order/judgment dated 7th May, 2012 holding that strike by doctors “may amount to negligence warranting action for misconduct” and directed that petitioner should move the Ministry of Health against doctors involved with strike (Annexure P-2). Another 3-judge bench of the Hon’ble Apex Court reiterated similar views against “doctors strike” while disposing of a second PIL filed by the Petitioner in W.P.(Civil) No. 253/2012 (People for Better Treatment vs. Secretary, Indian Medical Association & Ors.) categorically holding that medical councils should take appropriate disciplinary action when incidence of “doctors’ strike” is brought to their notice (Annexure P-3).

That unfortunately, doctors and medical groups have continued to go on frequent “doctors’ strike” disrupting hospital services in order to settle their personal scores against the government or hospital authorities. In fact, hospitals across Delhi were crippled recently due to “doctors’ strike” during November, 2021 as the authorities, Respondents herein, remained absolutely silent and failed to take disciplinary action against any striking doctors even after receiving formal complaint from the petitioner as directed by the Hon’ble Supreme Court.

Hence, this Writ Petition (PIL) is being filed.

LIST OF DATES

7/12/2010 Delhi Medical Council passed an order on the representation of the Petitioner, to the effect that the doctors have no right to go on strike “under any circumstances” . A copy of Order Dated 7th December, 2010 passed by Delhi Medical Council (DMC) is annexed and marked as **ANNEXURE- P-1**.

7/05/2012

The Hon'ble Supreme Court vide its order dated 7.5.2012 was pleased to dispose of a writ petition filed by the Petitioner herein against "doctors' strike" being W.P. Civil No. 316/2006 and was pleased to direct the Petitioner to move the Ministry of Health with a representation, with further liberty to the Petitioner to move the appropriate Court in case no response is received. A copy of the order dated 7.5.2012 passed by Hon'ble Supreme Court in WP (C)no. 316 of 2006 entitled "*People for Better Treatment Vs. Medical Council of India*" is attached herein and marked as ANNEXURE P-2.

11/11/2014

The Hon'ble Supreme Court in yet another PIL filed by the Petitioner herein against "doctors' strike" being W.P. Civil No. 253/2012 was pleased to observe that the doctors "should not resort to strikes with any intermittent cause but undertake their responsibility with efficiency

and utmost sincerity at all times" and was further pleased to observe that in case of "doctor's strike", the appropriate authority i.e the Medical Council of India and other State Medical Councils should be approached to take suitable disciplinary action against such striking doctors A copy of order dated 11.11.2014 passed by Hon'ble Supreme Court in W.P (C) no.253 of 2012 entitled "*People for Better Treatment Vs. Indian Medical Association*" is attached herewith and marked as **ANNEXURE P-3**.

22/04/2015

In compliance to the observations/directions passed by the Hon'ble Supreme Court in order dated 11.11.2014 in W.P (C) no. 253 of 2012, the Medical Council of India (MCI) issued a Circular to all the State Medical Councils, directing that they should take cognizance into the matter related to strikes by doctors and in case any such incident is brought to their notice, to take appropriate action against the doctors involved with strike. A copy of circular dated

22.4.2015 issued by MCI is attached herewith and marked as ANNEXURE P-4.

Nov 2021

Doctors in many hospitals in Delhi and across India went on strike with various demands disrupting regular hospital services and causing endless sufferings to the defenseless patients. A copy of Indian Express News Dated 7th December, 2021 reporting this incidence is annexed herewith as Annexure P-5.

3/12/2021

The Petitioner herein submitted a representation with Respondent nos. 1 and 2 seeking urgent disciplinary action against the striking doctors in accordance to the specific directions/orders passed by the Supreme Court. A copy of the said representation dated 3.12.2021 made by the Petitioner is attached and marked as ANNEXURE P-6.

11/5/2022

The Respondents till date have neither taken any action against the offending doctors who went on strike nor in any other manner acted upon the representation of the petitioner.

HENCE, THIS WRIT PETITION.

IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRAORDINARY CIVIL JURISDICTION)

WRIT PETITION (CIVIL) NO.OF 2022

MEMO OF PARTIES

IN THE MATTER OF PUBLIC INTEREST LITIGATION

PEOPLE FOR BETTER TREATMENT (PBT)
THROUGH ITS PRESIDENT DR. KUNAL SAHA
COMMERCIAL POINT (GROUND FLOOR)
79 LENIN SARANI,
KOLKATA 700013

...PETITIONER

VERSUS

1. NATIONAL MEDICAL COMMISSION (NMC)
THROUGH ITS SECRETARY
POCKET-14, SECTOR- 8
DWARKA,
NEW DELHI 110077

.... RESPONDENT No. 1

2. UNION OF INDIA
MINISTRY OF HEALTH & FAMILY WELFARE
THROUGH ITS SECRETARY
'A'- WING, NIRMAN BHAVAN,
NEW DELHI 110011

.... RESPONDENT No.2

PETITIONER

Kolkata
Dated: 11/5/2022

THROUGH

Sachin Jain

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28, LAWYERS CHAMBER, SUPREME COURT OF INDIA, NEW
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PUBLIC INTEREST LITIGATION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA SEEKING ISSURNANCE OF WRIT IN THE NATURE OF MANDAMUS OR SUCH OTHER APPROPRIATE WRIT, ORDER OR DIRECTIONS, DIRECTING THE RESPONDENT AUTHORITIES TO TAKE IMMEDIATE DISCIPLINARY ACTION AGAINST THEMEDICOS WHO JOINTED “DOCTORS’ STRIKE”, AS DIRECTED BY THE HON’BLE SUPREME COURT IN W.P. CIVIL NO. 316/2006 AND W.P. CIVIL NO. 253/2012 READ WITH CIRCULAR DATED 22.04.2015 (ANNEXURE P-4) IN ORDER TO STOP FREQUENT “DOCTORS’ STRIKES” THAT DISRUPT REGULAR HOSPITAL SERVICES BRINGING ENDLESS PAIN, SUFFERING AND DEATH OF THE DEFENSELESS PATIENTS.

**To
THE HON’BLE THE CHIEF JUSTICE AND HIS COMPANION JUDGES OF
THE HON’BLE HIGH COURT OF DELHI,**

The Humble Petition of the
Petitioner above-named

Most Respectfully Showeth

1. That the Petitioner is filing the instant writ petition in public interest. The Petitioner has no personal interest in the litigation and the petition is not guided by self-gain or for gain of any other person/institution /body and that there is no motive other than of public interest in the filing the writ petition.

2. That the Petitioner is aware of the facts alleged in the present writ petition which is based on orders passed by Hon'ble Supreme Court of India in earlier petitions filed by the Petitioner herein as well as order and circular issued by Delhi Medical Council and Medical Council of India, respectively. Further, there was a vast media coverage of the “doctor's strike” and its effect on essential hospital services. One such newspaper report is also annexed herein . Pursuant to the same, the Petitioner also made a formal written representation to the Respondents but to no avail.

3. That the present petition is being filed solely for the benefit of large number of helpless and hapless patients who have suffered

and continue to suffer and die as consequences of frequent “doctors’ strike”. Since these hapless patients who are affected by the “doctors’ strikes” are numerous, they are unlikely to approach this Hon'ble Court on this issue. Hence the Petitioner herein is preferring this PIL.

4. That the Petitioner is aggrieved by the palpable inaction of the Respondents herein who not only overlooked the representation of the Petitioner but also the categorical orders/directions by the Hon'ble Supreme Court on the serious issue of doctors' strike. To the best of the knowledge of the Petitioner, no other person/bodies/institution are likely to be effected by the order sought in the writ petition since no relief is sought against anybody other than the two Respondent authorities.

5. The petitioner, “*People for Better Treatment*” (PBT), is a registered, non-governmental organization (NGO) established in 2001 by its founding-president, Dr. Kunal Saha, which is devoted to promotion of a better healthcare delivery system and helping the victims of “medical negligence” in India. Since its inception more than two decades ago, petitioner-organization has been deeply involved in spreading public awareness about doctors’

responsibilities and rights of the patients in India. The petitioner has also made major contributions in fighting the flawed medical regulatory system through several public interest litigations (PILs) before the Hon'ble Supreme Court and High Courts across India. Notably, a PIL filed by the petitioner in the Hon'ble Supreme Court of India (Writ Petition Civil No. 317/2000) helped to bring major changes in medical regulation through introduction of two new provisions (Sections 8.7 and 8.8) in MCI "Code of Ethics and Regulations, 2002" for timely investigation of complaints of "medical negligence" and providing rights to appeal against state medical council decisions (2002 SCC 10, 93). As a highly qualified medical doctor who has also personally argued many medical negligence cases before the consumer courts and Hon'ble High Courts and Supreme Court of India including two reported historic medical cases (2009 SCC 9, 221; 2014 SCC 1, 384), president of the petitioner-organization, Dr. Kunal Saha, has also been regularly helping victims of alleged medical negligence in their quest for justice by personally appearing and arguing on behalf of these victims *pro bono*, frequently traveling all the way from his permanent residence in USA at his personal expense.

The petitioner has means to pay if any cost is imposed by the Hon'ble Court.

6. The Petitioner before approaching this Hon'ble Court had submitted a formal representation to Respondent nos. 1 and 2 being annexure P-6 herein, seeking urgent disciplinary action against the striking doctors in accordance to the specific directions/orders passed by the Supreme Court. The Respondents, however, have remained absolutely silent and grossly failed to act upon or respond to the representation of the petitioner .
7. That the Petitioner has established its credentials through various PILs in High Court and in the Hon'ble Supreme Court, some of the important PILs are listed below in the following table:-

Serial No.	Case No.	Issues	Status/Outcome
1.	W.P. Civil No. 253/2012 in Supreme Court of India	Doctors' strike	Disposed/Allowed
2.	W.P. Civil No. 317/2000 in Supreme Court	Accountability of State Medical Councils	Disposed/Allowed

	of India		
3.	SC C.C. Civil No. 158/2012 in Supreme Court of India	“Non-advocate” for victims of medical negligence	Disposed/ Allowed
4.	W.P. Civil D. No. 10935/ 2020 in Supreme Court of India	Wrong drug use in COVID-19	Disposed/ Allowed
5.	W.P. Cri. No. 228/2005 in Supreme Court of India	Criminal medical negligence	Disposed
6.	Delhi High Court W.P. Crl. 754/2010	Corruption in Medical Council of India	Disposed
7.	Calcutta High Court W.P.O. 3/2019	Improper processes at State Consumer Forum	Disposed/ Allowed
8.	Calcutta High Court W.P. No. 150/2018	Against lawyers’ strike	Disposed/ Allowed
9.	Calcutta High	Against flawed	Pending

	Court W.P.A.P. No. 97/2021	“SwasthyaSathi” health scheme	
10.	Calcutta HC W.P.A.P. No. 289/2021	Against doctors’ strike	Pending

8. Besides the above, there are several other petitions filed by the petitioner in larger public interest from time to time , the details of which have not been compiled by the petitioner due to paucity of time. The petitioner undertakes to file such other detail as and when directed by this Hon'ble Court.
9. That the petitioneris filing the instant writ petition in public interest for upholding the rule of law and for enforcement of the rights of the citizens under Article 14 and 21 of the Constitution of India.
10. The petitioner submits that Doctors should never boycott hospital work or join “doctors’ strike” to settle their personal scores against the government or hospital authorities on any ground because cease work by members of the medical professionin reality is akin to holding the defenseless patients as hostage that

frequently results in needless injuries and loss of innocent lives. Every doctor takes the age-old *Hippocratic Oath* that has provided an almost divine role for members of the medical community emphasizing that helping the ailing citizens without any precondition should be the primary motto of all physicians. The Medical Council of India (MCI) “Code of Ethics and Regulations, 2002” including Section 1.2 (“Maintaining good medical practice”), Section 2.1 (“Obligation to the sick”) and Section 2.4 (“The patient must not be neglected”) also have carried the same messages promoting ethical practice of medicine that goes clearly against any notion of boycott or cease work by doctors. These points have been categorically upheld by Delhi Medical Council (DMC) while investigating a complaint filed by this petitioner against a “doctors’ strike” as DMC has clearly opined vide a final order dated 7th December, 2010 holding that doctors have no right to go on strike “under any circumstances” (Annexure P-1).

11. That while acknowledging that peaceful “strike” is a basic right in democratic society for employees in most professions to express their grievances against the authorities, this Hon’ble Court in *T.K. Rangarajan vs. Govt. of Tamil Nadu & Ors.* (2003

SCC 6, 581) has unequivocally affirmed that people involved with work pertaining to vital public services cannot go on strike by holding the entire society at ransom. In the said judgment, while referring to the needless suffering that “doctors’ strike” may inflict to the society, this Hon’ble Court has made a candid observation that “*In case of strike by Doctors, innocent patients suffer*”. The Hon’ble Apex Court has further held that even members of the legal profession have no right to go on strike and deprive services to their clients (2003 SCC 2, 45). There can be no argument that “doctors’ strike” deprives necessary treatment from the innocent patients denying their fundamental right to life which is protected under Article 21 of Indian Constitution. Thus, “doctors’ strike” is not only immoral, it is also illegal and unconstitutional.

12. That despite the obvious moral as well as legal boundaries against doctors to go on “strike”, medical groups across India including the Indian Medical Association (IMA) have frequently joined “doctors’ strike” crippling regular hospital services and bringing endless pain, suffering and death to the hapless patients. The petitioner herein filed a PIL before the Hon’ble Supreme Court *vide* W. P. (Civil) No. 316/2006 (People for Better Treatment vs.

Medical Council of India &Ors.) after a “doctors’ strike” that devastated medical services at the All India Institute of Medical Sciences (AIIMS) resulting in endless human tragedy and loss of lives of innocent patients. A 3-judge bench of the Hon’ble Apex Court held that doctors’ have no right to go on a “strike” and disposed of the said PIL *vide* a final order/judgment dated 7th May, 2012 directing that in the event of strike by doctors, the petitioner may move the concerned health ministry and further held, “If no response is given by the concerned Ministry of Health, liberty is given to the petitioner to move the appropriate court”.

13. That even after the unequivocal directions issued by the Hon’ble Apex Court against “doctors’ strike” in *People for Better Treatment (Supra.)*, Indian Medical Association (IMA) called another nation-wide “doctors’ strike” to protest introduction of the Clinical Establishment Act, 2010 compelling this petitioner-organization to bring a second PIL against “doctors’ strike” *vide* W. P. Civil No. 253/2012 (*People for Better Treatment vs. IMA &Ors.*) before the Hon’ble Apex Court to stop the potential human catastrophe from a nation-wide strike by doctors. While reiterating the earlier Apex Court decision against “doctors’

strike” passed in W.P. (Civil) No. 316/2006 and holding that doctors must not resort to strike under any condition, a second 3-judge bench of the Hon’ble Supreme Court disposed of the said PIL *vide* a final order/judgment dated 11th November, 2014 holding that government must take appropriate and necessary action against any doctors’ strike in the future and further holding that as Bar Council was directed to take disciplinary action against striking advocates in Common Cause, a registered Society vs. Union of India & Ors. [(2006) 9 SCC 295], similar stance must be taken by the medical council against “doctors’ strike”. The relevant portion of the said final order/judgment passed in W.P. Civil No. 253/2012 is reproduced below for ready reference:

“4. The said issue was highlighted before this Court previously in W.P. (Civil) No. 316 of 2006, wherein a total ban on “doctors’ 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 doctors’ 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 “doctors’ strike” to the Ministry of Health.

5.....Reliance must be placed upon the Constitutional bench decision in Common Cause, a registered Society vs. Union of India &Ors. (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 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”.

- 14.** The Medical Council of India (MCI), now replaced with the National Medical Commission (NMC), also took notice of the Apex Court’s categorical stance against “doctors’ strike” and issued a circular dated 22nd April, 2015 to all the State Medical Councils directing them to take cognizance of the specific directives against “doctors’ strike” issued by the Hon’ble Supreme Court in W.P. Civil No. 253/2012 and to

take “necessary action” against the striking doctors if and when incidence of “doctors’ strike” is brought to their notice.

15. It is truly regrettable that despite the repeated and unambiguous admonitions against “doctors’ strike” from the highest court of the land as well as from the top medical regulatory authorities including the respondents herein as well as the MCI and Delhi Medical Council, doctors and medical groups across India have given no heed to these repeated warnings against “doctors’ strike”. In fact, it appears that medical groups in India have increased the frequency of calls for “doctors’ strike” in the recent time seeking to settle their personal scores against the government and hospital authorities with a wide range of personal grievances including delay in medical college admission exams (NEET), salary issues and even disputes on unpaid allowances, crippling regular hospital services and causing devastating effects on the hapless patients in Delhi and across India. In fact, recently in November-December 2021, doctors in several major medical centers in Delhi including Ram Monohar Lohia (RML), Safdarjung and Lady Hardinge

hospitals went on strike and boycotted all routine and emergency services against alleged delay in NEET-PG counseling causing paralysis of regular medical services as reported by the major national media.

16. Similar “doctors’ strike” also erupted in other major cities across India in the recent time prompting the petitioner to send an urgent representation to the respondents, as directed by the Hon’ble Apex Court in two separate final orders/judgments in 2012 (Annexure P-2) and 2014 (Annexure P-3), seeking the respondents’ urgent intervention with this burning problem in public healthcaresystem and to take appropriate disciplinary action against the striking doctors as categorically directed by the Hon’ble Supreme Court of India.

17. **QUESTIONS OF LAW**

- i.* Whether the respondents are duty-bound to strictly enforce the specific orders/directions passed by the Hon’ble Supreme Court of India against “doctors’ strike” in India?

- ii.* Whether the respondents shall always act in aid of the Hon'ble Apex Court in accordance to the Article 144 of the Constitution of India by promoting the observations made by the court against "doctors' strike"?
- iii.* Whether the respondents must act expeditiously to take appropriate disciplinary actions against physicians involved with "doctors' strike" as specifically directed by the Hon'ble Supreme Court in W.P. Civil No. 316/2006 and W.P. Civil No. 253/2012?
- iv.* Whether strike by doctors that deprives vulnerable patients of necessary medical treatment and brings pain, suffering and death for the ailing citizens violates the fundamental right to life guaranteed under Article 21 of Indian Constitution?
- v.* Whether the respondents are liable for causing and abetting needless suffering of the innocent patients as a result of frequent calls for "doctors' strike" by remaining as silent spectators and refusing to take necessary

disciplinary measures against the striking doctors in accordance to law?

- vi.* Whether the respondents are responsible for contemptuous disregard of the Hon'ble Apex Court through their deliberate inaction against "doctors' strike" as the Hon'ble Supreme Court, in W. P. Civil No. 316/2006 and W.P. Civil No. 253/2012 has unequivocally held that the respondents must take appropriate disciplinary action against the striking doctors?
- vii.* Whether the respondents are guilty for not taking any remedial measures against the striking doctors and for disruption of regular hospital services as a result of frequent calls for "doctors' strike"?
- viii.* Whether the respondents have a bounden duty to protect the hapless patients from disruption of regular hospital services because of frequent "doctors' strike"?

- ix.* Whether the respondent no. 1 is obligated to enforce the State Medical Councils for taking necessary disciplinary actions against striking doctors in accordance to their own official circular dated 22nd April, 2015?
 - x.* Whether the patients and/or their families who suffer injuries or die as a result of “doctors’ strike” must be compensated by the respondent authorities for their for their inability to prevent strikes by doctors?
 - xi.* Whether the respondents, as the highest governmental authorities in the healthcare system, have the ultimate responsibility to take preventive action against threat of any “doctors’ strike” for protection of lives of the ailing citizens suggested by the Hon’ble Apex Court in W.P. Civil No. 316/2006 and W.P. Civil No. 253/2012?
- 18.** It is regrettable that despite receiving formal representation from the petitioner, as directed by the Hon’ble Apex Court, both respondents have remained absolutely oblivious to the frequent incidences of “doctors’ strike” causing endless pain, suffering and death of the vulnerable patients. As a result, frequent cease

work, strike and boycott of hospital services by doctors have continued in hospitals around Delhi and other states across India bringing untold miseries to the defenseless patients. Hence, this writ petition (PIL) is being filed on following one or other Grounds: -

GROUNDS

A. BECAUSE the respondents have miserably failed to take disciplinary action as per law against any doctor to prevent “doctors’ strike” in blatant disregard to the categorical orders/directions passed by the Hon’ble Supreme Court in 2012 (Annexure P-2) and again in 2014 (Annexure P-3).

B. BECAUSE “doctors’ strike” disrupts regular hospital services and deprives the innocent patients from necessary medical therapy denying their fundamental right to life which is protected under Article 21 of Indian Constitution.

C. BECAUSE failure to take appropriate disciplinary action against the striking doctors by the respondents in clear defiance to the specific orders/directions passed by the Hon’ble Apex Court (Annexures P-2/3) violates Article 144 of Indian Constitution,

both in letters and spirits, that has a mandate that all civil and judicial authorities shall act in the aid of the Supreme Court.

D. **BECAUSE** doctors in Delhi and across India have brazenly ignored the law of the land and have been resorting to strikes notwithstanding the fact that doctors have no moral or legal right to go on a strike on any ground holding the innocent patients as ransom.

E. **BECAUSE** the respondents have deliberately kept blind eyes to the frequent strikes by doctors and refused to take any disciplinary action against the striking doctors in flagrant disregard to the explicit observations by the Hon'ble Apex Court that has held that strike by a doctor may "amount to negligence warranting action for misconduct" (Annexure P-3) as both the National Medical Commission (respondent no. 1) and central health department (respondent no. 2) have not taken any action for misconduct against any striking doctors as they have remained absolutely mute to formal representation submitted by the petitioner as per direction of the Hon'ble Apex Court (Annexure P-6).

F. **BECAUSE** even after sending official notification to the registrars of all the State Medical Councils in India, underscoring the significance of the final order/judgment dated 11th November, 2014 passed by the Hon'ble Supreme Court against "doctors' strike" and unambiguously stating that the State Medical Councils should take cognizance of any matter related to strike by doctors and "to take necessary action against the doctor concerned in accordance to the order of the Hon'ble Supreme Court" (Annexure P-4), neither the National Medical Commission (Respondent no. 1) nor any of the State Medical Councils in India have felt it necessary to take any disciplinary action whatsoever against the striking medical doctors. Such deliberate and obvious aversion to take appropriate disciplinary action on part of the medical regulatory authorities has undoubtedly embolden the IMA and other medical groups to go on frequent "doctors' strike" across India at the expense of the hapless patients.

G. **BECAUSE** although doctors at times may have legitimate grievances against the government or other healthcare authorities but instead of redressing their tribulations through other peaceful modes of protest or demonstrations without affecting regular hospital services, it is wrong, legally and morally, to go on

“doctors’ strike” by holding the defenseless patients at ransom in candid violation of medical ethics.

H. **BECAUSE** the respondent nos. 1 and 2, the two supreme healthcare regulatory authorities in India, have shown absolutely no concern for the vulnerable patients who pay the ultimate price, sometime with their lives, as medical groups across India have continued to call frequent “doctors’ strike” to exert pressure on government or hospital authorities in order to settle scores for their personal grievances. As summarized in the formal representation filed with the respondents, only in the month of November 2021, at least 8 reported incidences of “doctors’ strike” took place across India with doctors protesting on a variety of issues including “unpaid allowances”, “salary issues” and “delay in medical admission counseling” etc. (Annexure P-6). There can be no dispute that strike by doctors at such frequent intervals would have never happened had the respondents not remained absolutely silent to “doctors’ strike” and instead, taken stringent disciplinary action against the striking medicos as per the medical code of ethics and regulations as held by the Hon’ble Apex Court in 2012 (Annexure P-2) and again in 2014 (Annexure P-3).

I. **BECAUSE** the respondents are liable for showing total disregard to the categorical orders passed by the Hon'ble Supreme Court and circular issued by MCI, directing that appropriate disciplinary action should be taken against doctors involved with "doctors' strike". The respondents have committed an almost contemptuous act by remaining silent and refusing to take any disciplinary action against the striking doctors even after formal complaints were brought to the respondents (Annexure P-6).

J. **BECAUSE** as categorically stated by the Hon'ble Apex Court in the final order/judgment in W.P. Civil No. 253/2012, the respondents had a mandate to take disciplinary action against the striking doctors as per law as categorically stated by the Hon'ble Apex Court (Annexure P-3).

K. **BECAUSE** the respondents should be held accountable for the pain, suffering and death of innocent patients caused as a result of frequent "doctors' strike" in India as they have remained totally silent and failed to take any disciplinary action against the striking medicos as explicitly directed by the Hon'ble Apex Court (Annexures P-2/3).

L. **BECAUSE** the respondents are liable to compensate the hapless patients who may have suffered due to the “doctors’ strike” as the respondents have utterly failed to prevent the frequent strikes by doctors as they never attempted to investigate and take appropriate disciplinary action against the striking doctors despite receiving formal complaints from the petitioner as directed by the Hon’ble Supreme Court in 2012 (Annexure P-2) and 2014 (Annexure P-3).

19. That the petitioner has neither filed any writ petition, suit, or any proceeding before Hon’ble Supreme Court, or High Court or other courts or Tribunal on the same or similar subject matter except one PIL against strike by local doctors at R.G Kar Medical college and Hospital , Kolkata, in Calcutta High Court vide W.P.A.P. No. 289/2021 which is still pending in court. None of the respondents herein are parties to the said proceedings.

PRAYER

In view of the facts and circumstances submitted above, the Petitioner prays that their lordships may graciously be pleased to :-

- a. Issue a writ and/or order and/or direction in the nature of Mandamus directing the respondent no. 1 to direct suitable disciplinary action against the erring doctors who were involved with the “doctors’ strikes” listed in the representation in Annexure P-6 in accordance to the orders/directions by Hon’ble Supreme Court in W.P. (Civil) No. 253/2012 (Annexure P-3);
- b. Direct the respondents to adopt stringent and necessary preemptive measures for prevention of “doctors’ strike” in the future.
- c. Direct the respondents to widely publicize that doctors may not resort to strike under any condition and that disciplinary action will be taken against all striking doctors in accordance to the directions/orders of the Hon’ble Apex Court.
- d. Any other order(s) and direction(s) that this court may deem fit and appropriate.

Kunal Saha

PETITIONER

Kolkata

Dated: 11/5/2022

People for Better Treatment (PBT)

Through Dr. Kunal Saha, President,

THROUGH

Sachin Jain,

SACHIN JAIN ADVOCATE,

28, LAWYERS CHAMBER, SUPREME COURT OF INDIA, NEW
DELHI-110001, EMAIL: sachinjain@lawyer.com. MOB: 9818544445

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRAORDINARY CIVIL JURISDICTION)**

WRIT PETITION (CIVIL) NO.OF 2022

IN THE MATTER OF PUBLIC INTEREST LITIGATION

PEOPLE FOR BETTER TREATMENT
(PBT) THROUGH ITS PRESIDENTPETITIONER

VERSUS

NATIONAL MEDICAL COMMISSION (NMC)
THROUGH ITS SECRETARY & ANR.RESPONDENTS

AFFIDAVIT

I, Dr Kunal Saha, aged about 63 years, son of late Dr. Jaladhar Saha and president, PEOPLE FOR BETTER TREATMENT (PBT), COMMERCIAL POINT (GROUND FLOOR), 79 LENIN SARANI, KOLKATA 700013, do hereby solemnly affirm and declare as under:

1. I am the president of the Petitioner above named. The petitioner is a registered society having its head office at COMMERCIAL POINT (GROUND FLOOR), 79 LENIN SARANI, KOLKATA 700013 and I have been authorized to institute, sign this petition vide resolution dated February 6, 2022.


2. That I have filed the present petition as a Public Interest Litigation.

3. I have gone through the Delhi High Court (Public Interest Litigation) Rules, 2010 and do hereby affirm that the present Public Interest Litigation is in conformity thereof.



4. That the Petitioner has no personal interest in the litigation and neither myself nor anybody in whom the petitioner is interested would in any manner benefit from the relief sought in the present litigation save as a member of General Public. This petition is not guided by self-gain or for gain of any person/institution /body and that there is no motive other than of public interest in the filing this petition.

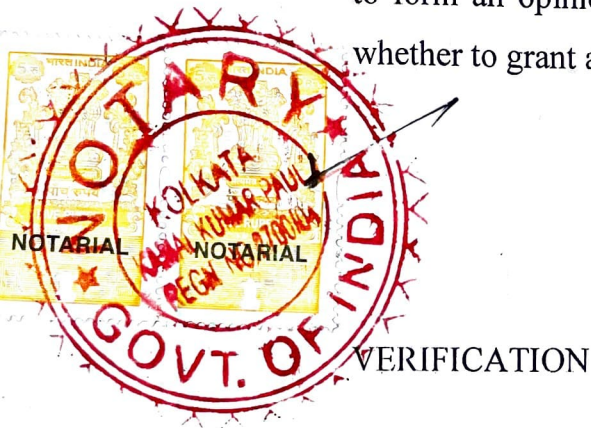
5. I have done whatsoever inquiry/investigation which was in my power to do, to collect all data/material which was available and which was relevant for this Court to entertain the present petition. I further confirm that I have not concealed in the present petition any data/material/information which may have enabled this Hon'ble Court to form an opinion whether to entertain this petition or not and /or whether to grant any relief or not.


(DR. KUNAL SAHA)
Deponent

Jointly affirmed & Declared before me on identification of Ld. Advocate




KAMAL KUMAR PAUL, NOTARY
Govt. of India, Regn No 2700/KM



Verified that the contents of above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed there from.

Verified at KOLKATA on this 11th day of May 2022


(DR. KUNAL SAHA)
Deponent



DMC/DC/F.14/Comp.777/2/2010/

7th December, 2010

ORDER

The Delhi Medical Council examined a representation from Shri Kunal Saha, President, People for Better Treatment, raising the issue of violation of Code of Ethics by doctors of Safdarjung Hospital by resorting to strike. It is noted that the complainant has not filed any documents in support of his complaint nor have specified the names of doctors against whom the allegation of resorting to strike have been made. Be that as it may, the Delhi Medical Council is of the view that under no circumstances doctors should resort to strike as the same puts patient care in serious jeopardy and such actions are also in violation of the Indian Medical Council (Professional Conduct, Etiquette and Ethics), Regulations, 2002.

On this issue, the Council have circulated certain guidelines for registered medical practitioner, on earlier occasion also, the same are again reiterated herebelow :-

The principal objective of the medical profession is to render service to humanity with full respect for the dignity of profession and man, reward or financial gain is a subordinate consideration. A physician should be an upright man, instructed in the art of healing. He shall keep himself pure in character and be diligent in caring for the sick.

Maintaining good medical practice :

Physicians should merit the confidence of patients entrusted to their care, rendering to each a full measure of service and devotion. Physicians should try continuously to improve medical knowledge and skills and should make available to their patients and colleagues the benefits of their professional attainments. The physician should practice methods of healing founded on scientific basis and should not associate professionally with anyone who violates this principle.

Contd/-

(2)

Obligation to the Sick :

Though a physician is not bound to treat each and every person asking his services, he should not only be ever ready to respond to the calls of the sick and the injured, but should be mindful of the high character of his mission. A physician should endeavour to add to the comfort of the sick by making his visits at hour indicated to patients. A physician advising a patient to seek service of another physician is acceptable, however, in case of emergency a physician must treat the patient. No physician shall arbitrarily refuse treatment to a patient. However for good reason, when a patient is suffering from an ailment, which is not within the range of experience of the treating physician, the physician may refuse treatment and refer the patient to another physician.

Appointment of substitute :

Whenever a physician requests another physician to attend his patients during his temporary absence from his practice, professional courtesy requires the acceptance of such appointment only when he has the capacity to discharge the additional responsibility along with his / her other duties.

Exposure of unethical conduct :

A physician should expose, without fear or favour, incompetent or corrupt, dishonest or unethical conduct on the part of members of the profession.

The patient must not be neglected :

A physician is free to choose whom he will serve. He should, however, respond to any request for his assistance in an emergency. Once having undertaken a case, the physician should not neglect the patient, nor should he withdraw from the case without giving adequate notice to the patient and his family.

Efforts should be made to resolve all issues which the medical professionals subscribe/ promote / espouse and which may be considered to be conflicting / controversial in nature, through amicable, legitimate means, so that the interest of the patient's is not undermined or compromised, under any circumstances.

Contd/-

(3)

The Delhi Medical Council, therefore, directs the Medical Superintendent, Safdarjung Hospital to take note of the observations made hereinabove and disseminate this information amongst the doctors servicing in Safdarjung Hospital. It is also directed that copy of this Order be also sent to Directorate of Health Services, Govt. of NCT of Delhi and Director General Health Services, Govt. of India, for circulation and compliance by all the hospitals working under these authorities.

Matter stands disposed.

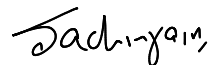
By the Order & in the name of
Delhi Medical Council

(Dr. Girish Tyagi)
Secretary

Copy to :-

- 1) Shri Kunal Saha, President, People for Better Treatment (PBT), 2A, Rakhal Mukherjee Road, Kolkata – 700025, INDIA
- 2) Medical Superintendent, Safdarjung Hospital, Ansari Nagar, New Delhi – 110029
- 3) Director Health Services, Govt. of NCT of Delhi, Swasthya Sewa Nideshalay Bhawan, F-17, Karkardooma, Delhi – 110032 – for information and necessary action.
- 4) Director General Health Services, Govt. of India, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi – for information and necessary action.

(Dr. Girish Tyagi)
Secretary



TRUE COOY

ITEM NO.34
PIL

COURT NO.1

SECTION

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. NO.2
IN
WRIT PETITION (CIVIL) NO.316 OF 2006

PEOPLE FOR BETTER TREATMENT

Petitioner(s)

VERSUS

SECRETARY, MED.COUNCIL OF INDIA & ORS.

Respondent(s)

(For Restoration)

Date: 07/05/2012 This Matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE SWATANTER KUMAR

Dr. Rajiv Dhavan, Sr. Adv. (A.C.) (N/P)

For Petitioner(s)

Mr. Shashi Bhushan Kumar, Adv.

For Respondent(s)

Mr. Guntur Prabhakar, Adv.

Mr. S. Srinivasan, Adv.

Mr. Niraj Sharma, Adv.

Mr. Himinder Lal, Adv.

For Respondent No.16:

Mr. J.P. Mishra, Adv.
Mr. Shankar Divate, Adv.

Mr. Ajay Choudhary, Adv.

Mr. Amit Kumar, Adv.

Mr. Atul Kumar, Adv.

Ms. Rekha Bakshi, Adv.

Mr. Avijit Mani Tripathi, Adv.

Mr. Rajeev Agarwal, Adv.

Mr. Abhishek Chaudhary, Adv.

....2/-

- 2 -

Mr. T.S. Doabia, Sr. Adv.
Ms. Rashmi Malhotra, Adv.
Mr. D.S. Mahra, Adv.

UPON hearing counsel the Court made the following

O R D E R

The interlocutory application for restoration is allowed.

The petitioner is directed to move the concerned Ministry of Health with the representation. If no response is given by the concerned Ministry of Health, liberty is given to the petitioner to move the appropriate Court.

The writ petition is, accordingly, disposed of.

[T.I. Rajput]
A.R.-cum-P.S.

[Madhu Saxena]
Assistant Registrar

Sadhyam
True copy

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)

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.

.....CJI.
(H.L. DATTU)

.....J.
(MADAN B. LOKUR)

.....J.
(A.K. SIKRI)

NEW DELHI,
NOVEMBER 11, 2014.

ITEM NO.11

COURT NO.1

SECTION PIL

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 253 of 2012

PEOPLE FOR BETTER TREATMENT (PBT)

Petitioner(s)

VERSUS

SECRETARY, INDIAN MEDICAL
ASSOCIATION (IMA) & ORS.

Respondent(s)

(With application for directions and office report)
(For final disposal)

Date : 11/11/2014 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE A.K. SIKRI

For Petitioner(s) Mr. M.N. Krishnamani, Sr. Adv.
Mr. Rabin Majumder, Adv.

For Respondent(s) Mr. Maninder Singh, ASG
UOI Mr. R.K. Rathore, Adv.
Ms. Niranjana Singh, Adv.
Mr. Gaurav Sharma, Adv.
Mr. D.S. Mahra, Adv.
Ms. Sushma Suri, Adv.

IMA Mr. Annam D. N. Rao, Adv.
Mr. Abhishek Agarwal, Adv.
Mr. Sudipto Sircar, Adv.
Ms. Vaishali R., Adv.
Ms. Neelam Jain, Adv.
Ms. G. Swati Pathgotri, Adv.

MCI

Mr. Gaurav Sharma, Adv.
Ms. Amandeep Kaur, Adv.
Mr. Prateek Bhatia, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The writ petition is disposed of in terms
of the signed order.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file.)

Sadhayam,

TRUE COPY

Phone : 25367033, 25367035, 25367036
 25367033, 25367035, 25367036
 Fax : 0091-11-25367024
 E-mail : mci@bol.net.in
 Website : www.mciindia.org

भारतीय आयुर्विज्ञान परिषद्
 MEDICAL COUNCIL OF INDIA

No. MCI - 211(2)(Gen)/2014-Ethics/103581 Date: 22/4/15

To
 The Registrar,
 All State Medical Councils

Subject: W.P. (C) No. 253 of 2012 in the Supreme Court of India titled as People for Better Treatment V/s Secretary, IMA & Anr -reg.

Sir/Madam,

It is to inform you that in pursuance to the order dated 11.11.2014 passed by the Hon'ble Supreme Court in W.P. (C) No. 253 of 2012, Titled as Peoples for Better Treatment Vs Secretary, Indian Medical Association and ors., the matter was considered by the Ethics Committee at its meeting held on 28th January 2015 and observation/decision of the Committee is as under:-

"The Ethics Committee perused the Order dated 11.11.2014 of Hon'ble Supreme Court of India in W.P. (C) No. 253 of 2012 titled as People for Better Treatment V/s Secretary, IMA & Anr. with regard to concern over the doctors going on strike.

The Ethics Committee discussed the matter in detail and is of the view that every doctor registered in the State Medical Council/ Medical Council of India are required to abide the Code of Medical Ethics.

In view of above, the Ethics Committee decided that a copy of the order of the Hon'ble Supreme Court of India be forwarded to all the State Medical Councils with the request to take the cognizance into the matter related to strike by doctors, in case any such incident is brought to their notice and take necessary action against the doctor concerned in accordance with the order of Hon'ble Supreme Court."

The above recommendations of the Ethics Committee approved by the Executive Committee at its meeting held on 16.03.2015, while considering the minutes of the Ethics Committee.

In view of above, you are requested to take the cognizance of the directives of the Hon'ble Supreme Court, in case any incident of strike by doctors in the state is brought to your notice and take necessary action against the doctor concerned accordingly.

A copy of the order of the Hon'ble Supreme Court is attached herewith.

This issues with the approval of the competent authority.

Yours faithfully,
 (Rajiv Kumar)
 Section Officer

Date:

Encls: As above.
 Enst.No. MCI - 211(2)(Gen)/2014-Ethics/

Copy forwarded to information and necessary action to:-
 1. The Computer Section, Medical Council of India, New Delhi to upload the said decision on the Council website.
 2. The Law Officer, Medical Council of India, New Delhi

(Rajiv Kumar)
 Section Officer

5+ Urgent
 Noted -
 circulate to All Departments
 & Doctors for IMA -)
 Ayog

True copy
 Sachin Jain,



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Doctors' strike continues, medical services paralysed

On Monday, December 6, 2021, the resident doctors of the Centre-run RML, Safdarjung and Lady Hardinge hospitals boycotted all routine and emergency services in support of a nationwide protest



Published: 07th December 2021 08:11 AM | Last Updated: 07th December 2021 08:11 AM

 Print | [A+](#) [A](#) [A-](#)


Resident doctors of Ram Manohar Lohia Hospital protest over delay in NEET-PG counselling on Monday. (Photo | Parveen Negi)

By Express News Service

NEW DELHI: THE Federation of Resident Doctors Association (FORDA) has decided to continue their strike on Tuesday as well since talks with the Union health minister could not come to

People for Better Treatment (PBT)

Registered society fighting for a better healthcare system

(Regd. No. S/IL/6017 of 2001-2002)

President: Dr. Kunal Saha

6725 Longshore Street

Dublin, Ohio 43017, USA

Tel: 001-614-893-6772

Email: anku@aol.com

Secretary: Ms. Ratna Ghosh

Commercial Point (Ground floor)

79 Lenin Sarani, Kolkata 700013

Tel: 9836706952/9831983670

Web: WWW.PBTINDIA.COM

Urgent Representation as per Hon'ble Supreme Court

December 3, 2021

1) Secretary

Ministry of Health & Family Welfare

Room. 156-A, Nirman Bhavan

New Delhi 110011

Email: secyhw@nic.in

2) Secretary

National Medical Commission (NMC)

Pocket-14, Sector 8

Dwarka, New Delhi 110077

Email: secy-mci@nic.in

RE: Doctors' Strike: Blatant violation of Apex Court's Directions

Dear Sir/Madam:

In response to our PIL (W.P. Civil No. 316/2006; People for Better Treatment vs. Secretary, Medical Council of India & Ors.) against the immoral and unlawful "doctors' strike" that has already resulted in many deaths and injuries to the hapless patients across India, a 3-judge bench of the Hon'ble Supreme Court passed a final order dated 7th May, 2012 holding that doctors' strike may amount to negligence warranting action for misconduct and directed us to approach the Ministry of Health with a representation seeking necessary action against any future strike by doctors (Annexure- A). In a second PIL filed by our organization against "doctors' strike" (W.P. Civil No. 253/2012; People for Better Treatment vs. Secretary, Indian Medical Association & Ors.), a different 3-judge bench of the Hon'ble Apex Court passed a final order/judgment dated 11th November, 2014 categorically upholding the previous observations and further reiterating that medical councils must take disciplinary action against the striking medicos when any incidence of "doctors' strike" is brought to their notice (Annexure- B). TRUE COPY

Unfortunately, despite such unequivocal and emphatic orders by different benches of the Hon'ble Apex Court, doctors across India have given absolutely no heed to the categorical

observations made by the highest court of the land as they have continued to go on frequent “doctors’ strike” to settle their personal scores against the government and hospital authorities holding the defenseless patients at ransom. In fact, we previously brought such incidences of “doctors’ strike” to your attention but unfortunately, no action was taken till now either by the health ministry or medical council of India (now NMC) as doctors and medical groups have continued to go on “doctors’ strike” as before.

We are submitting this formal Representation, as advised by the Hon’ble Apex Court (Annexure- A), seeking your immediate intervention in view of a spurt of “doctors’ strikes” taking place recently all over India in demand of one thing or another by the agitating doctors as widely reported by the media. Few examples of such “doctors’ strike”, held only over the past few days as reported from all over India, are annexed herewith and summarized below for your perusal and appreciation of the serious issue of “doctors’ strike” (Annexures C-J):

Date	Place	Demand/Dispute
i) Nov. 26, 2021	Delhi	Pending salary issues (Annex. C)
ii) Nov. 30, 2021	Bengaluru	Unpaid allowances (Annex. D)
iii) Nov. 30, 2021	Kolkata	NEET Counseling delay (Annex. E)
iv) Nov. 28, 2021	U.P.	Counseling delay (Annex. F)
v) Nov. 27, 2021	Assam	PG Counseling delay (Annex. G)
vi) Nov. 23, 2021	Delhi	No pay, no work (Annex. H)
vii) Nov. 29, 2021	Indore	PG Counseling delay (Annex. I)
viii) Nov. 28, 2021	Delhi	Pending salary issues (Annex. J)

The above examples on “doctors’ strike” provide glimpse of a shocking picture of how doctors and medical groups across India have completely ignored not only the specific directions of the Hon’ble Apex Court but also the fundamental tenors of the Hippocratic Oath that all doctors must strive to achieve as doctors across India have continued to go on frequent strikes at the expense of the vulnerable patients.

I am submitting this formal “Representation” as directed by the Hon’ble Supreme Court *vide* order dated 7.5.2012 (Annexure-A) to draw your immediate intervention to the deplorable

situation emerging with the frequent calls for “doctors’ strike” holding the hapless patients as hostage as strike by doctors always disrupts regular and essential hospital services. The Medical Council of India (MCI) has explicitly denounced “doctors’ strike” in the past and the newly formed NMC has also echoed previous notification by the MCI that doctors cannot resort to strike under any condition in support of the Hon’ble Supreme Court. However, doctors and medical groups still join frequent “doctors’ strike” as no disciplinary action has been taken against any striking doctors till date by the medical councils or Health Ministry.

In view of the discussion above, I request you most fervently to please take exemplary disciplinary action against the striking doctors as mentioned above and also take other necessary measures as per law to send a strong signal for bringing an end to the frequent “doctors’ strike” to protect the lives of the innocent patients. I further say that if we do not receive a reasonable response from you within 10 days from receipt of this email/letter, we may have no other option but to move the appropriate court, as advised by the Hon’ble Apex Court (Annexure- A), with a contempt of court or other appropriate application, for the ends of justice. I look forward to hearing from you. Thank you.

Sincerely,

Kunal Saha

Kunal Saha, MD, PhD
President, PBT
Tel: 9958744305/8100165848

Sadhyam,
True copy

Encl: 1) Annexures A - J

भारतीय डाक

53

EW586708676IN IVR:6987586708676

SF TALTA LA SO <700014>

Counter No:1, 06/12/2021, 12:44

To:NATIONAL MED ,POCKET 14 SEC-B

PIN:110077, Raj Nagar II S.O

From:KUNAL SAHA, 79 L SARANI

Wt:84gms

Amt:70.80(Cash)Tax:10.80

<Track on www.indiapost.gov.in>

<Dial 18002666868> <Wear Masks, Stay Safe>

भारतीय डाक

EW586708680IN IVR:6987586708680

SF TALTA LA SO <700014>

Counter No:1, 06/12/2021, 12:44

To:MINS OF HEALT, ROOM-156 NIRMAN

PIN:110011, Nirman Bhawan SO

From:KUNAL SAHA, 79 L SARANI

Wt:84gms

Amt:70.80(Cash)Tax:10.80

<Track on www.indiapost.gov.in>

<Dial 18002666868> <Wear Masks, Stay Safe>



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* Consignment Number Track More

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Taltala SO	06/12/2021 12:44:30	110011	70.80	Inland Speed Post	Nirman Bhawan SO	10/12/2021 13:50:27

Event Details For : EW586708680IN Current Status : Item Delivery Confirmed

Date	Time	Office	Event
10/12/2021	13:50:27	Nirman Bhawan SO	Item Delivery Confirmed
10/12/2021	13:06:34	Nirman Bhawan SO (Beat Number:22)	ITEM DELIVERED Item Delivered [To: HCR (Addressee)]
10/12/2021	11:29:27	Nirman Bhawan SO	Out for Delivery
10/12/2021	08:52:16	Nirman Bhawan SO	Item Received
10/12/2021	05:42:28	NSH Delhi	Item Despatched
09/12/2021	16:21:54	NSH Delhi	Item Bagged
09/12/2021	10:39:23	NSH Delhi	Item Received
09/12/2021	03:51:37	Delhi AP TMO	Item Received
08/12/2021	03:15:53	KOL AP TMO	Item Dispatched
08/12/2021	02:58:09	KOL AP TMO	Item Received
08/12/2021	02:42:50	Kolkata NSH	Item Dispatched
08/12/2021	02:12:38	Kolkata NSH	Item Bagged
07/12/2021	19:52:04	Kolkata NSH	Item Received
06/12/2021	19:47:11	Kolkata RMS Mails TMO	Item Dispatched
06/12/2021	19:37:50	Kolkata RMS Mails TMO	Item Received
06/12/2021	13:42:09	Taltala SO	Item Dispatched
06/12/2021	13:40:58	Taltala SO	Item Bagged
06/12/2021	12:44:30	Taltala SO	Item Booked

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External Links

- india.gov.in
- National Voter's Service Portal
- Application Security Audit Report





Department of Posts
Ministry of Communications
Government of India



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Tools

Track Consignment

Locate Post Office

Find Pincode

Calculate Postage

Track Consignment

Quick help ?

* Indicates a required field.

* Consignment Number

EW586708676IN

Track More

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Taltala SO	06/12/2021 12:44:30	110077	70.80	Inland Speed Post	Raj Nagar II S.O	09/12/2021 16:33:53

Event Details For : EW586708676IN

Current Status : Item Delivery Confirmed

Date	Time	Office	Event
09/12/2021	16:33:53	Raj Nagar II S.O	Item Delivery Confirmed
09/12/2021	09:01:38	Raj Nagar II S.O	Out for Delivery
09/12/2021	08:12:25	Raj Nagar II S.O	Item Received
09/12/2021	05:02:28	NSH Delhi	Item Despatched
08/12/2021	13:59:39	NSH Delhi	Item Bagged
08/12/2021	04:28:31	Delhi AP TMO	Item Received
07/12/2021	05:20:07	KOL AP TMO	Item Dispatched
07/12/2021	04:20:36	KOL AP TMO	Item Received
07/12/2021	03:55:06	Kolkata NSH	Item Dispatched
07/12/2021	03:47:37	Kolkata NSH	Item Bagged
07/12/2021	01:02:57	Kolkata NSH	Item Received
06/12/2021	19:47:11	Kolkata RMS Mails TMO	Item Dispatched
06/12/2021	19:37:50	Kolkata RMS Mails TMO	Item Received
06/12/2021	13:42:09	Taltala SO	Item Dispatched
06/12/2021	13:40:58	Taltala SO	Item Bagged
06/12/2021	12:44:30	Taltala SO	Item Booked

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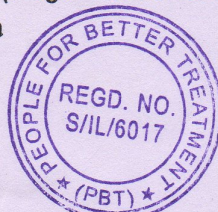


People for Better Treatment (PBT)

Registered society fighting for a better healthcare system

(Regd. No. S/IL/6017 of 2001-2002)

President: Dr. Kunal Saha
6725 Longshore Street
Dublin, Ohio 43017, USA
Tel: 001-614-893-6772



Secretary: Ms. Ratna Ghosh
Commercial Point (Ground floor)
79 Lenin Sarani, Kolkata 700013
Tel: 9836706952/9831983670

Email: anku@aol.com

Web: WWW.PBTINDIA.COM

February 1, 2022

To Whom It May Concern:

Governing body meeting of PBT held via videoconferencing on January 31, 2022, it was unanimously decided by all the members that in regard to the new writ petition (PIL) against "doctors' strike" to be filed soon before the Hon'ble Delhi High Court, our president, Dr. Kunal Saha, will have full and complete authorization to prepare, file and plead this matter before the Hon'ble Delhi High Court. For further information or any questions in this regard, please contact me at the number given below. Thank you.

Sincerely,

Ms. Ratna Ghosh
Secretary, PBT
Tel: 8240209992

Secretary
PEOPLE FOR BETTER TREATMENT
(PBT.)



**IN THE HIGH COURT OF DELHI AT NEW DELHI
WRIT PETITION (CIVIL) NO.OF 2022**

IN THE MATTER OF PUBLIC INTEREST LITIGATION

PEOPLE FOR BETTER TREATMENT

.....PETITIONER

VERSUS

NATIONAL MEDICAL COMMISSION (NMC) & ANR.

.....RESPONDENTS

VAKALATNAMA

KNOW All to whom these presents come that we the undersigned People For Better Treatment (pbt) through its President Dr. Kunal Saha, Commercial Point (Ground Floor), 79 Lenin Sarani, Kolkata 700013 do hereby appoint

Sachin Jain advocate (D/925/02), 28, Lawyers Chamber

Supreme Court of India, New Delhi mob: 9818544445

Email: sachinjain@lawyer.com

hereinafter called Advocate to be my/our Advocates in the above noted case and authorize

To act, appear and plead in the above noted case in this Court or any other Court in which the same be tried or heard and also in the Appellate Courts.

To sign, file, verify and present pleadings, replications, appeals, cross-objections, or petitions for executions, review, revision, restoration, withdrawal, compromise or other petitions, replies, objections or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stage.

To file and take back documents.

To withdraw, or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take out execution proceedings.

To deposit, draw and receive money, cheques and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course to prosecution of the said case.

To appoint, instruct any other legal practitioner authorizing him to exercise the power and authorities hereby conferred upon the Advocate whenever he may think fit to do so and sign the power of attorney on my/our behalf.

And I/We the undersigned do hereby agree to ratify and confirm at act as if done by the Advocate or their substitutes in the matter as my/our own acts, as if done by me/us to intents and purposes.

And I/We undertake that I/we or my/our duly authorized agents would appear in Court all hearings will confirm the Advocates for appearance when case is called.

And I/We the undersigned to hereby agree not to hold the Advocate or their substitute responsible to the result of the said case, consequence for his absence from the court when the said case is called up for hearing or any negligence of the said advocates or his substitute.

And I/We the undersigned to hereby agree that in the event of the whole or any part to the fee agreed by me/us to the Advocates remaining unpaid they shall have option to abstain themselves from appearing in the court and I/we shall be liable for all the consequences.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us this 11TH DAY OF May 2022
Accepted subject to the terms of fees.

Sachin Jain

Advocates

Kunal Saha

Client