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States lax in cracking down on doctors' strikes: SC

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Noting that “God created doctors as his agents to save lives,” the Supreme Court on Tuesday questioned the lack of intention on the part of the State governments to impose the essential services law and bring in line medical professionals who resorted to strikes at a great cost to the patients.

A Bench headed by Chief Justice H.L. Dattu was hearing a petition filed by People for Better Treatment to declare illegal any strikes called by doctors.

Noting that the petition was a “commendable” effort by the non-governmental organisation, the Bench, however, dismissed it saying the court could not issue any directives as sought by it against medical strikes.

“This [medical profession] is a noble service. God has created doctors to save life. Being God’s agent, they should not go on strike. We can express our desire. Beyond that a positive direction cannot be issued, when we know that it is difficult to implement our order” the Chief Justice observed.

Appearing for the NGO, senior advocate M.N. Krishnamani submitted that a directive from the court to the Medical Council of India would see some positive action.

“Don’t you think that the State government has a law in the name of Essential Services Maintenance Act; if they [authorities] enforce it, all the strikes are gone. Where is the question of any declaration from us?” CJI asked counsel.

“Why should courts issue directions? It is a peculiar situation. Nobody expects doctors, lawyers and teachers to go on strike but they do so,” the Bench said.

