



INDIAN MEDICAL ASSOCIATION (HQs.)

(Registered under the Societies Act XXI of 1860)

Mutually Affiliated with the British & Nepal Medical Associations

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21/08/2024

New Delhi

To,

Shri J.P. Nadda

Hon'ble Union Minister of Health & Family Welfare

Govt. of India

Respected Sir,

Indian Medical Association is grateful to your goodself for receiving the delegation of IMA on 13th August 2024 regarding the issue of Central Act on Violence on Doctors and Hospitals, Safety and Security in workplaces of healthcare personnel and the working and living conditions of the Resident doctors. IMA also thanks you for accepting the suggestions for the National Medical Commission insisting on security measures as a pre-condition for giving recognition to new medical colleges. The advisory of the National Medical Commission in this regard was released an hour after the meeting.

Indian Medical Association had withdrawn services of the Medical Fraternity except casualties and emergencies across the country on 17.08.2024. The withdrawal of services was near total in almost all the district of the country.

The Hon'ble Supreme Court of India in **SMW (Crl) No 2 of 2024** has intervened in the alleged rape and murder incident of a trainee doctor IN R.G. KAR MEDICAL COLLEGE AND HOSPITAL and related issues. The Hon'ble Supreme Court also has formed a National Task Force in this regard. The intervention by the Hon'ble Supreme Court has entrusted the National Task Force with the action required for safety and security of healthcare professional including doctors the working and living conditions of the resident doctors and also the matters relating to the crime at R.G. Kar Medical College & Hospital.

The issue of promulgating an ordinance for the Central Act for protection of Healthcare professionals remains to be addressed. Indian Medical Association is keen on a Central Act in this regard. We hereby submit the following facts for your consideration.

1. Clinical Establishments (Registration and Regulation) Act, 2010 was enacted by the Parliament of India at the request of 4 states even though hospitals and dispensaries come under the state list of the Constitution of India.
2. The Ministry of Health & Family Welfare, Gol under your watch has documented an Office Memorandum with the IMA where the Ministry has said that "it shall explore the possibility to initiate the process to bring a Central Act in line with those in vogue in the state".
3. A draft legislation "The Healthcare Service Personnel and Clinical Establishments (Prohibition of violence and damage to property) Bill, 2019" was placed in public domain after due consultation with all the stake holders. The Union Home and Law Ministry were involved alongwith the Union Health Ministry in drafting this Bill.
4. The Epidemic Diseases Amendment Ordinance, 2020 was proclaimed on 22nd April 2020



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amending the Epidemic Diseases Act of 1897 during the Covid Settings. The same was approved and passed by the Parliament as the Epidemic Diseases Amendment Act, 2020 and received the assent of the President on 28th September 2020.

All the above proceedings show the sensitivity of the Union Health Ministry regarding violence on doctors and hospitals. That the Government went through all the above exercises shows that there is a constitutional validity which is implicitly acknowledged. Similarly, the enactment of CEA brings out the constitutional provisions under which a Central Act could be enacted on Hospitals and Healthcare personnel.

The following doctors were killed in workplace inline of their duty:

1. Dr. Sethulaxmi (03/01/2012) in Tuticorin, Tamil Nadu
2. Dr. Deben Dutta (31/07/2019) in Teok Tea Estate, Jorhat, Assam
3. Dr. Vandana Das (10/05/2023) in Kottarakkara, Kerala
4. Trainee Doctor in R.G. Kar Medical College and Hospitals, Kolkata on 09/08/2024.

Doctors stand as a separate class by the nature of their professional services. The Hon'ble Supreme Court of India acknowledged so much in the *Jacob Mathew vs State of Punjab & Anr* judgement of 2004.

There are special laws enacted for specific exigencies like the POCSO Act as well. We, the Indian Medical Association appeal to you that a special exigency exists in relation to the violence on doctors and hospitals.

The doctors are vulnerable in their workplace. The State has a bounden duty to provide safety and security to the doctors and other healthcare personnel. "Right to Life" is a fundamental right.

25 state legislations in this regard have not prevented violence across the country. Very few FIRs have been lodged and very few convictions have happened. There is an urgent need to bring in a Central Act on Violence on Doctors and Hospitals. This is felt acutely by the medical fraternity of India.

We demand that the draft bill 2019 incorporating the amendment clauses of the Epidemic Diseases Amendment Act, 2020 and the Code Grey Protocol of Kerala Government "Prevention Management of Violence against Healthcare workers" be proclaimed as an ordinance to instill confidence into the minds of the Doctors of India.

**Thanking you,
Yours sincerely,**

Dr. R V Asokan
National President

Dr. Anilkumar J Nayak
Honorary Secretary General