

GOVERNMENT OF JAMMU AND KASHMIR  
DIRECTORATE GENERAL OF HEALTH SERVICES KASHMIR  
OLD SECRETARIAT SRINAGAR

**C I R C U L A R**  
**REGARDING MAINTENANCE OF ESSENTIAL SERVICES**

It has been observed during the recent past that medical staff from different categories is on and off resorting to strikes and protests for getting their demands addressed. Even Doctors are now resorting to strikes and willful absence from their legitimate duties for one or the other reason. The reason may be justified but the mode of protest adopted by doctors in declining to discharge their duties of attending patients, administering medical treatment to him/her and make effort to save lives of serious patients cannot be accepted for any reason whatsoever. The Government has already constituted a high-level committee to look into the demands of the doctors but Suo-moto they cannot start deviating from the established and adopted practices of patient care and abstain from work on Gazetted Holidays. Self-proclamation of holiday and abstinence from work is utter disregard to the administration and the Government.

Regarding the strikes of doctors, it has also been held by the various Hon'ble High Courts across the country that,

*"The paramount fundamental duty of a doctor is to administer treatment to an ailing person and make all endeavor to save his/her life and get him/ her well. If a doctor refuses to attend a patient, prima facie, it is a serious professional misconduct. They may have a right to take steps for redressal of their grievance but those steps cannot include denial or refusal on the part of a doctor to attend his medical duties or treatment of patients. Whatever terminology may be used, whether strike or protest or abstention from duty or anything else but the fact remains that a doctor is bound by his medical oath and also principle of his profession that he or she must attend a patient whenever required and make best possible efforts for his/her medical treatment."*

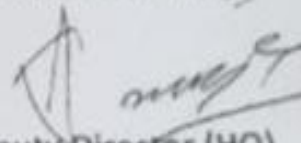
The Hon'ble Supreme Court has also taken a **serious** view regarding strikes by Doctors and has impressed upon the Central and State Governments to take strong action against such doctors. The matter has also been taken up in the Ethics Committee

of the Medical Council of India in 2015 which ratified the stand taken by the Hon'ble Supreme Court of India and conveyed to all the State Medical Councils and State Governments to take appropriate action against the striking doctors as and when any such strike is called by them and to bring it to the notice of the MCI for further action as provided by the Hon'ble Supreme Court and the relevant rules which may include cancellation of their MCI/ State Medical Council Registration.

It is as such impressed upon all the doctors to make available their services to the needy patients as per the past practice till Government decides upon the various issues raised by them. Any misconduct, absenteeism, strike or non-attending of duties in this regard shall be taken under the relevant laws and rules, may it please be noted.

No.: - DHSK/DDHQ/PS/17-18/1399-1489

Date: -11-06-2018

  
Deputy Director (HQ)  
Health Services Kashmir

Copy to: -

1. Principal Secretary to Government, Health and Medical Education Department, J&K.
  2. Principal Secretary to Hon'ble Chief Minister, J&K for information of the Hon'ble Chief Minister.
  3. Deputy Director (HQ), for further necessary action.
  4. Principal Pvt. Secretary to Chief Secretary, J&K.
  5. All Chief Medical Officers for further necessary action.
  6. All Medical Superintendents of District Hospitals, Sub-District Hospitals, & CHC's
  7. All Block Medical Officers, Health Services Kashmir for further necessary action.
- I/c DHSK Desk and website.