MEDICO-LEGAL CASE SUMMARY

Before the Hon'ble Supreme Court of India
Case Title: Gostho Behari Das V. Dipak Kumar Sanyal &Ors, Civil Appeal No.4725 Of 2023
Judgment date: 28.07.2023

In a recent judgment pronounced by the judgment by the Hon'ble Supreme Court of India, the following question had arisen:

"Whether the suspension of the Petitioner's license to practice medicine is alien to the nature and types of punishment and penalties specified under the Contempt of Courts Act, 1971."

Wherein, the Hon'ble Court had to decide if any court can suspend a Doctors' license and ensure such Doctor cannot practice medicine as per the order of the court.

The Hon'ble Supreme Court of India declared that a medical practitioner's license cannot be suspended as a penalty in contempt proceedings. The Court emphasized that contempt of court and professional misconduct are distinct offenses, each falling under different legal jurisdictions.

The present case was brought before the Supreme Court on appeal against the judgment of a division bench of the Calcutta High Court. The appellant's medical license had been suspended as a penalty in contempt proceedings initiated against him for unauthorized construction of a structure that deviated from approved plans.

While addressing the question whether the suspension of a medical practitioner's license is in line with the Contempt of Courts Act, 1971, the Supreme Court pointed out that the Contempt of Courts Act only provides for fines and simple imprisonment as punishment for contempt. The Supreme Court further stated that contempt powers must be used judiciously and sparingly to uphold the integrity of the judicial system, without being swayed by emotions of the court that is pronouncing any order or judgment.

Further, the Supreme Court clearly stated that the National Medical Commission Act, 2019 is the only body that has authority to suspend the license of a doctor. The Supreme Court stated that,

"The grant, regulation and suspension of the licence to practice medicine is governed by the National Medical Commission Act, 2019. It facilitates the maintenance of a medical register for India and enforces high ethical standards in regards for India and enforces high ethical standards in regards of all aspects of medical services. A statutory body namely the National Medical Commission looks after the above mentioned activities."

The Court has acknowledged that the National Medical Commission Act governs the issuance, regulation, and suspension of medical practice licenses in India. The National Medical Commission, a statutory body, has the exclusive authority to take disciplinary action against registered medical practitioners for professional misconduct. It outlines a comprehensive mechanism for revoking a license, which involves conducting an inquiry and providing a fair hearing for the practitioner before making a decision.

The Supreme Court concluded in its judgment that the punishment of license suspension awarded in this case was entirely foreign to the Contempt of Courts Act, 1971, and hence unsustainable thereby allowing the appeal and restoring the appellant's license to practice medicine.

Source : Internet -livelaw.in