



GOVERNMENT OF WEST BENGAL

Department of Health & Family Welfare

Health Service Branch

Swasthya Bhawan, Gn-29, Sector-V, Salt Lake, Kolkata-700091

No. HF/O/HS/478/HF/SPSRC/114/2015/Pt.VI

Dated:- 08/04/2019

NOTIFICATION

Whereas the Supreme Court in the case of Pt. Parmanand Katara -vs- Union Of India & Ors in Writ Petition (Criminal) No. 270 of 1988 vide its order dated 28th August, 1989, interalia, directed State Government for wide publicity about the relevant aspects so that every practicing doctor becomes aware of the position.

Therefore, the State Government considers it necessary to issue the following guidelines to be followed by Medical Personnel, Hospitals, Police and all other concerned authorities during management of any accident victim.

The patient whether he be an innocent person or a criminal liable for punishment under the laws of the society, it shall be the obligation of those who are in charge of the health of the community to preserve life so that the innocent may be protected and the guilty may be punished.

1. Every doctor whether in a Government hospital or otherwise shall have the professional obligation to extend his services with due expertise for protecting life. No law or State action can intervene to avoid/delay the discharge of the paramount obligation cast upon members of the medical profession. The obligation being total, absolute and paramount, laws of procedure whether in statute or otherwise which would interfere with the discharge of this obligation cannot be sustained and must, therefore, give way.
2. There shall be no legal impediment for a medical professional when he is called upon or requested to attend to an injured person needing his medical assistance immediately.
3. A man in the medical profession shall not be unnecessarily harassed for purposes of interrogation or for any other formality and should not be dragged during investigations at the police station and it should be avoided as far as possible.
4. Law courts will not summon a medical professional to give evidence unless the evidence is necessary and even if he is summoned, attempt should be made to see that the men in this profession are not made to wait and waste time unnecessarily.
5. Whenever any medico-legal case attends the hospital, the medical officer on duty shall inform the Duty Constable the name, age, sex of the patient and place and time of occurrence of the incident, and should start the required treatment of the patient. It will be the duty of the Constable on duty to inform the concerned Police Station or higher police functionaries for further action.
6. Full medical report should be prepared and given to the Police, as soon as examination and treatment of the patient is over. The treatment of the patient would not wait for the arrival of the Police or completing the legal formalities.
7. Zonalisation as has been worked out for the hospitals to deal with medico-legal cases will only apply to those cases brought by the Police. The medico-legal cases coming to hospital of their own (even if the incident has occurred in the zone of other hospital) will not be denied the treatment by the hospital where the case reports, nor the case will be referred to other hospital because the incident has occurred in the area which belongs to the zone of any other hospital.
8. A doctor at the Government hospital positioned to meet this State obligation is, therefore, duty-bound to extend medical assistance for preserving life. Every doctor whether at a Government hospital or otherwise

shall has the professional obligation to extend his services with due expertise for protecting life. No law or State action can intervene to avoid/delay the discharge of the paramount obligation cast upon members of the medical profession.

9. 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 or whenever 'temperate public opinion expects the service'. Once having undertaken a case, the physician should not neglect the patient, nor should he withdraw from the case without giving notice to the patient, his relatives or his responsible friends sufficiently long in advance for his withdrawal to allow them to secure another medical attendant. No provisional or fully registered medical practitioner shall willfully commit an act of negligence that may deprive his patient or patients from necessary medical care.
10. Whenever on such occasions a man of the medical profession is approached and if he finds that whatever assistance he could give is not sufficient 'to save the life of the person but some better assistance is necessary, it shall be the duty of the man in the medical profession, so approached, to render all the help which he could and also see that the person reaches the proper expert as early as possible'.

Commissioner (HS)

to the Department of Health & Family Welfare
Government of West Bengal

No. HF/O/HS/478/HF/SPSRC/114/2015/Pt.VI/1(23)

Dated:- 08/04/2019

Copy forwarded for information & necessary action to the :-

1. The Principal Secretary, Home Department, NABANNA, 13th floor, 325, Sarat Chatterjee Road, Shibpur, Howrah, pin-711102.
2. The Secretary, Judicial Department, Writers Building, 1st floor, Main Block, Kolkata - 700001
3. The Secretary (MS) & Director (SPSRC), Department of Health & Family Welfare, Govt. of WB.
4. The MD (NHM), Secretary, Department of Health & Family Welfare
5. The Secretary, Department of Health & Family Welfare, Govt. of WB.
6. The Additional Secretary, Department of Health & Family Welfare, Govt. of WB.
7. The Director of Health Services, Department of Health & Family Welfare, Govt. of WB.
8. The Director of Medical Education, Department of Health & Family Welfare, Govt. of WB.
9. The Special Secretary (MERT), Department of Health & Family Welfare, Govt. of WB.
10. The Additional Director of Health Services (Admin), West Bengal
11. The Principal of All Medical College & Hospital, West Bengal.
12. The MSVP of All Medical College & Hospital, West Bengal.
13. The Joint. Secretary (HS), Department of Health & Family Welfare.
14. The District Magistrate – All District.
15. The Chief Medical Officer of Health – All District, West Bengal.
16. The Registrar, West Bengal Medical Council.
17. The Assistant Chief Medical Officer of Health - All District, West Bengal.
18. The Superintendent- All, West Bengal.
19. The BMOH- All, West Bengal.
20. The Secretary, Indian Medical Association, IMA House, 11/3, Dr. Biresh Guha Street, Kolkata- 700017
21. The Coordinator IT Cell with the request for posting order in the departmental website.
22. _____
23. Guard File

Deputy Secretary

to the Department of Health & Family Welfare
Government of West Bengal