

# GNLU NEWSCLIPS

## HC judge highlights protection for doctors enshrined in law by SC judgment

EXPRESS NEWS SERVICE  
AHMEDABAD, JANUARY 11

**SPEAKING ON** the need for doctors to learn about the law, especially those intrinsic to their profession, Justice Ilesh J Vora of the Gujarat High Court expounded on the protections afforded to medical practitioners by a Supreme Court judgment of 2005, saying that it enshrined the basic principles of what does and does not constitute medical negligence.

Justice Vora was speaking at the opening ceremony of the second edition of MedLawCon-2025 organised by the GNLU Centre for Healthcare, Ethics, Legal Advocacy and Policy Research (G-HELP).

Speaking on the agenda of the conference, the judge said, "We know that today, the relationship between patients and doctors is badly eroded. Since 1960, the Supreme Court has laid down several judgments on the medical profession...you should learn everything that deals with the medical profession and the legal issues that arise from it."

Reading a part of the judgment in the Jacob Mathew vs State Of Punjab case by former Chief Justice of India RC Lahoti in 2005, Vora said, "A medical practitioner faced with an emergency ordinarily tries his best to redeem the patient out of his suffering. He does not gain anything by acting with negligence...Obviously, therefore, it will be for the complainant to clearly make out a case of negligence before a medical practitioner is charged with or proceeded against criminally."

He further read, "A surgeon with shaky hands under fear of legal action cannot perform a successful operation and a quivering physician cannot administer the end-dose of medicine to his patient."

Sharing his own thoughts on the matter, Vora said, "So, the gist of the judgment by the SC is that the medical practitioner is not to be held liable simply because things went wrong through



Justice Ilesh J Vora during his address at MedLawCon-2025. Express

chance or error in judgment in choosing one course of treatment. In the practice of medicine, there could be varying approaches...There could be a genuine difference of opinion. However, while adopting the course of treatment, it is on the medical practitioner to make sure the medical protocol is being followed."

Elaborating on what medical protocol means, he said, "Maintaining records, transparency, safety towards the patient as are required...If followed by him to the best of his skills and competence of his command in a given case, the doctor would be liable only if his conduct fails to be of the standard of a reasonably competent practitioner in his field."

Speaking to the doctors in attendance, Justice Vora stressed, "Everything is settled (in law). So, don't keep in mind the taboo with regard to prosecution or civil suit. The system has taken care of this and it is all there. Your duty is to give records to a lawyer and explain everything A to Z. That would be the mirror of your treatment required to be placed before the court."

Prof (Dr) S Shanthakumar, Director of GNLU; Dr Mehul J Shah, President of the Gujarat State Branch of the Indian Medical Association; and Dr Alexander Thomas, Founder and Patron of the Association of Healthcare Providers of India (AHPPI), were present on the occasion.

## 'Violence against medicos is a growing concern'

**Ahmedabad:** Dr Alexander Thomas, founder of the Association of Healthcare Providers (India), on Saturday said that violence against healthcare professionals is a growing concern, and it is now a global health issue identified by the World Health Organization (WHO).

Dr Thomas was speaking at the two-day national conference on Medical Law, Policy and Ethics at GNLU, where he also advocated a national law to prevent such violence.

The theme of the conference is 'Balancing Rights and Responsibilities: Legal Protection for Medical Professionals and Patients in India's Healthcare System.'

The inaugural address was given by Justice Ilesh Vora of the Gujarat high court. TNN

The Times of India  
Sunday, January 12, 2025



# મેડીકલ લૉ, પોલિસી અને એથિક્સ પર કોન્ફરન્સનું આયોજન

જી. એન.એલ.યુ. ખાતે મેડીકલ લૉ, પોલિસી અને એથિક્સ આધારીત બે દિવસીય કોન્ફરન્સનું આયોજન કરવામાં આવ્યું હતું, જેનો વિષય 'ભારતની આરોગ્ય સંભાળ પ્રણાલીમાં તબીબી વ્યવસાયિકો અને દર્દીઓ માટે કાનૂની રક્ષણ : અધિકારો અને જવાબદારીઓનું સંતુલન' રાખવામાં આવ્યો હતો. આ કોન્ફરન્સમાં ગુજરાત હાઈકોર્ટના જજ ઈલેશ વોરા, ઈન્ડિયન મેડિકલ એસોશિએસનની ગુજરાત રાજ્ય શાખાના પ્રમુખ મેહુલ શાહ, એસોશિએસન ઓફ હેલ્થકેરના પ્રોવાઈડર એલેક્ઝાન્ડર થૉમસ અને જી.એન.એલ.યુના ડિરેક્ટર એસ. શાંથાકુમાર ઉપસ્થિત રહ્યા હતા.



Gujarat Samachar  
Sunday, January 12, 2025