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PARMANAND KATARA V. UNION OF INDIA

1989 AIR 2039

Nivedha D. Mudaliar

The Article 21 of Indian Constitution entrenches Right to Life and Personal Liberty as a fundamental right to every citizen. Yet, innumerable accident cases in the streets and highways of India that becomes a basis for the victims to perish not only due to injuries caused but, when the medical emergency treatment is refused in the hospital unless police adherence is done leading to vicious and tragic circumstances existing in India. In, Parmanand Katara v. Union of India proceedings the Supreme Court held that human life should be preserved and remain the foremost priority which provides medical treatment to injured person overriding all the legal procedural requirements by dismantling the administrative hurdle.

The case was filed pursuant to Article 32 of Indian Constitution as PIL (Public Interest Litigation) which led to seismic shift in medical and legal statutory framework elaborating the interpretation of Article 21 which resonates Right to Life is not mere physical survival but embracing the right to medical treatment during emergency in healthcare institutions.

THE PARTICULARS/SPECIFICS OF CASE:

Case Heading	Parmanand Katara v. Union of India
Date of Judgement	28 August, 1989
Bench	Misra Rangnath Oza, G. L
Petitioner	PT. Parmanand Katara
Respondent	Union of India & Others
Court	Hon'ble Supreme Court of India

Citation	1989 (4) SCC 286
Provisions	Article 21- Right to Life

I. FACTS OF THE CASE:

The Human Rights Activist Pt. Parmanand Katara advanced Supreme Court by filing a petition under Article 32 of Indian Constitution seeking a lucid legal procedure in providing medical treatment in emergency cases for every injured individual to safeguard and stabilize their life and subsequently handle the legal proceedings according to criminal law over them which can evade unnecessary death elicited by delay in medical treatment. The Hindustan Times Newspaper published an article “Law Helps the Injured to Die” depicting an accident caused by a hurtling car to a scooterist which led to severe injury and bleeding to victim. However, the passerby who glanced over the victim took him to nearby hospital but the doctor rejected in tendering medical treatment to the victim and asked to take the injured person to another hospital which is 20 kilometres away from the said hospital as it was sanctioned in managing the medico-legal cases. While this report was annexed to uphold the writ petition by the petitioner in Supreme Court.¹

II. ISSUES

1. Whether the medical treatment to an injured person in emergency instances can be deferred or rejected by public or private, doctor or hospitals on the basis of procedures involving legal-medico case which need to be completed.
2. Whether Article 21(Right to Life) of the Indian Constitution includes an obligation in affording medical treatment to the injured person during emergency cases.
3. Whether the person injured can be provided medical treatment instantly by postponing the procedure of police and legal and medical cases.²

III. ARGUMENTS:

¹ Parmanand Katara v. Union of India, AIR 1989 SC 2039. Indian Kanoon, <https://indiankanoon.org/doc/498126/> (last visited June 24, 2026)

² Id.

1. PETITIONER

The petitioner contends that as per Indian Medical Council/ Code of Medical Ethics; section 33, clause 10 and 13 accentuates in providing medical aid to the injured person and not to be wilfully negligent while acting in emergency cases. He further stated that guidelines should be provided by Union of India in protecting the injured person by stipulating emergency medical treatment by medical practitioner in hospitals whereby stabilising their life and later on focusing in formalities of legal-medico cases according to criminal law investigation which prevents in negligent death of injured person but if death occurs then legal action would be taken and held responsible in compensating the appropriate damages.

The Code of Criminal procedure, 1973 or Motor Vehicles Act, 1988³ or no such statute evades or prohibits the doctor in performing their duties towards the injured person before carrying out the legal proceedings over them; which was misapprehension of law but, there was no such legal statute.

2. RESPONDENTS

The Union of India did not directly deny or object the petitioner's arguments but Indian Medical council asserted that the injury caused to person either by accident or any other grounds the medical practitioner must act immediately by providing medical treatment in emergency cases to stabilise and preserve their life and thereafter focus on fulfilling the procedural formalities according to legal proceedings. As the meeting was held by Director General of Health Services on 26-05-1986, discussing the issues concerning the treatment given to emergency injured person were they also conceded that no statute of Motor Vehicles Act or Code of Criminal Procedure prohibits the doctors in performing their duties immediately towards the injured persons in emergency cases.

The Indian Medical Association specified that the legal and police formalities where they mainly address in collection and preserving of evidence which consumes time and in turn lead to delay by medical practitioner in providing treatment to injured person; while they also suggested in providing legal protection under law to doctors when fulfilling his duty towards patients even before the completion of procedural formalities.⁴

³ Motor Vehicles Act, 1988, No. 59, Acts of Parliament, 1988 (India).

⁴ Parmanand Katara, *supra* note at 1.

IV. JUDGMENT OF THE CASE

The judgement was rendered by Justice Ranganath Misra in Supreme of India which ruled out that the human life should be protected without any secondary assessments, having highest preference although under Article 21 of Indian Constitution state has duty towards every citizen in protecting their life. He also remarked that if an individual dies, his life cannot be revived so it must be preserved, no matter the injured person is criminal who is punished by law or victim; given that, law does not approve negligence or delay of medical treatment to a person as punishment but legal proceedings and the ruling passed in the court for the crime committed. It also asserted that the doctors involved in medico-legal cases who provided medical treatment to injured person are obliged to summon if the court requires the doctor to appear as a witness in determining the verdict of the case. However, they should not be unnecessarily harassed or interrogated during legal police procedure and formalities.

The verdict or decree stated by Justice Ranganath Misra was totally assented by Justice Oza where he beheld that committee was created in order to provide recommendations, by Government of India on 29 May 1986. The Code of Medical ethics formed by Medical Council was awaited to be followed by doctors but the newspaper article published in 1988 highlights an instance where the doctor refused in providing emergency medical treatment to injured person regardless of rules and regulations were also emphasizing that the rules and guidelines are not executed at the ground level appropriately.

Thus, court held that medical practitioner should provide medical treatment to the injured person and later on fulfil and perform the legal procedure and declaring no order to both petitioner and respondent to endure their own costs. The Supreme Court ordered that its ruling need to be publicised in hospitals, police and between medical practitioners besides that through National Media, All India Radio and Doordarshan were also instructed to all High Courts and Sessions Courts.⁵

⁵ Id.

V. CONCLUSION

The verdict passed by Supreme Court in *Parmanand Katara v. Union of India* case has a long-lasting effect on the medical practitioner and hospitals where they cannot deny or reject in providing medical treatment to injured person given that, they have not fulfilled the legal formalities and procedures which is professional duty of all doctors practicing in government hospitals or private hospitals. Subsequently, this judgement was frequently applied by Supreme Court and High Court during the cases relating to emergency medical treatment were making a constitutional duty under Article 21.

VI. RELEVANT CASE LAWS

1. *Paschim Banga Khet Mazdoor Samity v. State of west Bengal* AIR 1996 SC 2426
2. *Martin F. D' Souza v. Mohd. Ishfaq*, AIR 2009 SC 2049
3. *Pravat Kumar Mukherjee v. Ruby General Hospital & Ors* 25 April, 2005
4. *Indian Medical Association v. V.P Shanta & Ors* (1995) 6 SCC 651
5. *Savelife Foundations & Anr. v. Union of India* AIR 2016 SC 1617