

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

**Copyright © International Journal for Legal Research & Analysis.
All rights reserved.**

ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

"JUDICIAL OVERSIGHT AND ACCOUNTABILITY OF MEDICAL REGULATORY BODIES IN INDIA"

AUTHORED BY - ALKA JOHNY

Class: 3rd Year LL.B Student,

College: Thakur Ramnarayan College of Law, Mumbai

(Affiliated to the University of Mumbai)

Abstract

Medical regulatory bodies in India play a very important role in maintaining ethical standards in healthcare, disciplining doctors, and protecting patient rights. Bodies such as the National Medical Commission and State Medical Councils are expected to act fairly, efficiently, and transparently. However, in recent years, concerns have been raised about delays in decision-making, lack of accountability, and failure to properly address complaints of medical negligence. As a result, Indian courts have increasingly stepped in to ensure that these regulatory bodies function within the limits of law.¹

The judiciary has repeatedly emphasized that while medical regulators are expert bodies, they are not above judicial scrutiny.² Courts have intervened where there is inaction, procedural irregularity, or violation of statutory duties. For instance, the Delhi High Court directed the National Medical Commission to complete its inquiry into a liposuction-related death within a fixed time frame, highlighting that regulatory delay can seriously affect justice for patients and their families.³ Such directions reflect the judiciary's concern that unresolved complaints undermine public trust in medical governance.

Judicial oversight has also extended to the appointments and functioning of regulatory authorities. In a significant case, the Delhi High Court set aside the appointment of the Chairperson of the National Commission for Indian System of Medicine for not complying with statutory eligibility requirements.⁴ This decision reinforced the principle that regulatory

¹ National Medical Commission Act, 2019; Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002.

² Sengupta A, 'Medical Negligence and Professional Accountability in India' (2021) 13 NUJS Law Review 89.

³ Sahil Arsh v. National Medical Commission & Ors., Delhi High Court, Feb 2026.

⁴ Union of India v. Anoop Kumar Nehra, Delhi High Court, 2023 (appointment of NCISM Chairperson).

bodies must strictly follow the law, especially in matters of leadership and administration.

At the same time, courts have maintained a balanced approach by recognising the technical expertise of medical regulators. They have clarified that judicial interference is justified only when actions are arbitrary, illegal, or unfair, and not merely because an alternative view is possible. Recent reforms by the National Medical Commission allowing patients to appeal against decisions of State Medical Councils further reflect a move towards greater accountability and transparency.

Overall, judicial oversight has emerged as a crucial mechanism to ensure that medical regulatory bodies in India act responsibly and lawfully. By correcting administrative failures while respecting institutional autonomy, the judiciary plays a vital role in strengthening public confidence in the healthcare regulatory system and safeguarding patient rights.⁵

Keywords

Judicial Oversight; Medical Regulation; Judicial Review; Regulatory Accountability; Patient Rights.

Introduction

Medical regulatory bodies in India are very important for running the healthcare system because they make sure that doctors follow ethical rules, keep professional standards, and protect patients' rights. The National Medical Commission and State Medical Councils are responsible for important tasks like regulating medical education, registering doctors, and taking disciplinary action against doctors who act unprofessionally or fail to do their jobs properly. Because their choices affect public health and people's lives directly, these groups are expected to work fairly, quickly, and openly.⁶

Even though there is a complete set of laws, people are becoming more worried about how medical regulatory authorities work. When regulatory bodies take too long to act, patients and their families often do not get the justice they need in a timely manner. This makes people less likely to trust the healthcare system. These flaws have led to legal scrutiny of medical

⁵ A.K. Kraipak v. Union of India, (1969) 2 SCC 262.

⁶ National Medical Commission Act, 2019, ss. 10–24.

regulators.⁷

The Indian judiciary has taken the lead in fixing these kinds of regulatory problems by using its power of judicial review. Courts have always said that medical regulatory bodies are expert institutions, but they are not above the law. When regulatory authorities do not do their jobs, do them randomly, or break the law, courts have stepped in to make sure that the law and principles of natural justice are followed. For example, the Delhi High Court told the National Medical Commission to finish its investigation into a death related to liposuction within a set amount of time. This was because they knew that unexplained delays in regulatory proceedings could seriously harm the rights of patients and their families.

Judicial oversight in India has gradually expanded beyond the traditional review of disciplinary actions against medical professionals to encompass broader aspects of regulatory functioning, including appointments to key regulatory positions, internal governance mechanisms, and strict compliance with statutory procedures. Courts have recognised that the effectiveness and credibility of medical regulatory bodies depend not only on how they discipline practitioners, but also on how they are constituted and how transparently and lawfully they operate.

In matters relating to appointments, the judiciary has closely examined whether statutory eligibility criteria and procedural requirements have been faithfully followed. By scrutinising appointments to senior regulatory posts, courts have underscored that leadership positions within medical regulatory bodies cannot be filled in disregard of legislative mandates. Such judicial intervention reinforces the principle that regulatory authorities must derive their legitimacy strictly from law, and that deviations from prescribed norms, even at the administrative level, can have far-reaching consequences on policy decisions and regulatory outcomes.

Judicial oversight has also extended to internal governance and decision-making processes of medical regulators. Courts have intervened where regulatory authorities have failed to follow due process, acted without recording reasons, or delayed proceedings in a manner that defeats the very purpose of regulation. Unexplained delays in inquiries, opaque functioning, and non-speaking orders have been viewed as forms of administrative failure that warrant judicial

⁷ Law Commission of India, 92nd Report on Medical Negligence (1983).

correction. Through such interventions, courts seek to ensure that regulatory power is exercised in a manner consistent with fairness, transparency, and accountability.⁸

Importantly, courts have been careful to limit their interference to cases involving illegality, arbitrariness, or procedural unfairness. Judicial review in this context does not amount to substituting expert medical judgment with judicial opinion. Instead, it focuses on the legality of the decision-making process rather than the merits of the decision itself. This distinction allows courts to uphold constitutional values without undermining the specialised expertise of medical regulatory bodies.

This evolving judicial approach reflects a conscious effort to strike a balance between expert authority and constitutional governance. While medical regulators are granted autonomy to perform technical and professional functions, such autonomy is not absolute and must operate within the framework of law. Judicial oversight thus acts as a constitutional check, ensuring that regulatory bodies remain accountable, lawful, and responsive to public interest, while still retaining the independence necessary to effectively regulate the medical profession.

Judicial oversight has also gone beyond disciplinary actions to include the internal management of regulatory bodies. The Delhi High Court made an important decision to cancel the appointment of the Chairperson of the National Commission for Indian System of Medicine because they did not meet the legal requirements for eligibility. This decision reaffirmed the idea that regulatory bodies must strictly follow the rules set by the law, especially when it comes to hiring and leadership, because these positions have a direct impact on policy and regulatory outcomes.⁹

In conclusion, the role of the judiciary in overseeing medical regulatory bodies is indispensable in a constitutional democracy. By correcting administrative failures and enforcing statutory discipline, courts play a crucial role in safeguarding patient rights, upholding ethical medical practice, and reinforcing public trust in India's healthcare regulatory system. As healthcare regulation continues to evolve, judicial oversight will remain central to balancing expert authority with constitutional governance.¹⁰

⁸ Sathe SP, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (2nd edn, Oxford University Press 2003).

⁹ *Union of India v. Anoop Kumar Nehra*, Delhi High Court, 2023.

¹⁰ Ministry of Health and Family Welfare, Government of India <https://www.mohfw.gov.in>.

Against the above backdrop, this paper seeks to examine how judicial oversight is evolving in ensuring accountability of medical regulatory bodies in India. By scrutinising statutory provisions, constitutional principles and recent judicial pronouncements, the study attempts to underscore the ways in which judicial review has become an important tool for remedying regulatory failures whilst saving institutional autonomy.

Legal Framework of Medical Regulation in India

Medical regulation in India is mainly governed by laws that explain how medical authorities should function, what powers they have, and what limits they must follow. These laws are meant to make sure that medical education, professional conduct, and patient safety are properly regulated.¹¹

National Medical Commission Act, 2019

The enactment of the National Medical Commission Act, 2019 marked a significant shift in India's medical regulatory regime by replacing the erstwhile Medical Council of India. The Act establishes the National Medical Commission as the apex regulatory body responsible for overseeing medical education, granting recognition to medical institutions, maintaining the National Register of medical practitioners, and addressing issues of professional misconduct and negligence.

The Act seeks to promote transparency and accountability by introducing reforms such as multiple autonomous boards, periodic assessment of institutions, and mechanisms for appeal against decisions of State Medical Councils. Statutory duties imposed under the Act require the NMC to act fairly, follow due process, and discharge its functions within reasonable timeframes.

National Commission for Indian System of Medicine Act, 2020

Parallel to the NMC framework, the National Commission for Indian System of Medicine Act, 2020 regulates education and practice in traditional Indian systems such as Ayurveda, Unani, Siddha, and Sowa-Rigpa. The Act lays down explicit eligibility criteria for appointments, qualifications for practitioners, and procedures for disciplinary action.

¹¹ Constitution of India, List III, Entry 25.

By prescribing clear statutory standards, the Act seeks to prevent arbitrariness in regulatory decision-making. Compliance with these statutory requirements is essential to ensure the credibility and legitimacy of regulatory bodies governing traditional medicine.

Together, these legislations emphasise the principles of accountability, transparency, and fairness, thereby providing the legal foundation for judicial scrutiny when regulatory authorities deviate from their statutory mandates. Both acts emphasise the importance of fairness, accountability, and transparency in the functioning of medical regulatory bodies.¹²

Judicial Oversight: Meaning and Constitutional Basis

Judicial oversight means the power of courts to check whether government authorities and statutory bodies are acting according to law. In India, this power comes from the Constitution, especially Articles 14, 19, 32, and 226, which protect equality, fundamental rights, and provide remedies against unlawful actions.¹³

Indian courts have clearly stated that even expert regulatory bodies are not above the law. If a medical regulatory authority acts unfairly, delays decisions without reason, or ignores legal procedures, courts have the power to interfere. Judicial review ensures that regulatory bodies do not misuse their authority or act in a way that violates principles of natural justice.¹⁴ In this way, courts act as a safeguard against arbitrary and illegal regulatory actions.

Recent Case Developments in Judicial Oversight of Medical Regulators

1. Appointment of NCISM Chairperson

A strong example of judicial oversight can be seen in a case decided by the Delhi High Court, where the appointment of the Chairperson of the National Commission for Indian System of Medicine was cancelled. The Court found that the appointed person did not meet the qualifications required under the law. It was clearly stated that holding a PhD could not replace the requirement of a postgraduate medical degree, as specifically mentioned in the statute.¹⁵

¹² National Commission for Indian System of Medicine Act, 2020.

¹³ Constitution of India, Arts. 14, 19, 32, 226.

¹⁴ Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

¹⁵ 'Is PhD Equal to Post Graduation? Supreme Court Stays Delhi HC Judgment Quashing Appointment of NCISM Chairperson' LiveLaw (10 June 2025) <https://www.livelaw.in/top-stories/is-phd-equal-to-post-graduation-supreme-court-stays-delhi-hc-judgment-quashing-appointment-of-ncism-chairperson-294646>

The Court stressed that legal requirements cannot be relaxed, even for senior or experienced candidates. Later, the Supreme Court stayed the High Court's decision while hearing the appeal, showing that the issue is still under legal consideration. This case highlights how courts closely examine whether statutory rules are being followed in important regulatory appointments.

2. Fair Procedure in Disciplinary Action Against Doctors

Judicial attention has also focused on how medical councils take action against doctors. In one case, the Telangana High Court quashed criminal cases filed against Ayurvedic doctors who were accused of practising allopathic medicine.¹⁶ The Court observed that the medical council had not followed the correct legal process before starting criminal proceedings.

While accepting that regulatory bodies have the authority to take action against misconduct, the Court made it clear that such power must be exercised strictly according to law. This decision shows the importance of following proper procedure before taking serious action against medical professionals.

3. Court Review in Medical Education Matters

In *National Medical Commission v. Index Medical College* (2025), the Delhi High Court examined whether the National Medical Commission was justified in cancelling approval for MBBS seats in a medical college.¹⁷ The Court had to consider both the role of the regulator and the rights of students and institutions. Although the matter was at an interim stage, the case shows how courts carefully balance regulatory authority with fairness and justice in technical education matters.

Judicial Principles Governing Medical Regulatory Oversight

From different court decisions over the years, some important principles about medical regulation have clearly developed. Courts have repeatedly made it clear that medical regulatory bodies must strictly follow the law. When a statute clearly lays down rules or requirements, regulatory authorities are not allowed to ignore them or create their own interpretations. Any

¹⁶ Deepak Pinto, 'HC quashes criminal cases against Ayurvedic doctors' *Times of India* (Hyderabad, 16 September 2025) <https://timesofindia.indiatimes.com/city/hyderabad/hc-quashes-criminal-cases-against-ayurvedic-doctors/articleshow/123907890.cms>

¹⁷ *National Medical Commission v Index Medical College* [2025] Del HC.

action taken outside the limits of the law is treated as illegal and can be set aside by the courts.

Courts have also strongly emphasised the importance of fair procedure, especially in cases involving disciplinary action against doctors or medical institutions. Before taking any serious action, regulatory bodies are expected to follow proper legal steps, give reasons for their decisions, and provide the concerned person with a fair opportunity to be heard. If these basic principles of fairness are not followed, courts do not hesitate to intervene, even if the authority involved is an expert body.

At the same time, courts have shown restraint when it comes to technical medical matters. Judges have recognised that medical regulators possess specialised knowledge and expertise that courts do not. Therefore, courts generally avoid interfering in matters such as academic standards, clinical judgments, or professional guidelines, unless the decision is clearly unreasonable, arbitrary, or against the law. Judicial interference is not meant to replace expert opinion with judicial opinion.¹⁸

Overall, the purpose of judicial review in medical regulation is to strike a balance. On one hand, courts respect the expertise and independence of medical regulatory bodies. On the other hand, they ensure that these bodies remain accountable, act within the law, and respect constitutional values such as fairness, equality, and justice. Through this balanced approach, judicial oversight helps maintain public confidence in the medical regulatory system while protecting both patient rights and professional integrity.

Implications for Medical Regulation and Public Trust

Judicial oversight has played an important role in improving accountability within medical regulatory bodies. By ensuring that laws and procedures are followed, courts help build public trust in the healthcare system.¹⁹ At the same time, courts are careful not to interfere unnecessarily in expert decisions. This balanced approach helps medical regulators function independently while remaining answerable under the law.

¹⁸ Medical Council of India v. Kalinga Institute of Medical Sciences, (2016) 11 SCC 530.

¹⁹ Nandita Adhikari, Law & Medicine (4th ed, Central Law Publications 2023) ISBN 978-9384961336.

Conclusion

In India, judicial oversight has become a crucial tool for enhancing the accountability of medical regulatory organizations. Even though statutory bodies like the National Medical Commission and State Medical Councils have extensive regulatory authority and specialized knowledge, their actions must adhere to the rules of law, justice, and procedural propriety. In instances where regulatory bodies have delayed proceedings, failed to carry out their responsibilities effectively, or violated statutory mandates, judicial intervention has been required.

Recent court rulings show that when regulatory inaction or illegality jeopardizes patient rights or erodes public trust in medical governance, courts are not afraid to step in. However, the judiciary has continuously remained silent on issues pertaining to technical or policy considerations, only getting involved when actions are capricious, irrational, or illegal. This well-rounded strategy guarantees the preservation of constitutional accountability while respecting regulatory autonomy.²⁰

The idea that medical regulators are bound by the law has been reaffirmed by judicial review of appointments, disciplinary actions, and procedural compliance. Additionally, by encouraging institutional changes, such as improved patient appeal procedures, this oversight has improved justice access and transparency.

Crucially, by guaranteeing legal and equitable decision-making, judicial oversight enhances regulatory credibility rather than undermining medical regulation. In conclusion, in a constitutional democracy, the judiciary's supervision of medical regulatory organizations is essential. Courts are essential to protecting patient rights, maintaining moral medical practice, and boosting public confidence in India's healthcare regulatory system because they rectify administrative errors and enforce statutory discipline. Judicial supervision will continue to be essential in striking a balance between expert authority and constitutional governance as healthcare regulation develops.

²⁰ Jain MP, Indian Constitutional Law (8th edn, LexisNexis 2018).

Bibliography

Cases

- Sahil Arsh v. National Medical Commission & Ors., Delhi High Court, Feb 2026.
- Union of India v. Anoop Kumar Nehra, Delhi High Court, 2023 (appointment of NCISM Chairperson).
- A.K. Kraipak v. Union of India, (1969) 2 SCC 262.
- Union of India v. Anoop Kumar Nehra, Delhi High Court, 2023.
- Maneka Gandhi v. Union of India, (1978) 1 SCC 248.
- National Medical Commission v Index Medical College [2025] Del HC.
- Medical Council of India v. Kalinga Institute of Medical Sciences, (2016) 11 SCC 530.

Legislations

- National Medical Commission Act, 2019; Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002.
- National Medical Commission Act, 2019, ss. 10–24.
- National Commission for Indian System of Medicine Act, 2020.

Secondary Sources (Books & Articles)

- Sengupta A, 'Medical Negligence and Professional Accountability in India' (2021) 13 NUJS Law Review 89.
- Constitution of India, List III, Entry 25.
- Constitution of India, Arts. 14, 19, 32, 226.
- Nandita Adhikari, Law & Medicine (4th ed, Central Law Publications 2023) ISBN 978-9384961336.
- Jain MP, Indian Constitutional Law (8th edn, LexisNexis 2018).
- Sathe SP, Judicial Activism in India: Transgressing Borders and Enforcing Limits (2nd edn, Oxford University Press 2003).

Reports & Official Sources

- Law Commission of India, 92nd Report on Medical Negligence (1983).
- Ministry of Health and Family Welfare, Government of India
<https://www.mohfw.gov.in>.

Online Sources

- ‘Is PhD Equal to Post Graduation? Supreme Court Stays Delhi HC Judgment Quashing Appointment of NCISM Chairperson’ LiveLaw (10 June 2025)
<https://www.livelaw.in/top-stories/is-phd-equal-to-post-graduation-supreme-court-stays-delhi-hc-judgment-quashing-appointment-of-ncism-chairperson-294646>
- Deepak Pinto, ‘HC quashes criminal cases against Ayurvedic doctors’ Times of India (Hyderabad, 16 September 2025)
<https://timesofindia.indiatimes.com/city/hyderabad/hc-quashes-criminal-cases-against-ayurvedic-doctors/articleshow/123907890.cms>

