

Full text of the inaugural
National Academy of Medical Sciences (NAMS) Public Oration
delivered by
Hon'ble the Chief Justice of India Shri Justice N V Ramana
NAMS, Ansari Nagar, New Delhi
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Good evening.

At the outset, I would like to pay my tributes to the medical professionals, paramedics and other associated service providers who lost their lives in our fight against COVID-19 pandemic.

As I walked into this campus, I was flooded with the memories of my numerous interactions with Dr. J S Bajaj whom I used to consult. Those interactions – more on general topics and less on medicine – were highly illuminating.

It is a pleasure and privilege to be here in the presence of such distinguished medical professionals. Perhaps yours is the only profession which follows Gandhiji's principle- "service to man is service to God".

The practice of medicine is the bridge between science and technology and human-mind and body. Doctors express this scientific understanding day in and day out through their medical practice. There are a very few professions that exist in a constant state of flux in the way the medical profession does.

In fact, the medical profession is most reflective of technological and the scientific developments. It is sensitive to every advancement in technology and is constantly striving to improve the care and services it offers.

The significance of health of our people is reflected in the emphasis that the makers of our Constitution have given to the subject. Our courts also have played significant role in realizing these goals and shaping the health care policies of our country. The Directive

Principles have placed emphasis on the minutest details of health, nutrition, working conditions and welfare. In addition to the Directive Principles, the Constitution, in 11th and 12th schedules, places an obligation to provide safe drinking water, sanitation and adequate healthcare upon the local bodies.

Since there was no explicit mention of Right to health under the Fundamental rights, the Supreme Court, in the case of Bandhua Mukti Morcha, interpreted Article 21 to include right to health. In the case of Paschim Banga Khet Mazdoor Samity, the Supreme Court held that, failure on the part of a government hospital to provide timely medical treatment to a person in need of such treatment results in violation of his right to life guaranteed under Article 21.

In a sense, I would say medicine and law are similar. We must keep ourselves abreast of the latest developments in our fields to be able to provide the best possible healthcare or legal representation. A good lawyer, like a good doctor, must always work earnestly towards imbibing and accumulating greater knowledge. The possibilities for growth in both fields are seemingly endless.

Both medicine and law are one of the oldest professions in the world. They arise from basic necessities of dignified human existence. People place their faith in lawyers and doctors alike, trusting that they will act in best interests of those who approach them.

The doctors do so much more than simply intervene at a stage where a patient's life is at risk. They play an active role in prevention of disease, in spreading awareness of best health practices, and are instrumental in improving quality of life in countless ways.

In contemporary times, the doctors play multiple roles. They are healthcare providers, care givers, educators, managers, policy makers etc. Our recent experience with Covid taught us the significance of robust healthcare for all.

We have all learnt how a health emergency can cripple the entire nation. Health infrastructure and policy cannot be planned only when an emergency arises. It requires careful planning and involves meticulous thought process to manage resources in an efficient and effective manner.

Being the primary stakeholders in the healthcare system, doctors are extremely important in framing the roadmap to health care in India. The medical expertise, interaction with the patients from varied groups, and the status in the society provides you with unique position and power to influence the society. Your relationship with your patients provides you with an opportunity to develop a deeper yet wider perspective on social issues.

Your clinical excellence, professional integrity bestows you with the faith of the public. Admittedly, your profession is a service for humanity. But we also need doctors to assume larger public roles and allow grievances within the system to be aired. As primary health givers, doctors can play transformational roles in enhancing social well-being. There is a glaring lack of medical practitioners in leadership roles. The need of the hour is to bring back the medical leadership at least in shaping healthcare policies and strategies.

It is a responsibility that must be borne with utmost seriousness. Considering the nature of your service, the doctors are not only individually responsible to the patients only, they also owe a duty to the society.

One trend that needs discussion is the growing and unchecked corporatisation of our healthcare system. Private hospitals are being opened at an exponential rate. This is not necessarily a bad thing, but there is a glaring need for balance. We are seeing hospitals being run like companies, where profit making is more important than service to society. Due to this, hospitals and doctors alike are desensitized towards the plight of patients. They are just numbers for them. This trend has also spread monopoly and is deepening the inequities in access to health care.

I understand that there are many doctors on the boards of various private hospitals, having the responsibility to balance corporate interest with medical interest. Now, with the increasing intervention of corporate boards, the individual autonomy of doctors is getting eroded.

Today, the discourse regarding hospitals and doctors is quite disheartening. I have noticed a growing distrust in the common citizen. Hefty fees, chaotic experiences, and sub-par service has marred the relationship between doctors and the general public.

Especially in a country like India, where there is immense disparity in access to healthcare, doctors are accountable to the public. Exorbitant medical fees coupled with excessive barriers has made it almost impossible for the poor to get decent healthcare. It is primarily the cost of healthcare that is forcing people to suppress their health care needs and wellbeing. The heart-breaking fact is that, the crucial preventive stage is often lost when people suppress their health needs. They only approach the doctors when it is unmanageable and has crossed a certain threshold.

Another side of lack of accessible healthcare, is giving space to quacks. Quackery begins where awareness ends. Where there is room for myths, there is room for quackery. Quackery is the biggest disease affecting India. Owing to the financial and time constraints, a huge majority of Indian population approaches these untrained and uncertified doctors. Lack of awareness and knowledge, misplaced belief, and sheer inaccessibility has massive ramifications on the health of the country, particularly the rural and under-privileged India. Need of the hour is to bring in a legislation to save people from falling prey to fraudulent practices in the name of treatment.

Medical awareness is extremely significant for our society, which is filled with inherent notions and superstitions. Disease prevention and management is even more crucial for the marginalized classes as lack of good healthcare will only add to the social and economic stress. Therefore, we need doctors to focus on

well-being of the masses, as that keeps the wheel of our society and economy moving. We need more and more young practitioners to work for universal health coverage and reduce disparity in healthcare.

Undoubtedly, the duty of care is inherent in the medical profession. From the ancient Roman and English laws to the present times, law places clear consequences for wilful disregard of one's own duty. It is a phenomenon, which has implication from diagnosis, to treatment and rehabilitation. Even the smallest error by a physician can have a profound impact on the patient's life. Therefore, it is a doctor's responsibility to use due caution to prevent such events. The existence of a doctor-patient relationship is a prerequisite to impose culpability on the doctor.

Since the patient typically has only a limited understanding of the illness and the process of treatment, the medical professional has a larger duty to the patient in a fiduciary relationship. Treatment for an individual involves various stakeholders. They have to traverse through doctors, private hospitals and insurance companies. Through this process the patient blindly trusts only the doctors. It is doctor's presence and involvement that gives the assurance to patients that they are not just consumers.

In the landmark decision of *Jacob Mathew v. State of Punjab*, the Supreme court of India laid down guidelines in cases of alleged negligence against medical practitioners in India. It clearly stated that there is a need for protecting doctors from frivolous or unjust prosecution. Over a period of time, this court has clearly stated that an error of judgment or an accident, is not a proof of negligence on the part of a medical professional. He or she would be liable only where their conduct fell below that of the standards of a reasonably competent practitioner in the field.

However, these issues need to be adjudicated as per peculiar facts of each case. Doctors ought not to be penalized if best intentions and efforts were made, irrespective of the results. After all, doctors are humans too.

Now I must come to a topic that I feel strongly about. During the pandemic I saw various instances where doctors had been threatened, abused, attacked, and shunned. Despite this, they continued working on the front lines. This negative response towards doctors is truly unfortunate.

Several false cases are being lodged against upright and hardworking doctors. They need a better, and more secure, working environment. We must foster an environment where more young people want to become doctors to serve Indian society.

This attitude towards doctors is pushing out our best talents abroad. A massive brain drain is taking place where young, talented, and hardworking doctors do not see a future in India. We as a society must change this and incentivize our doctors to stay in India and continue their service and help meet both our medical and social goals.

The Central and State Governments too have a serious responsibility. Many aspiring doctors from small towns and rural areas rely on the government for education, support and employment. But, beyond this initial support, the government must look out for the welfare of its doctors and improve their working conditions. The government must think of stronger incentives to make doctors accessible to rural population.

NAMS has nearly 1,000 Top medical professionals, Fellows and about 10,000 members, led by Dr. Sarin. What a wealth of wisdom !! National Health, Medical education and disease prevention policies should be guided by NAMS. I implore all senior members of NAMS and other such organizations to help and guide the upcoming generation of doctors.

I would like to conclude on a note of appreciation for all of you here and those engaged in the medical profession.

Your selflessness and resilience were brought to the fore during the pandemic and medicine's ability to persevere in the face of

adversity was proven yet again. I would like to thank you all for your service.

I thank Dr. Shiv Kumar Sarin and other officebearers of NAMS for inviting me to this event and honouring me with the opportunity to deliver inaugural NAMS Public Oration.

Dr. Sarin, a recipient of Shanti Swarup Bhatnagar award and Padma Bhushan, is a pioneer in the field of medical science and innovation in a career spanning over three decades. He has contributed internationally in the field of liver diseases. He is a thorough academic and a keen researcher. He is also known for his social endeavours. He is an institution builder. I feel that his services are underutilised. Hope the Governments across the country will draw benefit from his wealth of knowledge.

I would like to end this oration with the words of Greek philosopher Hippocrates, the father of medicine, and I quote:

“Wherever the art of Medicine is loved, there is also a love of Humanity.”

Thank you.