



# REVIEW ON LEGAL DUTIES OF PHYSICIAN ACCORDING TO ANCIENT AND MODERN PERSPECTIVE

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## ABSTRACT

In medical ethics the duty of medical practitioner related with law and prohibition rules are described. The references of medical ethis including the duty of physician , ideal qualities of physician , surgeon qualities, medicinal dose and medicinal dosage for child, details of post-mortem and anaesthesia were described in various samhitas of Ayurveda. In Ayurveda textbooks many instructions on appropriate medical practice can be found. Chatuspada describes the qualities of a good patient and good physician . This paper enlightens duties of a physician with ayurvedic and modern perspective.

**Keywords:** Ayurveda, physician, duties

## INTRODUCTION

Acharya charaka described the importance of a physician, physician duties towards the sick and healthy person. Physician prescribe the medicine before well testing and dose will be descided according to kala , matra, prakriti, bala etc. Acharya says particular dose for children and drugs preparation method are different for children. An ancient time the sushruta says the postmortem technique for suspected death and death due to poisons. For a medical practitioner, ethics is a moral principle . It outlined the mandatory and voluntary responsibilities of a general practioner. During his or her duties, every registered medical practioner is required to undertake some medicolegal duties.

## MATERIAL AND METHOD

### MEDICAL ETHICS:

Under the Indian medical council act, 1956, the medical council of India, with the approval of the central government, made the following regulations which are called the **Indian medical council [professional conduct, etiquette and ethics] regulations, 2002** <sup>[1]</sup>

### DUTIES OF GENERAL PHYSICIAN:

1. The prime object of medical professional is to render service to humanity <sup>[2]</sup>. he or she should honour of his or her profession.
2. The physician shall keep himself pure in character and be modest , patient, sober, prompt in discharging his duty without anxiety<sup>[3]</sup>
3. Maintaining good medical practice  
Physician should maintain good medical practice. He or she must keep up the therapeutic records of his or her indoor patients for a period of long time from the date of graduation of the treatment. <sup>[4]</sup>
4. Duty to furnish proper and suitable medicine:  
If he has his own dispensary, he should furnish the patient with suitable medicine. Otherwise the doctor is responsible for any temporary or permanent damage in health caused to patient due to wrong prescription <sup>[5]</sup>
5. Duties with regards to operations:  
He should explain the nature and extent of operation and take consent of the patient . he should take proper care to avoid mistake , such as performance of operation on the wrong limb. He must operate with proper and sterilized instrument. He ought to take legitimate postoperative care and ought to grant appropriate heading to his persistant when releasing him.<sup>[6]</sup>
6. Physician should prescribe drugs with generic names . physician exposure of unethical conduct physician clearly display his fees in his chamber or hospital he is visiting<sup>[7]</sup>.

### TYPES OF PHYSICIAN <sup>[8]</sup>

In charaka samhita sutra 11<sup>th</sup> chapter three kinds of physicians are mentioned as follows

1. **Chadmachara physician (fraudulent)**
2. **Siddhasadhita physician (imposter)**
3. **Pranabhisar physician (true physicians)**

### **Chadmachara physician (fraudulent)**

Those impersonating accomplished physicians and others equipped with physician qualities are referred to as fraudulent physicians. They have some containers with drugs, models, worthless discourse and a phoney appearance are fools and fakes<sup>[9]</sup>

### **Siddhasadhita physician (imposter)**

Physician who practice in the name of famous physicians in terms of wealth, fame and knowledge, even though they are not identical to them.<sup>[10]</sup>

### **Pranabhisara physicians (genuine physicians)**

Those who are skilled in logical administration, understanding, specific knowledge and spaces and who bring happiness and encourage life<sup>[11]</sup>

### **DUTIES OF A DOCTOR TOWARDS PATIENT**

1. When a doctor agrees to attend a patient, he is under an obligation to attend the case, as long it requires attention, he can withdraw after reasonable notice<sup>[12]</sup> For his part, the physician too should regard all his patients as if they were his own children and vigilantly guard them from all harm, considering this to be his highest religion<sup>[13]</sup>.
2. He should give a furnish and suitable medicines if any harm of patient body by physician prescription doctor is held responsible.<sup>[14]</sup>

### **RIGHTS AND PRIVILEGES OF PHYSICIANS** <sup>[15]</sup>

1. Right to select his patient- he has the right to refuse any patient for any reason, but he should not refuse emergency treatment.
2. Possession of right to practice medicine.
3. Right to use his name in the title and description of his qualification
4. Ability to provide his patient medicine.
5. Right to give evidence in a court of law, as an expert witness.
6. Right for appointment in public and local hospitals.
7. Right to fee recovery- if the patient refuses to pay the reasonable fees, the court can intervene.
8. Authority to issue medical certificates and medicolegal reports.
9. Possession and distribution of harmful drugs to his patients.

## NEGLIGENCE OF DOCTOR <sup>[16]</sup>

It is irresponsible behavior that has nothing to do with any responsibility to be cautious. A quack treating a patient, for example, is an example of neglect. Negligence is defined as a breach of a legal duty of care. Damage because of the consequences. If the plaintiff establishes that the doctor is negligent but fails to establish loss or damages, he is not entitled to compensation under the consumer protection act.

## UNETHICAL ACTS:

1. A physician shall not make use of him/her subject of any form or manner of advertising or publicity through any mode either alone or in conjunction with others which is of such a character as to invite attention to him or to his professional position, qualification, skill attainments, achievements, specialities.<sup>[17]</sup>
2. He should not prescribe or dispense secret remedial agents of which he does not know the composition.
3. He should not practice euthanasia
4. The medical practitioner should not write the brand name, and there should not be an irrational prescription and use of drugs<sup>[18]</sup>
5. He should not run an open shop for dispensing of drugs and appliance prescribed other physicians.

## DISCUSSION

In Ayurveda the four pillars of treatment are physician (Bhishaka), medicament (Dravya), attendant (upasthata) and patient (Rogi)<sup>[19]</sup>. A physician's qualities include learning (vidya), rationality (vitarka), precise knowledge (vijñana), memory (smruti), speed of action (Tatparta), and appropriately treating patients (kriya).<sup>[20]</sup>

### Characteristics of a good physician

– He should have superior theoretical and practical knowledge, as well as dexterity and cleanliness. He should also be cautious, humble, devoid of jealousy, truthful, content, vigilant, pure and right.

Manner of medical practices- The ailment must first be diagnosed before treatment can be determined. Before examining a female patient, she should give her consent. Always take the initiative when speaking with the patient. While treating a patient, a physician should not brag

about himself. Practice is more fruitful when you have a clear mind and a skilful hand.

## CONCLUSION

An ancient time acharyas are very much aware about the medical ethics so in details description above, like doctors to work honestly acharya charaka says in the sutrasthan . sushruta regarding the qualities of surgeon in sutrasthan . In charak sutrasthan, physician should give the proper medicine in proper time . giving clear instructions to patient . Sushruta in sutrasthan told duty with regard to operation and duties of a doctor towards the state. Duties of a doctor towards his patient is mentioned in charaka chikitsasthaan . unethical activities of a physician mentione in charaka sutrastan.

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