



Legal Protection Of Doctors In Bhopal Region: A Research Regarding There Legal Safety Awareness And Existing Laws For There Safety

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Abstract: Legal safety in India is weighed by doctors when they encounter violence by patient associates and they attain justice via court or police. This study attempts to understand the legal awareness of doctors and discuss existing laws for there safety in India. With police and health being a state subject in schedule 7 state list of constitution, this study is specifically focused on city of Bhopal and state laws of MP. The findings provide insights that would help not only policy makers in MP Vidhan Sabha and Parliament in Delhi but also give a chance to file PIL by Advocates in HC and SC.

Index Terms - Doctors, safety, doctors protection act, IPC, CrPC, WMA, Bhopal doctors

I. INTRODUCTION

Violence against doctors is a hidden Epidemic, Legal Framework in India is not enough to address it.(4) In Maslow's hierarchy of needs, security is considered as basic needs – parallel like food, rest and water. The World Medical Association repeats that health workers too have right to work in a secure ambience without the worry of violence. However, the reality in far different in public as well as private hospitals in India. A study suggests that around 75% of doctors have faced some violence, and around 68% of incidents involve attacks by the aides of the patients in India.(1)

While the Protection of Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Act has been passes by state legislature by about 23 states in India, its implementation remains a challenge. The basic cause is the Act is not a part of Indian Penal Code (IPC), which brings victims problems to approach the police for case registration. Police in Indian states are not aware of this law. Only around 10% of the cases under this Act have reached the courts after the charge sheet was made. Police is required to be updated about this Act, but also about the procedure of this Act. The same law has difference in various states. the Act, however, fails to really protect doctors because it features neither in the Indian Penal Code (IPC) nor in the Code of Criminal Procedure (CrPC). This makes it difficult for victims to approach the police for help or the latter to file a complaint against suspects.(3)

The Epidemic Diseases Act, 1897 was amended in 2020 during COVID 19 pandemic for inserting penalties for violence against healthcare workers. But its validity was for the duration of the pandemic. As a counter step, IMA calls for national legislation to deal with violence issue. (2)

STUDY

A thorough understanding of available legal options for doctors and healthcare workers plus learning about doctors awareness about legal help available to them. Firstly, the study involved empirical research via newspaper articles, e magazines, PIB, lok sabha and Madhya Pradesh vidhan sabha e-archives. It was collected and compiled plus compared with other state health care workers special laws. Following are available laws which currently provides protection to doctors

Sr.No	Acts	IPC	Punishment
1.	Interruption in working of hospital	353	2 yrs. Rigorous imprisonment
2.	Misbehaving in hospital on duty doctor, nurse, staff, ward boy/girl	504	2 yrs. Rigorous imprisonment
3.	Abusing on duty doctor, nurse, staff, ward boy/girl in hospital	504	2 yrs. Rigorous imprisonment
4.	Threatening duty doctor, nurse, staff, ward boy/girl in hospital	506	3 yrs. To 7 yrs. of Rigorous imprisonment
5.	Assault on duty doctor, nurse, staff, ward boy/girl in any manner or gesture to do so	332 & 333	3 yrs. To 10 yrs. of Rigorous imprisonment
6.	Destruction of property of hospital in any amount or any manner	427	3 yrs. of Rigorous imprisonment
7.	Unnecessary mobbing/trespassing inside the hospital premises.	141 & 143	3 yrs. of Rigorous imprisonment
8.	Threatening/abusing/assaulting duty doctor, nurse, staff, ward boy/girl in any manner or gesture to do so with/without destruction of property of hospital	***	Madhya Pradesh chikitsak tatha chikitsa seva se smabandh vyaktiyon ki suraksha adhiniyam 2008

Secondly, structured questionnaire was administered to 10 doctors who were MBBS and MD using a sampling method and hence, complete usable questionnaires received were 10. The data collected was analysed using simple analysis and testing to jump into a fruitful conclusion.

RESULTS & FINDINGS

As per Constitutional provisions, 'Health' and 'Law & Order' are State subjects.

All state Acts prohibit: (i) any act of violence against healthcare service persons, or (ii) damage to property in healthcare service institutions. In most of these states, if a person partakes in these prohibited activities, he/she is punishable with imprisonment up to three years and a fine of up to fifty thousand rupees. However, in certain states such as Tamil Nadu the maximum prison sentence may be up to ten years. (2)

The Union Ministry of Health & Family Welfare has, in order to prevent violence against doctors and for inculcating an effective sense of security among the doctors on duty, taken several measures including issuing advisories in this regard to all States/Union Territories (UTs) to consider the following:

- Security of sensitive hospitals by designated trained force,
- CCTV cameras and 24/7 Quick Reaction Teams with effective communication / security gadgets particularly at Casualty, Emergency and areas having high footfalls,
- Institutional FIR against assaulters,
- Display of legislation protecting doctors in every hospital and police station,
- Appointment of Nodal Officer to monitor medical negligence,

- f. Expeditious filling up of vacant posts of doctors and para-medical staff in hospitals / Primary Health Centres (PHCs) to avoid excessive burden / pressure on doctors and to maintain global doctor-patient ratio, (5)

Various IPC sections and “Madhya Pradesh chikitsak tatha chikitsa seva se smabandh vyaktiyon ki suraksha adhiniyam 2008” provides legal safety for doctors.

As per 10 questionnaire replies, 9 have faced violence either verbal or physical. Only 5 were aware of legal laws available for their protection. Internet was a major source which made doctors aware about legal laws available to them. Only 3 were able to name a particular law for doctors. On a rating scale of 1 to 10, with 1 being no safety and 10 being safest 5 was the most commonly given rating on safety concerns. Most of doctors suggested that advertisements and campaigns to create awareness for protection of doctors.

CONCLUSION

The study found that there are sufficient laws for healthcare professionals protection (especially doctors) but its awareness amongst doctors is low. Government should do awareness drives. Though police is sensitive and register cases in such matters but IMA calls for a central government legislation on this issue. Recently, Government of India dropped proposal to make a central government legislation for protection of doctors and healthcare professionals(7). Majority of doctors in Bhopal region feel secure but have faced violence in some form.

The exclusivity of law for protection of doctors and healthcare professionals is the key demand of IMA. Though 23 states have special laws, but its awareness and implementation remains a challenge. In Madhya Pradesh, state government brought chikitsak tatha chikitsa seva se smabandh vyaktiyon ki suraksha adhiniyam 2008.

There are also state specific guidelines which instructs hospitals and clinics to display all the laws for patients and their relatives to see. Most of the hospitals are also following the same. Since, law and order is a state subject, State, and Union Territory governments also take appropriate steps to protect healthcare professionals/institutions under provisions under the Indian Penal Code (IPC)/Code of Criminal Procedure (CrPC). Also, the number of security guards hired/outsourced by government hospitals in the country depends on state government guidelines.

Conclusively, government should do awareness drives, train police force, create a hospital protection force. Creation of a safe atmosphere can be created by educating the patients via educational institutions, anganwadi centers and panchayats and municipal bodies local campaigns

Declaration by Authors

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