

Innocent till proven guilty

Dr. Arun Bal in his editorial has made a few fundamental blunders

Income tax raids and unaccounted wealth do not contravene criminal laws. At most they constitute breach of civil laws.

In India the judiciary maintains that a person is assumed to be innocent till proven guilty. Till the president of the Medical Council of India is convicted of his crimes, it is unjust to launch a frontal attack on him.

When I agree that medical councils have failed utterly in their regulatory function, so have the government bodies and the public at large.

The only saving grace as far as the regulation of medical practice — or match fixing — is the judiciary and I suppose that consumer protection can never be replaced by any medical council, however credible it may be. After all the credibility of a police enquiry is far less than that of a judicial inquiry where crimes related to police excesses are concerned.

The portrayal of modern medicine as techno-savvy and yearning for the old human touch seems to be the passionate theme of modern writers on medical ethics.

I wish to maintain that both are not mutually exclusive.

A practitioner of complex modern medicine with all its and technological complexities can be humane and considerate

This also does not mean that the human and considerate doctor of yesteryears could not be utterly incompetent.

Later then Buddha said, there has to be a middle path, a fusion of gently humanness and tough scientific rigour to give the best to our patients.

Jadgish Chinappa, Manipal Medical Centre....

Reference:

- 1.

Acknowledgement

I am grateful to Dr (Mrs) A M Samuel for critically going through the first draft of my comment entitled: "History repeats itself in India" (1), and her considered comments which helped me revise it.

S K Bhattacharjee, BARC, Mumbai.

Reference:

- 1.

Health care is not a fundamental right

I refer to the presentation 'Save public health care' (1). Health is described as a 'fundamental human right', hence it is averred that the government must provide health care to the citizen.

The same argument could be extended to food, another basic need. The right to food evolves from the constitutional right to life. Yet the state does not ensure free food even to the 'poorest of the poor'. In the absence of food security for the impoverished, demand for free health care is a mix-up of priorities. For that matter, what percentage of the population has access to safe drinking water — which is *jeevan* or life itself? Moreover, contaminated water is the source of most diseases in India.

The Brihanmumbai Municipal Corporation (BMC), on the other hand, cannot satisfactorily fulfil even the obligatory duties of providing sanitation, water supply, maintenance of roads and footpaths, and primary civic amenities. Health care and education are discretionary functions of the BMC which the state government should undertake to provide as a welfare measure.

It is an idealistic situation where medical services would be free for the indigent. But who foots the bill? The BSES which distributes electricity to Mumbai's suburbs says its relatively high tariff for energy is because the company is obliged to service the massive slum population. A subsidy to one section of the population becomes a levy on another. Would an economically middle-class citizen be categorised as 'affluent' just because s/he pays taxes to the government and local body?

Unlike charity, social security is a right of all citizens in a welfare state. And the state subsists on taxes, hopefully levied equitably.

There is degeneration in any

subsidised service, which in real economic terms is perceived as 'free'. A classic example is municipal school and undergraduate education. Public hospitals, despite their professional competence, have acquired an unfavourable reputation. With a burgeoning migrant population, this reputation will slide down even further. On another plane, witness the rights to livelihood and shelter being operated by the hawkers and slum dwellers in Mumbai; the latter alongside railway tracks are now accused, by none other than the Supreme Court, of pick-pocketing, for demanding free housing.

Today food is 'available' in plenty but it is 'non-affordable' to the poor and deprived. It is the same story of lack of economic access to health care. Population and unemployment graphs are inversely related. Shouldn't population control be the first priority if a welfare state is to succeed? Emotions and economics don't blend.

N G Wagle, C-108 Noopur Society, Vartak Road, Vileparle (E), Mumbai 400 057.

Reference:

1. Save public health care. *Issues in Medical Ethics* 2000; VIII (4):

A partial response to this statement may be contained in the comment by Chayanika on page...

Editor