



INDIAN MEDICAL ASSOCIATION (H.Q.s.)

(Registered under the Societies Act XXI of 1860)
Mutually Affiliated with the British & Nepal Medical Associations
I.M.A. House, Indraprastha Marg, New Delhi-110 002



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IMA/HSG/206/169

29/06/2024

New Delhi

To,

Shri Narendra Modi ji
Honourable Prime Minister of India
Government of India

Respected sir

Beloved Honourable Prime Minister Shri Narendra Modi ji,

Kindly accept the respect and good wishes of the modern medicine doctors of India. We congratulate you on your historic third term as the Honourable Prime Minister of India. There are huge expectations from your Government. The medical fraternity of India takes pride in the contribution to the Health of our nation. If 1947 is taken as a benchmark the lifespan of an Indian has reached to 71 years from a low of 27. The Maternal Mortality Ratio and the Infant Mortality Rate have improved leaps and bounds. Eradication of smallpox, polio and neonatal tetanus are behind us. The challenge to eliminate TB and Leprosy is being taken head on. Atleast 1598 modern medicine doctors sacrificed their lives in the war against Covid. The Covid vaccination programme of your Government saved our nation from catastrophe. These contributions of modern medicine doctors is an essential component of our nation building.

We the doctors of the country however are passing through difficult times in practising the profession. The ambience in our hospitals is one of fear and mistrust. Though there are innumerable issues in the governance of the medical profession which could be remedied by legislative action we bring two most pressing problems to your kind attention. On the Doctors Day 2024 we solicit relief from you and your Government.

The violence on doctors and hospitals has reached epidemic proportions and is a national shame. Your Government had initiated a Bill on violence on doctors and hospitals. It was even put up for public comments. However, the Bill is yet to be introduced in the Parliament. Your Government also protected the doctors during the mindless violence during Covid by amending the Epidemic Diseases Act of 1897. A central law in statute on attacks on doctors and hospitals will be a deterrent and would strengthen the lameduck state legislations in 23 states. Hardly any conviction has happened inspite of numerous violent incidents.



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IMA has pointed out that there is no criminal intent (*mens rhea*) on the part of the doctor while treating a patient. There is no negligence to attract criminal prosecution. Honourable Union Minister for Home Shri Amit Shah ji acknowledged in the floor of the Parliament that death during treatment is not murder. The new BNS legislation brought up by your Government reflects on this aspect in section 26. IMA kindly request the Government that the investigating officer invoke this provision in cases of alleged medical negligence. In the rarest of rare cases which might be considered as recklessness the investigating officer may prefer the case to an expert committee for opinion. Some state Governments have a circular memorandum putting in place a district level body under the DMO and a state level appellate body under the DHS. High courts have upheld the legality of the procedure as well. A circular memorandum of procedure from the Union Government in this regard would remove the Democles' sword hanging over the doctors. It will provide legitimate protection and facilitate crucial decisions in critical moments. This would actually benefit the patients.

We appeal to the Honourable Prime Minister to consider the plight of the doctors and intervene for mitigation of the situation. We place this appeal before your goodself on this Doctors Day 2024 on your historic third term Prime Ministership.

With respects,

Dr. R V Asokan
National President, IMA

Dr. Anilkumar J Nayak
Honorary Secretary General, IMA

Annexures:

1. Draft Legislation titled "The Healthcare Service Personnel and Clinical Establishments (Prohibition of violence and damage to property) Bill, 2019" dt 2nd September 2019.
2. Submission to Hon. Union Home minister dt 31.01.2024.
3. The Epidemic Diseases (Amendment) Act, 2020.