The position of medicine and medical practices in ancient india

Parts of the World, Asia

The concept of medicine and medical practices was widespread in ancient India. India had a well-developed medical system called Ayurveda. Holy book Ramayana gives examples that illustrate the advances in surgical skills and medical treatments at the time. In ancient India, the system of medicine was indigenous (called Ayurvedic Chikilsa). Dhanvantri was considered a deity of Ayurveda. Dhanvantri appeared as an Ayurvedic authority possessing the baton (Danda) and the pot of water (Kamandal).

One of the classic Vedic documents (including Rigveda, Yajurveda, Samaveda and Adharvaveda), Rigveda Samhita is the only primary collection, and others are mainly derived. It contains a fairly detailed account of the state of medicine in those days (about 700 BC). According to Rigveda, Rudra was the best of doctors and Indra as the protector and guarantor of life. Soma was the god who " healed the sick". The above-mentioned Holy Book contains prayers to Indra for health and protection against the disease.

The remarkable work in medicine in ancient India is Charak Samhita, Sushruta Samhita and Vagbhata. Sushruta Samhita, a work containing the surgical tradition of Indian medicine was created by Sage Susruta. The origin of the work was in around 600 BC. It was one of four document considered as the source book of all subsequent surgical procedures in India. Later Manusmriti created comprehensive measures to protect the layman from irresponsible doctors. The King's sanctions for medical negligence varied according to the severity of the doctor's failure and all other related circumstances. In both, Yajnavalkya Smriti and Vihsnu Smriti, sentences were prescribed for insufficient treatment by doctors. The penalties imposed

depend on whether a person or a non-human is suffering. It also depended on the class of the victim i. e., the higher the social class, the higher the punishment. But Manu never cared for the class of the victim for imposing sanctions. Sushrutsamhita states that the doctor must seek permission from the king before beginning the treatment.

One person was not qualified without practical training. The practical training had to be done on different objects to learn so that the scientist did not experiment on the human body. According to Charak Samhita, the physician has to master the scriptures, experience, purity and intelligence. After completing a certain period of training and studying the science of medicine and its practical application, a scholar became a doctor, but before he began his practice, he had to seek permission from the king. In ancient Indian society, there were certain legal principles that governed this profession by limiting the freedom of exercise and subjecting the qualifications of specialists, medical professors, and physicians to certain restrictions.

Arthasastra has also provided a code of ethics for physicians. If a treating doctor determines that the disease is life threatening, the matter should be reported to the authorities. If the person died, the doctor had to pay the slightest penalty if the death was due to a mistake of the doctor and an average penalty was prescribed by the king. If he dies because of the negligence of the doctor, the highest punishment would be imposed. It has been considered that the person who cares for a patient, whether human or not, is required to have a duty of care to the patient. Besides, the duties of the doctor were determined by the old documents.

a)Duties of the Doctor

In addition to the qualification of doctors, the old literature speaks of professional ethics and the duties of doctors and their liabilities if they cause any harm to the patients. The doctor had the duty to diagnose the disease with the utmost care and only after finding the disease, he could begin with his skills and common sense. The doctor (Vaidyas) was not free to treat a person. There were restrictions when it comes to the treatment of hunters, out castes or sinners. Sushruta Samhita says that the doctor should sit down and examine his patients by seeing, touching and asking questions. He had to diagnose properly and start with the treatment only if the disease was curable by him. The duties of the doctor were again confirmed by the old relevant documents. Arthashastra of Kautilya states that the doctor must inform the managing authority about the treatment of patients. If a doctor took a person for treatment without informing the administrative authority which was called Gopa or Sthanika, he was punished. It was therefore the doctor's duty to inform the administrative officer about the treatment of an injury.

At that time, developments in forensic ethics were sufficient to address the problems that could arise due to the medical profession. Kautilya's work paints a splendid picture of legal obligations and responsibilities in the medical profession. These are the concept of professional ethics, the duties and liabilities of the doctors named in the old documents. The concept of punishment had its own origin and development.

b)Concept of Punishment

The term punishment has been specified in several literatures. The word " Mithya" has several meanings. It was applied according to the different situations. It means wrong, false, error, incorrect, or illusory. Charak Samhita used this word in terms of wrong treatment. Sushruta Samhita uses the word " Mithyopachara" in the sense of inappropriate conduct. It is specified that doctors whose acts are improper must be punishable. The amount of the penalty depends on the status of the victim. As Yajnavalkya Smriti says, the doctor who behaves inappropriately should pay the first fine in case of animals, the second highest in the case of the man and the highest in the case of the royal men. Human beings are classified into (for imposing the penalties doctors) in Ragapurush, Rajamanush, Uttammaus and Madhyamanush. Quantum of penalty varies depending on the category to which the victim belongs. Manusmriti did not discriminate against people in this regard. He prescribed a penalty for inappropriate treatment, regardless of the Varna or category of the victim. Sushruta Samhita said that " if the death of a patient is due to negligence, the doctor must be punished severely. The growth of the disease due to carelessness or negligence of a doctor must be considered violence or assault". These are the clear guidelines in ancient literatures for the specific application of medical practice. Fines were also granted. A fine as a form of punishment for inappropriate treatment has a unique origin.

c)Fine as Punishment for Medical Negligence

The old Indian law on the practice of medicine provides examples of penalties for injuries due to negligent treatment. The financial sanction was based on the social status of the victim, i. e., whether the victim of the maltreatment was an animal (horse, cow, elephant, etc.) or a middle-class or king's retinue. The obligation of the doctors to care depends on the social status of the person being treated, but the degree of financial penalty does not depend on the degree of guilt. The judge had the discretion to impose sanctions taking into account all factors. The rules on the doctor's liability for his negligent medical treatment were introduced not only to protect the patient but also to ensure good state administration. Dharmashastras and Arthashastra expressly mention the patient's right to compensation. The fine was imposed by the state and paid to the state (king). The old Indian law sought to impose fines which were lodged with the Treasury, but the victim was not compensated. So we can see that the fine for improper treatment has historical significance. From the short historical analysis above, it can be concluded that the legal system in ancient India clearly spoke in favour of patients' rights against negligence of the doctor and inappropriate medical treatment.