

**Convocation Address by Justice J.S. Verma, Chairperson, National Human Rights Commission
(Former Chief Justice of India) at the 40th Annual Conference of the National Academy of Medical
Sciences at Agra on 7 April, 2001**

Learned members of the society of distinguished medical scientists, Ladies and Gentlemen.

I deem it a privilege to be invited to speak to this august audience of distinguished scholars of medical sciences who are actively engaged in updating the medical knowledge and promoting the research in many sectors of medicine through the medium of National Academy of Medical Sciences. At the outset, let me congratulate those awarded the Fellowship of National Academy of Medical Sciences in recognition of their contribution to the advancement of medical knowledge through their research. I do hope their achievements would encourage and inspire many others to develop the scientific temper and the spirit of inquiry and reform and to strive towards excellence so that the nation constantly rises to higher levels of achievement in the medical field.

Today is the World Health Day. It calls for a resolve, not only from the new Fellows, but also from those of the past and hopefully of the future to work for improvement of medicare at affordable cost to everyone. According to the World Health Organization (WHO), 'health is a state of complete physical, mental and social well being and not merely the absence of disease or infirmity.' The effort of the entire community must be to achieve this objective.

The goal of extending the benefits of sustainable health over an expanding life span to all members of the human family is the cardinal tenet of public health and medicine. Prevention of disease and good health, instead of cure of illness alone has to be the emphasis. Considerable progress in that direction has been made and yet the goal remains a distant dream in the developing nations. While the average life expectancy in India has risen to 62.9 years (1998), the threat posed by the rise in incidence of diseases like cancer, cardio-vascular disease and HIV/AIDS etc. pose greater threat to more people. The need, therefore, is to prevent the higher incidence of these diseases and ensure availability of life saving drugs at affordable price to those afflicted inspite of the impact of the TRIPS regime. The role of research in medical sciences hardly needs any emphasis. Population explosion in the country needs urgent attention. The figure of 1.02 billion has already been crossed. It is another area of concern. Steps which are acceptable to the people need to be devised, developed and popularized. Here again, the medical men have a significant role to play. Lack of health care and malnutrition in addition to illiteracy are identified by Dr. Amartya Sen as the continuing unfreedoms in our country even after half a century of political freedom. True freedom envisages freedom from want of any kind and a healthy body and mind for all. That remains to be achieved. These areas are your serious concerns.

The Universal Declaration of Human Rights upholds the 'right to life' as an inalienable entitlement of all human beings and this is a specific guarantee in Article 21 of the Constitution of India. Right to life has been construed by the Supreme Court of India as 'right to life with dignity', which includes a healthy body and mind. Human development index is now an acknowledged indicator of a nation's ranking and progress. There is a definite linkage between human rights and human development. Protection of health is essential for enabling development of full potential of a human being. 'Right to development' is a basic right of every child. Protection of health is integral to the mandate of human rights. The Directive Principle in Article 47 of the Constitution of India mandates the State to raise the level of nutrition and the standard of living and to improve public health.

There has, thus, to be shared vision and shared mission to pave the way for natural alliance between the advocates of public health and the defenders of human rights. Purposeful partnerships between the two groups, catalyzed by a conjoint consultation, would be very productive in improving public health.

One of the Fundamental Duties of every citizen in Article 51A of the Constitution is to develop the scientific temper, humanism and the spirit of inquiry and reform. Every citizen is, therefore, duty

bound to join in this effort so that the optimum results are achieved and the State is enabled to perform its duty as required by Article 47 of the Constitution. These are broad parameters to indicate the need for a conjoint exercise by institutions like the National Academy of Medical Sciences and all instruments of governance as well as every citizen.

It is because of this perception in the National Human Rights Commission that we have accorded a pivotal position to the promotion of public health in our plan of action. A Core Group on Public Health to assist the Commission with technical advice on matters related to health has been constituted a year back. The National Human Rights Commission, in collaboration with the Ministry of Health and UN agencies has already organized two national workshops on maternal anemia and HIV/AIDS to consider issues related to their control. During this month, it is to hold another similar exercise to consider issues related to access to health care and nutritional deficiencies. The recent debate relating to iodized salt needs an informed expert opinion about its need to allay the uncertainty in public mind. The NHRC would become the benefit of expert advice from the National Academy of Medical Sciences in the performance of its task of sharing in the State's effort to improve public health. As already stated, this is a herculean task which must be the concern of every citizen and every institution who must join hands so that together we can make the difference.

Elie Wiesel, the Noble Peace Prize Laureate, has said :

“One cannot, one must not, approach public health today without looking for its human rights component.”

The late Jonathann Mann, a crusader in the fight against HIV/AIDS, believed that health and human rights movement has a collective responsibility to move forward the work of earlier giants in health and human rights as 'equal partners in the belief that the world can change'. Protecting and promoting health requires explicit and concrete efforts to promote and protect human rights and dignity, and greater fulfillment of human rights necessitates sound attention to health and its social determination. The goal of linking health and human rights is to contribute to advancing human well being beyond what could be achieved through an isolated health – or human rights – based approach. The need and efficacy of a joint venture is beyond controversy.

The Hippocratic Oath reminds every medical man of his/her duty and indicates the reason which makes it the noblest of all professions. The Supreme Court of India in *Pt. Parmanand Katara Vs. Union of India* (AIR 1989 SC 2039) dealt with the obligation of the State to preserve life by virtue of Article 21 of the Constitution and indicated that it is the duty of the medical professional to help an injured person and to do all that is within its power to save life. This is equally true for every doctor, whether in public service or in private practice. This obligation arises merely from the fact of being a medical professional. The high ethical component places medicine on the highest pedestal amongst all profession.

One of the greatest humanists, Albert Schweitzer, was a medical man whose contribution to human welfare is too well known. It is the path shown by such noble men which is the true inspiration for research in medical sciences to help alleviate suffering of the humanity. The distinguished members of the National Academy of Medical Sciences deserve acclaim and gratitude of the people for the zeal with which they are engaged in the performance of their task. There is no dearth of medical men who have spurned lucrative assignments at considerable personal cost and inconvenience and continue to retain the inherent professionalism to serve the humanity instead of succumbing to the lure of the lucre. The people of this country are grateful to all of you for your service to the humanity. It is necessary that the medical education includes ethics as an essential component to arrest the trend of growing commercialization of medicare and to retain professionalism of the medical men. In a country where the common man suffers from want in many ways, provision for health care for everyone must be a reality.

The disturbing trend of mushroom growth of medical institutions indulging in commercialization of medical education must be arrested. A similar trend in legal education is being curbed. I am not sure how far the decision of the Supreme Court of India in *JP Unnikrishnan Vs. State of Andhra Pradesh* (AIR 1993 SC 2178) has helped to control this trend in medical education. If it has not, to the desired extent, it should be one of the areas of your concern so that you can highlight the loopholes and suggest the required modification to prevent commercialization of medical education. The quality of medical education imparted in the medical colleges will determine the quality of medical professionals of the future. Advancement in the medical sciences in the future will depend on their caliber and ethical values.

Medical research in our country must also focus attention on alternate systems of medicine such as the indigenous systems like Ayurveda, Unani and Homeopathy etc. Recent experience has shown the efficacy of these systems in certain areas of medicare and public health. The lack of greater public confidence in these systems is attributable to the want of an authentic machinery to control its practice and research. The need is, therefore, to use modern scientific methods to utilize the rich empirical experience of the ages. The lesser cost of some of these alternative systems which even now are in vogue in large parts of the country should be converted to improve the medicare. The need is to combine modern scientific methods with the practical experience of the utility of the alternative systems. India is a rich source of medicinal herbs, the utility of which is being realized in the West. Dean Ornish's research in the field of reversing heart disease through methods of Indian origin has received worldwide recognition. We must make the best possible use of our natural resources. Properly focused and well directed research in this sphere is needed.

Mental health is an area of considerable neglect in spite of the Mental Health Act, 1987. Even now mentally ill persons are kept in prisons in spite of National Human Rights Commission's direction to the States that this practice must be stopped without any delay. The emphasis need be on treatment of mentally ill while the approach continues to be on custodial care rather than therapeutic. Multidimensional actions are required to deal with mental health problems. Most of the mental hospitals are not even maintained properly and the conditions therein are deplorable. Research should be conducted on the prevalence, pattern, course, treatment and response of different interventions. There is an urgent need to understand the impact of social change and development on the mental health of the people, especially the vulnerable sections of society like children, women and elderly persons. This continues to be a neglected area and results in greater deprivation of the already deprived.

This year's World Health Day proclaims the theme of Mental Health and gives the slogan : Stop Exclusion, Dare to Care. Message of the UN Secretary General, Kofi Annan on this day is :

“Mental illness ravages the hidden landscape of the human mind, often with no outward physical signs to betray its debilitating effects. In turn, many who suffer from such disorders suffer in silence, trapped by the shame or stigma of their often very treatable diseases.

To draw global attention to this problem, the World Health Organization (WHO) has dedicated this year’s World Health Day to addressing the medical research, care policies, and ethical issues related to mental health. The Day’s slogan ‘Stop exclusion, Dare to care’ captures the need for the world community to address mental health concerns openly and honestly. And let there be no doubt, these concerns are urgent.”

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“Yet, despite the enormous social and economic burdens posed by mental health problems, more than 40 percent of the world’s countries have no articulated mental health policy, and over 30 per cent have no mental health programmes. A global strategy to address the mental health crisis is needed, one which will incorporate both prevention and care.....”

“It is time for governments to allocate resources and establish public policy to meet mental health needs. It is time for us individually to face our fears and overcome our misconceptions about mental disorders. Through honesty and understanding, we can break down the walls of social stigma that surround mental illness. On this, World Health Day, let us commit ourselves to these tasks, to ensure that those who suffer from mental illness no longer suffer in silence.”

Another matter which requires your urgent attention is the rights of the persons with disability to have equal opportunity for development including that in medical education. Section 39 of The Persons with Disability (Equal Opportunities of Rights and Full Participation) Act, 1995 (hereinafter called ‘the Act’ for short) is as under :

“All educational institutions to reserve seats for persons with disabilities.

All Government educational institutions and other educational institutions receiving aid from the Government, shall reserve not less than three per cent seats for persons with disabilities.”

This provision applies to all educational institutions which must include institutions imparting medical education as well. ‘Disability’ is defined in Section 2(1) of the Act and it also includes blindness. The right of a person suffering from disability to medical education has come up for consideration in some High Courts. The High Courts have held that the provision applies even to medical colleges which are required to comply with the statute.

I am conscious that the disability of blindness as a limiting factor in medical profession has to be borne in mind. However, the need is to take a holistic view and make an in-depth study of this problem so that the right of a person with disability to pursue medical studies is determined according to a well studied and prescribed procedure excluding any arbitrariness or ad-hocism in the decision making process.

I make particular mention of this aspect because of the recent matter before the National Human Rights Commission relating to the case of one C.S.P. Anka Toppo who lost his eyesight while in the final year of MBBS course in All India Institute of Medical Sciences. The National Human Rights Commission is examining his request for permitting him to complete the MBBS course, with the assistance of the Director, AIIMS, Dr. P.K. Dave and his colleagues who are all sympathetic to the student but are unsure because of the absence of any recognized procedure to guide them. Enquiry into this question has disclosed a similar case of Dr. Y.G. Parameshwar of Bangalore who lost his eyesight when in the final year of MBBS course. He was permitted to continue his studies and he passed the final MBBS examinations in 1977 according to a modified procedure. He completed his internship and became a full-fledged doctor in 1979. He is at present a lecturer in Pharmacology in the Medical College at Bangalore. We have also come across the case of Dr. David Hartman, a practicing psychiatrist, who graduated from the Temple University in Philadelphia inspite of being blind. The need is for an in-depth examination of this question to develop a procedure which gives equal opportunity to the disabled allowing differentiation without discrimination as guaranteed by the statute. The right conferred by the statute to a person with disability has to be made a reality.

It would be obvious that to meet the challenges and to avail the opportunities of the Twenty-first century, a holistic view must be taken to devise means which ensure full development of the human potential. This is more significant for our country whose population is the second largest in the world and for this reason it also has the second largest human potential. Achievement of this goal has to be the joint venture of all institutions and the society as a whole.

The linkages between medicine, public health, ethics and human rights are evolving rapidly. This is also because of the shock of worldwide pandemic of HIV/AIDS, women's health etc. Common strategies must be developed to move from thought to action and the focus must be on the partners who need to join in the common strategies, the points of entry and the resources that can be marshaled. The points of entry are : policy making process, norm setting environment including professional associations, service delivery area, research agenda and education. The National Academy of Medical Sciences must be an important partner in the development of common strategies and the means for its implementation.

NAMS is actively involved in the important task of public welfare and national progress. I congratulate you for the discharge of this significant role and convey my best wishes for its increasing significance.