

# Editorial

Tuesday, August 20, 2019

## Doctors: soft scapegoats of a faulty health system?

A protest staged jointly by doctors and students of Jawaharlal Nehru Institute of Medical Sciences (JNIMS) inside the campus against the summary suspension of a senior resident doctor once again brings to the fore the deplorable and much contradicted public health care system in the state. While it is still too early and beyond the scope of this paper to delve into the legal aspects of the unfortunate incident, it would not be out of place to state that doctors have been the target of revenge and rebuttal for as long as one would care to recollect. And while a loss of life is always an unfortunate and saddening experience, it would be wrong to put the blame squarely on the doctor or doctors attending to the patients without proper enquiry and investigation even if any foul play or accusations of negligence comes up.

Consider the statistics- according to a World Health Organization (WHO) report of 2017, in India, there is one government allopathic doctor for every 10,189 people, one government hospital bed for every 2,046 people and one state-run hospital for every 90,343 people. You don't need an epidemic, however predictable, for the public health system to collapse. It is a matter of routine that patients share beds and doctors are overworked. India has a little over one million modern medicine (allopathy) doctors to treat its population of 1.3 billion people. Of these, only around 10% work in the public health sector, shows data from the National Health Profile 2017. Simply put, India doesn't have enough hospitals, doctors, nurses and health workers, and since health is a state subject, disparities and inequities in the quality of care and access to health varies widely not just between states but also between urban and rural areas. Under the circumstances, it is not only understandable but also expected that the overworked and overstressed doctors and other hospital staffs working with inadequate infrastructure and facilities simply cannot cater to the needs and satisfaction of each and every sick and infirm.

Another social aspect of growing concern is the mob culture that has increasingly played havoc to the functioning of law and order in the state. Incidentally, Manipur has become the first state to take a serious step against increasing incidents of mob violence. Manipur Assembly passed 'The Manipur Protection from Mob Violence Bill, 2018' on December 21. The bill moved by Chief Minister N Biren Singh recommends rigorous life imprisonment for those involved in mob violence if it results in the death of a victim. And in addition to life imprisonment, the law also recommends a fine of Rs 5 lakh for those involved in mob lynching. Perpetrators may also face public humiliation through exclusion from public services and might be forced to leave his/her home without consent. The bill was introduced in the Assembly to curb increasing incidents of mob violence in the state. The Supreme Court has also condemned incidents of mob violence and lynching across the country and urged parliament to enact a law to deal with such incidents which threaten rule of law and the country's social fabric. The court also issued a slew of directions to state governments, including preventive, remedial and punitive steps to deal with the crime. One can only hope that with stringent and timely implementation of such preventive laws and regulations much of the wanton destructions and social disturbances will be curbed.

Doctors, being humans will make mistakes and there is no denying the simple fact, more so given the stress and constant duress faced in their line of duty. There are procedures to be followed to determine the allegations and investigations to be carried out to establish facts. A summary suspension without presenting the opportunity to explain the situation and ground reality from their perspectives reduces the morality and self respect of the doctors and projects them in a light of doubtful professional efficiency and integrity. A more comprehensive investigation into the working conditions, restraints and constraints under which the doctors and other health workers in the state are performing their duties will shed more light into the overall condition of healthcare in the state and will hopefully shed light into ways to draw up a comprehensive and systematic policies to prevent any unfortunate and unwanted incidents in the future and stop presenting doctors as scapegoat for any and every unfortunate incidents, whether alleged or real. Death is inevitable and doctors should not be held accountable for every death, however unfortunate it always is.

Another area that needs immediate focus to alleviate health care system in the state is the improvement in quality of services in sub-centers (SCs), primary health center (PHCs) and Community Health Centers (CHCs) with assignment of more fully operational first referral units (FRUs) of existing facilities (district hospitals, sub-divisional hospitals, CHCs) etc. National rural health mission, if efficiently implemented, can significantly improve and make positive changes in the overall health care system of the country and the state.

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## This Independence Day Was a Grim Reminder of a Nation Running on Empty Promises

Courtesy The Wire  
By : Prem Shankar Jha

On August 15, 1947, I was nine years old, and still remember the delirious, innocent joy of that day as if it was yesterday. I was too young then to know the difference between dominion status and sovereignty, so could not understand why we had to have a second independence day on January 26. The imprint of childhood has remained, so to this day, August 15 is our true day of freedom for me.

But this Independence Day has been the darkest, the most full of foreboding, that I have known in my 80 years of life. For everything that has happened in the days preceding it has served only to remind me of the freedoms we have lost, the dreams that lie, like the shattered hulks of an undeclared war, around our feet – and the kingdom of lies and fear that our country has become.

### A land without law

The acquittal, on the very eve of Independence Day, of six of the nine accused of the public and videographed lynching of Pehlu Khan, has served to underline this government's utter contempt for the rule of law. It has also reminded me that we now live in a land without law, ruled by vigilantes who offend the deepest core value of the Hindu dharma – they claim they are protecting – the sanctity of life – by committing murder in its name. The stratagem employed to secure their acquittal – set in motion during the erstwhile BJP state government's tenure – is one that the country has become familiar with in the past five years. This consists of raising the bar of proof on one hand and degrading the evidence the prosecution presents on the other, till conviction becomes impossible.

This was the strategy used to secure the acquittal, on March 20, of Swami Aseemanand and three others – accused of planting the bombs that killed 68 persons on the Samjhauta Express in 2007, and more than a score of others in the Ajmer Dargah, Jaipur, Mecca Masjid and Malegaon bomb blasts.

In the Samjhauta Express case, the disgust of the special court judge Kuldip Singh is so palpable that his strictures against the National Investigating Agency need to be reproduced in full. He had: "conclude(d) this judgment with deep pain and anguish as a dastardly act of violence remained unpunished for want of credible and admissible evidence....".

"There is no evidence on record to show as to how and from where raw materials for making/preparation of bombs were procured; as to who collected the material to prepare the explosives; as to who had prepared/ assembled the bomb/explosives; as to how and from where technical know-how was arranged/obtained with regard to preparation of bomb/explosives; as to who planted the bombs in Samjhauta Express train etc. and the entire prosecution case is found to have been built on inadmissible evidence in the shape of disclosure statements of the accused, without there being any discovery of new fact/recovery of material/object".

The entire prosecution case was based, he said, on the confessional statement of the principal accused, Swami Aseemanand, which he was forced to disregard because in the absence of a single piece of corroborative evidence, the possibility that it had been coerced couldn't be ruled out. In the Pehlu Khan case too, the prosecution filed two conflicting chargesheets, the second invalidating his identification of the assailants in his dying declaration and two contradictory medical reports. Then, most inexcusably, the



investigating officer did not carry out the forensic examination of the video of his murder that would have made it admissible in court.

The judge also did not exercise his right to demand its examination despite the Supreme Court's ruling last year that authentic and relevant electronic evidence can be accepted even in the absence of the required certification under the Evidence Act. As *The Hindu* has noted editorially, "It is not difficult to surmise that infirmities were built into the case in advance". There are close to 70 other lynching cases waiting to be tried. With Modi and the BJP riding high, will they be sabotaged in the same way?

### 'Kingdom of lies'

Independence Day also showed me that we have entered the kingdom of lies. The worst of these are enshrined in the citations on whose basis Prime Minister Modi awarded the Vir Chakra to Wing Commander Abhinandan Varthaman and the Vayu Sena medal to the five pilots who bombed the Jaish-e-Mohammad's madrasa and an alleged terrorist training camp at Balakot on February 26. Varthaman's citation states that he shot down a Pakistani F-16 despite a categorical denial by the US State Department, published in *Foreign Policy* magazine, that all the F-16s the US had sold to Pakistan are "accounted for and present".

With the same brazen disregard for the truth, the VSM citation explicitly states that the air raid destroyed the Jaish-e-Mohammad's terror base in Balakot and killed a large number of jihad trainees, when satellite pictures and half a dozen visits by foreign correspondents to the site have confirmed that the madrasa remains untouched.

Varthaman deserves recognition for the restraint and presence of mind he showed after his plane was downed. The other five pilots deserve recognition for having undertaken a hazardous mission of considerable political importance. But by basing gallantry awards to them on blatantly unfounded claims of a major victory against Pakistan, Modi has not merely belittled the award itself but also discredited the entire selection process. This has dishonoured all the brave men and women who have received gallantry awards in the past for the sacrifices, including of their very lives, that they have made for their country.

### Claims on economy

When he came to the economy, Modi's cavalcade of false claims and promises touched a new height. In the previous five years, the economy had grown from a two trillion to a three trillion dollar economy, he said, adding that in the next five, it would grow to a five trillion dollar economy. The first claim is acceptable because the exaggeration is only slight.

But the second is another matter altogether for, to become a five trillion dollar economy in 2024, the GDP will have to grow at 11% a year

for the next five years. Not only is this four percentage points faster than the already disputed growth rate of the past five years, but it is one that no country – not even China – has been able to sustain for this length of time.

The brazen disregard for facts behind this statement takes one's breath away. For the prime minister made it against the backdrop of a significant fall in the Sensex in the preceding month, an unprecedented 35% fall in the sale of passenger vehicles in the previous 12 months, the closure of 300 dealerships across the country, causing the loss of 2.30 lakh jobs, a clear warning from the Automotive Component Manufacturers Association that another 100,000 jobs were on the chopping block, and Tata Steel's decision to cut its production target for next year by half.

**Kashmir problem has been 'solved'** But the wretched thinking, possibly sheer ignorance, behind these statements pales into ignorance before the prime minister's claim that the reading down of Article 370 has "solved" the Kashmir problem; that golden days now lay ahead of the Kashmiris because he has broken the stranglehold of a clique of corrupt ruling Kashmiri families upon the economy of the state. Kashmiris can now go back to their schools and colleges secure in the knowledge that investment would soon pour into the state and jobs would be created by the thousands.

The truth, that every police officer in Kashmir, and every member of the IB and R&AW likely knows, is that the exact opposite is far more likely to happen. Even if not a single stone is thrown at a policeman or a grenade at an army convoy, when the present draconian controls are relaxed, the situation will not go back to normal. The resumed insurgency, the stone pelting and the snatching of rifles since 2015 have been done by a minority.

It is Modi's policy of relying solely upon force to crush them that has made their numbers swell steadily from an estimated 86 in 2014 to several hundred today.

Only those who know nothing of the history of Kashmir's insurgency can fool themselves that investment will come pouring in. In 1990, it took the killing of only two persons, the general manager of HMT and the vice-chancellor of Kashmir University, to make all industry

leave, and traders stop coming, to the Valley.

Between 2002 and 2005, the then chief minister Mufti Sayeed went, cap-in-hand, to every IT company in India, but not a single one agreed to shift even a small part of its business to Kashmir. In the atmosphere that exists now, let alone what will exist in the future, even the pilgrimage to Amarnath will become a trickle.

The only thing that will come on the market is land. Apart from denying voting rights in the state to post-1947 residents, that is the only important thing that Article 370 has prevented so far. If non-Kashmiris start to buy land, the only way the Modi government will be able to ensure their rights will be by clearing large parts of the Valley of Kashmiri Muslims and turning these into stockaded enclaves guarded perennially by the Army. Kashmiris fear this more than anything else, because these will become magnets for al-Qaeda, ISIS and, of course, our friends from across the border. All that Modi has "achieved" so far in Kashmir is to make China end its ten-year attempt to forge a strategic relationship with India and come out openly behind Pakistan; bring the UN Security Council back, in however limited a manner so far, into the Kashmir dispute, and immensely strengthen Pakistan's chances of being taken off the "gray" watch list of state sponsors of terrorism created by the Paris-based Financial Action Taskforce.

Pakistan was put on it in 2018 and given a year to prove it was not sponsoring terrorism in other countries. With the US actively needing Pakistan's help in getting out of Afghanistan, its sponsorship of the Jaish-e-Mohammed and the Lashkar-e-Tayyiba had remained its only obstacles. Should militancy rise sharply in Kashmir after Delhi relaxes its iron grip on the Valley, Pakistan will have a cast-iron case for claiming that this has happened in spite of its attempts to curb these organisations. Once this is accepted, all restraints on its Inter-Services Intelligence will vanish.

This Independence Day has therefore served as a grim reminder of this government's infinite belief in its capacity to deceive the people. The question that now torments me is, what will happen when people begin to see through its bluff?

Prem Shankar Jha is a Delhi-based journalist and writer.



A Kashmiri man looks out of his house during restrictions after the scrapping of the special constitutional status for Kashmir by the government, in Srinagar, August 14, 2019. Photo: Reuters/Danish Siddiqui