



Review Article

**SURGICAL ETHICS AND MEDICOLEGAL ASPECTS - AN AYURVEDIC PERSPECTIVE**

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**ABSTRACT**

Surgical ethics is an essential component in the practice of respecting human rights and equality. "Principlism" is an approach in Bioethics which includes Autonomy, Beneficence, Non-maleficence and Justice. In the Ayurvedic classics ethical concepts are ever-present and an ethical under stream runs through all the texts. The essence of ethics is very well described in the textbooks of *Ayurveda* in the form of *Chatushpada*, *Vaidya Guna*, *Sadvritta* and *Yogya*. Concept of high level ethical surgical practice was there in the time of *Susrutha Acharya*, which is still now applicable in the era of modern surgery. This article gives a comprehensive analysis of the surgical ethics and medico legal aspects described in *Ayurveda*.

**INTRODUCTION**

The word ethics which means "Character", derived from the Greek word ethos.<sup>[1]</sup> Ethics is the branch of knowledge that deals with conduct and moral principles. It is also a branch of philosophy that defines what is good for the individual and for society.<sup>[2]</sup> It is said that if ethics is followed in spirit, the need of legislation is minimized.

Bioethics is broad based discipline concerned with ethical issues related to biology, biotechnology, medicine or health related life sciences.<sup>[3]</sup> Medical ethics are the ethical principles governing the practice of Medicine. The application of ethics in to surgical practice is termed as Surgical Ethics. These are practical tools designed to improve patient care, innovation and research in the field of surgery.<sup>[4]</sup>

Ancient Indian texts like *Charaka Samhitha*, *Susrutha Samhitha*, *Ashtanga Sangraha* and *Ashtanga Hridaya* extensively described about ethics. In the *Ayurvedic* classics, ethical concepts are ever-present and an ethical under stream runs through all the texts.

The four pillars of biomedical ethics or Belmont's principles are: <sup>[5]</sup>

- Autonomy
- Beneficence
- Non Maleficence
- Justice

**Autonomy**

Every patient has their own freedom of thought, intention and action when making decisions regarding medical procedures. <sup>[6]</sup> Patient should understand all the benefits, risks and the probability of success of the procedure before giving consent to the medical procedure.

**Informed Consent**

The meaning of the word consent is "To be of same mind", "To accord to", "To indicate or express willingness". Each individual is allowed to make autonomous decisions related to their health care. <sup>[7]</sup>

The patient must be informed clearly the consequences of surgery that may affect him adversely. The surgeon has a duty to respect the autonomous choice of the patient, as well as a duty to avoid harm and to provide a medical benefit. Patients have the right to exercise choice over their surgical care and should be allowed to refuse treatments that they do not want, even when surgeons think that they are wrong. <sup>[8]</sup>

**Ayurveda and Autonomy**

The concepts of Autonomy may correlate to *Acharya Charaka's Vaidyavritti*.

मैत्री कारुण्यमार्तेषु शक्ये प्रीतिरुपेक्षणम्  
प्रकृतिस्थेषु भूतेषु वैद्यवृत्तिश्चतुर्विधेति॥

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*Acharya* describes the friendliness, compassion toward the patient, attachment to the remediable and indifference to those who are moving toward the end as fourfold attitude of physician. [9]

In *Ayurveda*, *Bhishak*, *Dravya*, *Upasthata* (attendant) and *Rogi* are mentioned as *Chatuspada*. Each *Pada* possess four *Gunas*, which is the basis for the success of treatment. "*Bhishak Dravyani Upasthanam Rogi Pada Chathushtayam*". Among them *Bhishak* beholds supreme position and he should be excellent in theoretical knowledge, has extensive practical experience, dexterity and cleanliness. [10]

*Acharya Charaka* insists to acquire *Sadvritta* for those who desire to promote their well-being. *Acharya* explains in *Sadvritta*, one should worship God, *Guru*, elderly people and accomplished teachers. Further *Acharya* recommends wearing white clothes, cutting hair and nails, use of flower and fragrance. [11]

*Acharya Charaka* advises not to prescribe medicine for women without permission of their husband or guardian. *Vaidya* should have respect for female patients. *Acharya* also elaboratively described about how the Physician should enter the patients house, how to behave with patients, etc. Thus in the light of morals of bioethics, *Vaidya* should not enjoy oneself in *Rogi's* house while the patient is suffering from disease. [12,13]

### **Beneficence**

The surgeon should act in "the best interest" of the patient - the procedure should be provided with the intent of doing only good to the patient. Beneficence includes, Ability to exercise sound judgment, responsible conduct and functioning equipment and optimal operating conditions. [14]

**Surgical competence:** This needs surgeon to develop and maintain skills and knowledge by continually updating training and consider individual circumstances of all patients.

### **Ayurveda and Beneficence**

*Acharya Sushruta* gives instructions for *Vaidyas*, regarding the entry in to *Vaidyavritti*. After completing his/her academic studies and undergoing practical training, *Vaidya* should enter to the profession after obtaining permission from the king. This suggests that in the Ancient time also there were rules and regulations for practicing medicines similar to Modern time.

*Acharya Sushruta* devoted a complete chapter in *Sutra Sthana* for explaining practical training - i.e. *Yogyasutriyam*. According to *Acharya*, *Vaidyas* with only academic knowledge and devoid of practical training is unfit for being a surgeon. With this purpose, *Acharya Sushruta* explained and demonstrated different kinds of *Yogya Vidhi* (Table 1). [15]

**Table 1: Yogya Vidhi**

1	<i>Chedana Karma</i>	<i>Pushpaphala</i> and <i>Trapusa</i>
2	<i>Lekhana Karma</i>	Broad sheet of dead animal leather with hair
3	<i>Vyadhana Karma</i>	Veins of dead animal and stalk of lily plant
4	<i>Eshana Karma</i>	Holes in pieces of wood eaten by moths
5	<i>Sivana Karma</i>	Thin and thick cloths
6	<i>Bandhana</i>	Models or mannequins prepared from mud or clothes

Preventive treatment can be applied after observing the *Poorvarupa* of the disease. *Nidanaparivarjana* should be advised for *Swasthya Samrakshana*.

### **Non Maleficence**

The procedure should not harm the patient or others in society i.e., "Above all, do no harm". It is the ability of surgeon to exercise sound judgment and recognizing the limits of one's professional competence. Surgeon should know when and where to stop scalpel. This principle of Non-Maleficence includes not doing harm, preventing harm and removing harm. Physician should not provide any treatments which will offer risk to patient in any way. [16]

**Medical Malpractice:** An act or omission by a surgeon that deviates from accepted standards of practice in the medical community which causes injury to the patient.

### **Ayurveda and Non-Maleficence**

In *Ayurveda* science, *Acharyas* have described the *Yogya* and *Ayogya* for each procedure. Furthermore, *Acharyas* also explained about the adverse effects of the therapy in an *Ayogya* and the treatment for adverse effects. For preventing harm, *Acharya* explained about complications due to carelessness or negligence of *Vaidya* (*Vaidyanimitta Vyapad*), which should be avoided by a good physician.

### **Justice**

In medicine it includes the distribution of scarce health resources, and the decision of who gets what treatment "fairness and equality". [17]

### **Ayurveda and Justice**

*Acharya Sushruta* advises the physician that he should be in easy reach of all people especially the poor ones who may not have the courage to come to the physician easily. *Vaidya* should show compassion towards suffering, wish good for everyone (*Kalyanabhivyaharen*) and friendly with all the living beings (*Bandhubhuten*). [18] *Acharya Charaka* says that,

the physician should not think ill of the patient even at the cost of his life. [12]

### Surgical Ethics in *Sushruta Samhitha*

#### Qualities of surgeon [19]

शौर्यमाशुक्रिया शस्त्रतैक्षण्यमस्वेदवेपथु ।  
असम्मोहश्च वैद्यस्य शस्त्रकर्मणि शस्यते ॥

*Acharya Sushruta* has explained the qualities of a surgeon i.e. *Shaurya* (courageous/boldness), *Ashukriya* (prompt action), *Shastra Taikshanya* (keeping the surgical instruments sharp), *Asveda* (himself not perspiring), *Avepathu* (no tremors) and *Asammoha* (not illusioned/confused).

#### Concept of informed consent

- *Acharya Susrutha* was well aware about the concepts of informed consent centuries back.
- In *Ashmari Chikitsa Prakarana* there is reference of prior consent of the king or well-wishers /relatives of the patient (तस्मादापृच्छ्य कर्तव्यमीश्वरं साधुकारिणा). *Dalhana Acharya* has commented that if surgery is done without consent then surgeon is liable to be punished by death (तस्मादधिपतिमापृच्छ्य परं च यत्नमास्थायोपक्रमेत) [20].
- In the context of *Moodha-Garbha Chikitsa*, reference of prior consent and permission of the guardian is also available (अन्यथा तस्मिन्नपृष्टे कर्मण्यातुरस्य मृत्यौ दण्डं कुर्यात्) [21].

#### General ethics and Professional Ethics of surgery

अधिगतसर्वशास्त्रार्थमपि शिष्यं योग्यां कारयेत् ।  
स्नेहादिषु छेद्यादिषु च कर्मपथमुपदिशेत् ।  
सुबहुश्रुतोऽप्यकृतयोग्यः कर्मस्वयोग्यो भवति ॥

In *Sushruta Samhitha*, *Acharya* explains about the importance of theoretical knowledge and practical knowledge before entering in to profession. After getting theoretical and practical knowledge surgeon should take permission from King (government)-राजानुज्ञातेन . [22]

एकं शास्त्रमधीयानो न विद्याच्छास्त्रनिश्चयम् ।  
तस्माद्बहुश्रुतः शास्त्रं विजानीयाच्चिकित्सकः ॥

*Acharya* clearly mention that “A person who studies only one branch of science cannot arrive at proper conclusions, therefore a physician should try to learn as many related sciences as possible.” [23]

#### Experimental surgery ethics

*Susrutha Acharya* has described the importance and methods of experimental and practical training in “*Yogy Sutreeyaadhaya*” of *Sutra Sthana*.

#### Ethics in emergency surgery

अतिपातिषु रोगेषु नेच्छेद्विधिमिमं भिषक् ।  
प्रदीप्तागारवच्छीघ्रं तत्र कुर्यात् प्रतिक्रियाम् ॥

In emergency cases, the procedure should not be followed strictly by the physician and treatment

which is urgently required should be done, just as salvaging a house which has caught fire. [24]

### Concept of Limitations of the Practice and Referrals in *Charaka Samhitha*

The medical ethics bound the physician to practice his skill within the limits of individual competence, has been well described at various places in Ayurvedic literature. In the context of *Pakva Gulma*, *Acharya* has advised to refer the patient to the specialist (surgeon) who is skilled to manage the same. [25]

दाहे धान्वन्तरीयाणामत्रापि भिषजां बलम्  
क्षारप्रयोगे भिषजां क्षारतन्त्रविदां बलम्

Similarly in the case of *Udara Roga Chikitsa* (इदं तु शल्यहर्तृणां कर्म स्याद्दृष्टकर्मणाम्), *Acharya* has advised to refer the patient to the specialist. [26]

#### DISCUSSION

Ayurveda places great emphasis on ethics. Concept of high level ethical surgical practice was therein the time of *Acharya Sushruta*, which is still now applicable in the era of modern surgery. Concepts of bio ethics (Autonomy, Beneficence, Non-maleficence and Justice) are found with details at various places in Ayurvedic texts. *Acharya* gives meticulous detailing regarding each and every steps of surgery i.e., pre-operative, operative and post operatively. Ethical surgical practice was there in ancient India for patient safety and now also in modern surgical practice with same concern.

It is vital to understand the legal and professional importance of surgical ethics and to practice the same at all the levels of medical care. The ethical mindset is cultivated right from the education of the surgeon. In the era of rising nosocomial infections as a leading cause of complications and postoperative mortality, and the era of increasing legal actions against the medical professionals, it seems that there is much to gain from the *Samhithas*.

#### CONCLUSION

Ethical surgical practice was there in ancient India for patient safety and now also in modern surgical practice with same concern. At the time of *Acharya Sushruta*, who performed highest level of surgical practices following the professional ethical conduct which is now well accepted worldwide should be considered as a proud of Indian civilization. Therefore it is our responsibility to preserve the great cultural heritage and glory of India by patronizing surgical practice by *Ayurvedic* surgeon.

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