**Title:**

**The Revised Declaration of Geneva 2017:**

**Physicians mystified with law and ethics in India**

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**Section:**

Ethics and Law

The World Medical Association (WMA) provides ethical guidance to physicians through its Declarations, Resolutions and Statements. WMA first adopted its resolution on physician participation in capital punishment in 1981, which then amended in 2000 and 2008. The revised Declaration of Geneva was adopted by the World Medical Association General Assembly on October 14, 2017, in Chicago. WMA reaffirmed that it is unethical for physicians to participate in capital punishment, in any way, or during any step of the execution process, including its planning and the instruction and/or training of persons to perform executions1. Indian Medical Association (IMA) is signatory to all these policies and resolutions since it is a founder member of WMA2. Most other national and international associations of Medical and other health professionals also forbid participation of their members in capital punishment3.

However, the 1995 Supreme Court Judgment and law commission’s report 2003 in India requires presence of a doctor during capital punishment3. Physicians have two primary responsibilities in execution. First, they are expected to certify a person “fit to be executed”. Second, doctors are expected to witness the hanging and certify the death of the convict2. The IMA joined its global counterpart and asked the Medical Council of India (MCI) to include a statement to this effect in India’s code of medical ethics. Physician involvement in the administration of capital punishment is ethically proscribed because it is an abhorrent and repugnant act and violates the tenets of medical ethics. Medicine is a noble profession and does not approve of the ignoble act of physician participation in legal sentences. Rather, a physician should only be summoned to certify death because for certification of death, the presence of a doctor is required only after execution of the punishment2. By asking doctors to certify if a person is fit enough to be hanged, the government is forcing us to violate our medical ethics. By certifying someone fit, we are pushing them towards execution Dr KK Aggarwal, president of IMA said.

However, some physicians do not agree with the World Medical Association’s stand on capital punishment and its support by the IMA. Participating in executions does not make the physician the executioner, just as providing comfort care to a terminally ill patient does not make the doctor the bearer of the disease4. By not participating in executions, doctors will obstruct the course of justice, said Dr GS Grewal, former president of Punjab Medical Council. Dr Amar Jesani, editor of the Indian Journal of Medical Ethics pointed out that the IMA seems to have woken up to this ethical conflict rather late given that the WMA passed the resolution first in 1981. Simultaneously, medical ethics experts have raised the question of why IMA has decided to raise this issue especially when it has remained silent on other rampant commercialization of medical practices and gross violation of medical ethics. These include unnecessary and irrational prescription of drugs, accepting false benefits or incentives from pharmaceutical companies etc4.

Now, Indian physicians are put into dilemma for being ethical or obstructing justice. Ethics and law are on head on collision concerning physician’s participation during capital punishment. At the same time judiciary and lawmakers should be apprised of the implications of health professionals’ complicity with capital punishment on the medical profession and society. Finally, doctors, cutting across territorial barriers, position in the medical hierarchy and political allegiance should unite together to protest against this inhuman and antithetic act2.

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