SYNOPSIS

Informed consent, proxy consent, deemed consent, etc., and ideas that occur in compelling regularity in the discourse of medical practice are to be understood and justified within the domain of applied ethics. Such ethical concerns are at one level, culture determined, and at another level, have universal validity.

Medical practice is a complex phenomenon that has been 'defined' in negative as well as positive terms that depend upon the sensitivity of the society and its implicit and explicit understanding of what constitutes the unique physician-patient healing relationship. As codification of such a relationship in order to streamline the medical practice has not yielded the desired results, State intervened to legislate the relationships.

Although “informed consent” began as a professional ‘tool’ against litigation and criminal liability, it is now seen as a very important feature of medical practice that legally protects the freedom of both the physician and patient interacting in situations that have created moral predicaments.

Medical practice in India is in a peculiar state as there is on the one hand the influence of Indian ‘ethos’ and on the other, the influence of the western character of bio-medicine. Analysis reveals both positive and negative influences of parampara on contemporary medical practice.

“Pragmatic approach” to informed consent that mediates between paternalism and patient autonomy is the best possible alternative under the circumstances, to overcome the physician-patient ‘conflict’. But, above all, medical practice needs to reaffirm its ethical basis both to protect itself and protect the unique healing relationship between patient and physician.
ACKNOWLEDGEMENTS

I am pleased to acknowledge the contributions of all those involved in the creation of this thesis.

At the outset, I am indebted to my guide, Dr. A.V. Afonso, Professor & Head of Department of Philosophy, Goa University, for his untiring guidance, invaluable assistance and encouragement for bringing this thesis to life. But for his unstinted support and patience, it would not have been possible for me to complete this task. His suggestions have made a definite impact on this work. Special thanks for his central and crucial role.

Library facilities are of utmost importance for a project of this kind. Thanks to Shri V. R. Navelkar, librarian of Goa University and his staff for the library facilities. Not to be overlooked is the immense contribution of The Director and Library Staff of Indian Council of Philosophical Research, Butler Palace, Lucknow for providing useful resource material. I also thank the library staff of Central Library, Panaji. Besides, I am grateful to UB Center for Clinical Ethics And Humanities In Health Care, U.S.A. whose web site enabled me to obtain relevant material.

Special thanks indeed go to my parents, for having provided vital support. They have been a constant source of inspiration. I am grateful to my father-in-law for all his encouragement. I express my gratitude to all my other family members as well. I am thankful, in particular, to my husband, Dinesh for his moral support, co-operation and patience.

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