

Nursing Functions and Law in India

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We have been aware that nursing has evolved into profession, keeping its traditional pattern of looking after the sick and providing his basic needs. Attempts have been made to define the practice of nursing. However, one cannot say for sure where nursing function ends and medical function begins and vice versa. One must understand the basic relationship between the law and the nursing. The present practice and the future of nursing necessitates the professional nurse to know and appreciate the base of relationship between law and nursing.

Legal status and Nurse

1. The society pays for the education and for providing facilities like schools of nursing, hospitals and other expenses by way of taxes.
2. The society provides hospitals for practice of nursing and creates jobs for nurses. Therefore, legally the society has a claim on getting services

3. To be a law—a right to enforce the same must be provided. Some person or somebody must have the right to establish the prescribed standard of behaviour; that some body must have the authority to invoke the consequence when the standard is violated. In other words, law deals with the origin and enforcement of authority involving prescribed conduct. It can safely be said that no law presently exists which is applicable directly to nursing functions and its practice.

Responsibility of Nurse to Doctor

The nurse is, in the strict legal sense, a servant in the master-servant relationship with the physician. She is responsible for carrying out the doctor's orders and working only under the specified directions. She is primarily responsible for planning the nursing care of the patient commensurate with the technical profession-

The nurse in the modern times must be aware of the law of the land pertaining to her profession..... upholds Miss J. D. Powar, a participant in the panel discussion on 'Nursing and the Law' organised on the occasion of the first meet of the House of Delegates recently. We present two articles in this issue, 'Nursing Functions and Law in India' by Miss J. D. Powar and 'Law Relating to Licensing, Registration and Practice of Nursing' by Mrs. A. D. Malhotra.

from the nurse. There is a moral responsibility of the nurse towards the society to alleviate the suffering of the society.

3. The nurse has the responsibility to prevent diseases and promote health of the community. Therefore, the nurse has to play an important role both in the capacity of a trained person as well as a good citizen.
4. The legal control over a profession requiring skill and education for its adequate performance is necessary to safeguard the people from incapable, deceptive and fraudulent practitioner.

Definition and Meaning of Law

Law may be defined as a rule of conduct pronounced by a controlling authority which may be enforced.

Three essential characteristics of any law

1. Authority or right to declare that the rule exists.
2. Such rule is pronounced or expressed and that its source can be identified.

al training that she has received. The legal doctrine under which the nurse works with a doctor is "Respondent Superior". In common language this means that the master is responsible for the acts of the servant.

Responsibility of Nurse to Patient

The nurse is trained to take care of the physical, psychological and spiritual needs of the patient. It is her duty to promote the patient's physical, mental and spiritual growth by teaching and by example. The nurse is expected to give health education, prevent disease and minister to the sick. She is also responsible to teach health care to the family of the sick and to the community. Duties of a nurse practitioner are to exercise reasonable degree of skill and knowledge in treating the patients. It involves providing standard care and to attend to the patient as long as he is under her care. A nurse practitioner must give personal attention and attend calls with reasonable promptness. She must also observe the code of professional ethics and has duty of secrecy to her patients.

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