



'Charter of rights' provides a ray of hope for patients



CONSUMER FOCUS

PUSHPA GIRIMAJI

In a country where patients are treated shabbily and face all kinds of exploitation in the health sector, the Union health ministry's promise of implementing the 'Charter of Patients' Rights' comes as a ray of hope.

The charter, drafted by the National Human Rights Commission (NHRC), is quite comprehensive and incorporates a number of rights specific to patients such as the right to all information pertaining to the treatment; right to all medical records and reports; right to emergency medical care; right to informed consent; right to confidentiality, human dignity and privacy; right to second opinion; right to transparency in costs; right to safety and quality care; right to non-discrimination.

The draft charter also specifies the patient's right to choose the source for obtaining medicines and tests; right to choose alternate treatment options; right to proper referral and

transfer, free from perverse commercial influences; right to safety and protection particularly for patients involved in clinical trials, biomedical and health research; right to patient education; right to be heard and right to redress of grievances. It also protects patients and their relatives from being held hostage by hospitals on account of non-payment of some dues or dispute over charges, by specifying the right to take discharge of the patient or receive the body of the deceased.

The draft, which had been put up for public comments earlier, is expected to be finalised soon and one hopes that the ministry will not give in to pressure from the hospital lobby and dilute the charter. We have already seen it happen in respect of laws regulating clinical establishments in some of the states.

Having said that, I must also point out that drafting of the charter is only the first step. Whether the patients' rights are truly protected through the charter, depends on its effective implementation.

To this effect, the NHRC recommends adoption and incorporation of the charter in the entire range of existing and emerging regulatory frameworks con-

THE DRAFT IS EXPECTED TO BE FINALISED SOON AND ONE HOPES THAT GOVT WILL NOT GIVE IN TO PRESSURE FROM THE HOSPITAL LOBBY AND DILUTE THE CHARTER

cerning the health sector at the state and Central government levels. It also suggests that these laws make it mandatory for all clinical establishments to display the charter prominently, so that patients are aware of them and demand their enforcement.

NHRC also says that observance of the patients' rights and setting up of a mechanism for grievance redress should be an integral component of the implementation of the Clinical Establishments (Registration and Regulation) Act.

Certainly, for effective implementation, the charter has to be incorporated in the laws regulating the health sector. In fact, I would suggest that compliance with the charter should become part of the conditions of registration of clinical establishments under the law, so that violations can give rise to disciplinary

action, imposition of penalties and cancellation of registration.

However, instead of the cumbersome three-tier grievance redress mechanism recommended by the NHRC, with no powers to award monetary compensation, but only pass rectification, disciplinary and punitive orders, I would suggest formation of "health ombudsmen" on the lines of the insurance and the banking ombudsmen, to hear complaints of violations of the Charter and award suitable compensation to the affected patients.

Of course, the clinical establishments will also have to set up impartial and effective internal redress mechanisms and where they fail to address the problem, patients can approach the ombudsman.

But for all this to happen, consumers have to lobby hard or else the charter may well remain only on paper or may get diluted to such an extent that it serves no purpose.

And as the nodal ministry for protecting the rights of consumers, the Union ministry of consumer affairs too has to push for this much needed reform in the health sector and also monitor its implementation through regular patient surveys.

Bullet train plan stalls on land row

Private land acquisition hurdles in Maharashtra to hit deadlines



Not convinced: Farmers from Palghar, Thane and Nandurbar have been protesting against the project.

SPECIAL CORRESPONDENT
MUMBAI

The Narendra Modi government's Shinkansen bullet train project is threatening to go off the rails as conflicts over acquisition of private land persist in Maharashtra.

Ahead of the annual summit between Mr. Modi and his Japanese counterpart Shinzo Abe on October 28-29, State officials have warned of an imminent delay in meeting the December 2018 deadline for completion of survey and acquisition.

Time-bound schedule

Unless the National High Speed Rail Corporation Limited implements an urgent time-bound schedule, the project is likely to miss its first deadline for acqui-

sition of private plots, warns the latest status report submitted by the office of the Collector of Palghar.

SUNDAY SPECIAL

The report, addressed to the Maharashtra Chief Secretary and Chief Project Officer of the NHRCL, said nearly all of the 108 km of land needed was yet to be acquired via the private negotiation policy of the State. The land, spread over 73 villages, is being blocked by villagers. "So far, the survey proceedings are complete only in 30 villages. This progress is disappointing and sad- dening," said the Collector's report, submitted on October 5.

CONTINUED ON ▶ PAGE 10



Bullet train plan stalls on land row

An estimated 312 villages in Gujarat and Maharashtra will have to give up land for the ₹1.08 lakh crore project. Additionally, 7,974 plots belonging to the forest department and railways will have to be acquired in the two States. Mr. Modi, at a meeting with the Maharashtra Chief Secretary on August 25, set a deadline of December 2018 for completing the land survey and acquisition.

NHSRCL officials refused to comment on the report but hinted at the political interference the project faces at the local level.

“It is a valid question to ask what is the interest of the people who are protesting, since their land is not at all affected. Why are these people opposing development and at whose instructions, even though we have tried all social outreach, including opening of a NHSRCL hospital. This too has been forced to shut down,” said NHSRCL spokesperson Dhananjay Kumar, refusing to comment on the letter from the Palghar Collector.

Marking a milestone

Ironing out issues over the Shikansen bullet train project will be on the agenda next week as Mr. Modi heads to Tokyo for the annual summit with his Japanese counterpart. Both leaders have followed the project closely and are expected to mark the “milestone” reached with the first tranche of funding from the Japan International Cooperation Agency – about

₹5,500 crore – being transferred at the end of September, according to an official involved in planning the visit. This fund will be used mainly for the construction of bridges along the rail route.

Asked about the land acquisition hurdles, the official said that while the Japanese government had seen the reports, it would leave it to the Indian side to sort out the issue.

“Yes, land acquisition hurdles remain, but we trust that NHSRCL will resolve these issues at the earliest. As far as we know, the project is still on course and will not be further delayed by them,” the official told *The Hindu*.

The high-speed train, with a capacity for 750 passengers, will travel at speeds between 320 km per hour and 350 kmph and is expected to reduce travel time between Ahmedabad and Mumbai to three-and-a-half hours or less from the current eight hours. The project is expected to be completed in seven years.

However, protests from tribal people and farmers have halted geotechnical investigations, hydrological surveys and utility mapping procedures.

The Bhumi Adhikar Andolan and Shoshit Jan Andolan, organisations based out of Maharashtra and Gujarat, have written to the National Human Rights Commission demanding an investigation into the “illegal” detention of activists during protests earlier this year.