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# COPASAH GLOBAL SYMPOSIUM 2019

Citizenship, Participation, Governance and  
Accountability in Health

Role of the Community in Strengthening Accountability of Health Systems for  
Achieving Universal Health Care/ Sustainable Development Goals

**Dates:** October 15-18, 2019

**Venue:**

India Habitat  
Centre, Lodhi Road,  
New-Delhi, India

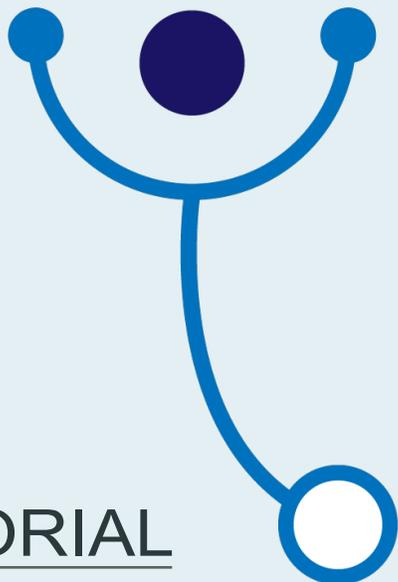
**Co-Organizers:**

PHM, ARC, IDS and APU

**THEMES:**

The Symposium is organised around diverse themes which allow the delegates to engage in multiple ways to share and exchange their experiences surrounding accountability and health care/systems.

- Community Participation in Governance and Accountability for Health systems strengthening
- Leaving No One Behind - Improving access to quality health services for Indigenous Communities and other marginalized Ethnic Groups
- Revisiting Reproductive Health - Completing the unfinished agenda of securing reproductive health and rights for all
- Setting the framework and agenda for demanding accountability of the private medical and health care sector
- Forging Alliances between the Community and the Health Workforce



**EDITORIAL**  
COPASAH

## Patient Rights Accountability and the Need For Transparent Institutional Mechanisms



E. PREMDAS PINTO

The promotion of the paradigm of health care as a 'private good' and the State's indiscriminate endorsement of private health care sector for the business of health care, has grossly undermined patient rights. *Investing in Health*, the World Bank Report (1993), is a watershed in this paradigm, as it legitimised the departure from considering health care as a public good. Globally, especially in the Low and Middle Income Countries, the national governments have been overenthusiastic in paving the path for the growth of the private health care

sector, while providing diminished focus and scanty resources for upholding patient rights. Violation of patient rights, is a cumulative outcome of the failure in regulating private health care sector (with direct implications to patient rights) and most importantly of the subtle processes of dismantling patient protection mechanisms, processes and institutions. The story of India illustrates such phenomena.

The response of the government mechanisms for investigating complaints by

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patients is inadequate. There is a breakdown in the erstwhile institutional mechanisms such as committees for investigating complaints which were meant to protect and support patients. These committees play a crucial role in determining the fate of a complaint, not only in cases of criminal negligence but also in civil proceedings. Navigation through the fragmented spaces for remedies across a maze of institutions (e.g. consumer court, medical councils, and police) is another uphill task that patients have to go through. The continued disintegration of the institutional mechanisms for redressal is amply evidenced through the lack of procedures for conducting investigations and a complete lack of transparency in the functioning of these committees. Despite all the

efforts patients must make for mobilising redressal mechanisms, the system of accountability relies overwhelmingly on the judgment of medical doctors who understandably are reluctant to hold their peers accountable. In almost all cases that civil society has documented, the outcomes of such investigations by medical bodies appear to be unduly biased in favour of corporate hospitals and physicians allegedly involved in medical malpractices. Consequently, patients are left with an unfair choice of protracted litigation with uncertain outcomes in an undetermined future time or simply abandon their quest for justice.

Instituting transparent procedures and protocols for investigating patient complaints could be the beginning of the protection of

patient rights. . Unlike the prevailing practice of inquiry that solely depends on medical records maintained by the hospitals - which are quite often said to be tweaked and tampered with - they ought to include hearing from patients and their families. The private health care sector is beyond the scope of any transparency legislation such as right to information act, the pursuant lack of access to required records further jeopardises the efforts of patients in moving towards justice mechanisms. Setting up protocols for transparent investigation by way of putting up the records in public domain, and streamlining institutional protocols for redressal, albeit preliminary,- are significant steps in moving towards protecting patient rights.

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## ABOUT THE AUTHOR

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