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Human rights situations that require the Council's attention

Written statement* submitted by Prahar, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Medical Terrorism

Medical profession is coined as the most respectful and pure service in the world. The duty of a doctor is to cure his patients and save lives. He is the one who can help someone in need. Medical professional should present psychological and humanities qualities such as caring, empathy, humanity and compassion as well as social responsibility and sensitivity to people's beliefs. That is why doctors are regarded as the 'God' of modern world. But this holy occupation is now become the cause of threat and terror.

Recently, a team of medical experts revealed a hazardous report on medical terrorism in India; they noted that in India, about 52 lakhs medical injuries are documented, of which around 98,000 people lose their lives every year. Due to medical negligence each year approximately 30 lakhs of healthy lives are lost in the country. It is a matter of serious concern for the entire nation that ten people fall victims to medical negligence every minute and terribly more than 11 people die in every hour in India.

A case of medical negligence recently occurred in Assam which has rocked India. A 3 year old boy from a wage worker family admitted in Guwahati Medical College Hospital (GMCH) with 40% burn injuries and about a dozen of surgeries were done. He had got HIV/AIDS after transfusion of blood from GMCH blood bank. Earlier also 4 people in Assam are affected by HIV/AIDS after having blood from government blood bank. Why is it happening? Where the Human Rights Council on its 31st session has adopted the goal to 'Eliminate HIV/AIDS outbreak by 2030', there such kind of tragic incidents are occurring.

Dr. Anamika Ray- a youthful talented professor and research scholar was died at a very young age in a nursing home in New Delhi because of medical negligence. Her husband Dr. Ankuran Dutta now raising his voice against medical terrorism and he is campaigning nationwide for awareness of mass people about this serious issue and only because of that he has been consistently facing threatening from evil powers of the society.

Not all medical injuries are the result of negligence. In fact, a vast majority are due to inherent risks that cannot be prevented. Preventable errors that cause injury, on the other hand, are considered negligent. However, how "preventable" is defined is not always clear. But in case of a minimal access surgery like gallbladder or appendicitis removal this confusion does not arise. It can not be an error. It must be due to a negligent act.

Medical error may occur due to a wrong judgment. For a patient, the doctor is like God. And, the God is infallible. That is a patient's conviction. In reality, doctors are only human beings. And, to err is human. Doctors may commit a mistake. It is medical error and there is no way accepting it. And when doctors tend to be negligent, the support staffs also become careless and two acts of negligence may give rise to a much bigger problem. It becomes gross negligence at large.

Pharmaceutical companies and medicine companies are selling very poor and low quality drugs and medicines because of their own profits. They are actively and deliberately terrorize patients. And significantly all these situations are happening because of negligence of some doctors. Many doctors won't take the very drugs they prescribe.

Cause of action for negligence arises only when damage occurs; for, damage is a necessary ingredient of this tort. Thus, the essential components of negligence are three: 'duty', 'breach' and 'resulting damage'. Again, when a doctor misleads a patient for his own benefit? When he acts violence? When he creates a situation of fear in the mind of the patient and their family? After doing a negligent act, when he refuses to admit? When he takes advantages of dependence or blackmails on the helplessness of a patient or his family? Are they only medical negligence? They are medical terrorism.

The term terrorism needs no explanation. It is a systematic use of violence and intimidation to achieve some kind of goal or other. It is the state of being terrorized or creating a terror situation. Medical terrorism may be defined as creating a situation of terror using the medical knowledge as weapon. A blogger Stephen Murathe explains the term as "we have heard of Biological Terrorism before. Today, there is a new form of Terrorism. Medical Terrorism. This is the New Term of Murdering Patients. If they don't have the money (if they can't afford it), let them die. The pain, the

anguish, the condemnation, the distress and humiliation that the Patients are going through in our time is incomprehensible. People who are already helpless and in need of care are subjected to further trouble by people who should be taking care of them. Instead of embracing them they are adding salt to injury through neglect, lack of concern and sheer abandon until money is deposited in the facility account so as to commence any form of treatment.” Medical negligence is under the umbrella term of medical terrorism. When a medical professional or a service provider does any inhuman behaviour creating an environment of terror using medical knowledge or license, then it is not only negligence, it is medical terrorism.

Medical terrorism is a silent killer and it is much more dangerous and harmful than external terrorism. Many countries especially like India have suffered through this severe issue. Earlier medical professionals served their patients with humanity. But now their service has turned into Terror. It has now become the weapon of human rights violation. This black shadow has been ingesting many lives from infants to older persons. Many lives have been suffering through numerous untold miseries because of medical negligence. Wrong treatment, low quality medicine, inattention to the patient especially poor people- all of these should be stopped.

Indian Penal Code, 1860 sections 52, 80, 81, 83, 88, 90, 91, 92 304-A, 337 and 338 contain the law of medical malpractice in India. A physician can be charged with criminal negligence when a patient dies from the effects of anaesthesia during an operation or other kind of treatment, if it can be proved that the death was the result of malicious intention, or gross negligence. Before the administration of anaesthesia or performance of an operation, the medical professional is expected to follow the accepted precautions.

Though there are numbers of laws and acts present to prevent medical negligence, still the parameter of medical negligence is increasing. We request the United Nations to co operate in eliminating Medical terrorism from India and ask the government of India to take adequate action in proper implementation of anti medical malpractice laws and acts.

We always like to perceive doctor as a God not as devil.
