

**'CHARTER OF PATIENT RIGHTS'**

People enjoy a variety of rights while in the hospital; rights to privacy, care, the right to discharge at their will even if against medical advice. However, a discharge against medical advice requires that you sign a consent form that waives your right to claim from the hospital in case of complications arising from the voluntary discharge.

Article 21 of the Indian Constitution confers the right of personal liberty and prohibits any inhuman treatment while, the directive principles guaranteed in Articles 39(e), 41 and 43 ensure that the right to health and medical care is a fundamental right and contributes to meaningful and dignified life.

Although the rights are enshrined in the Constitution, it is not uncommon for hospitals to detain a person or hold the release of a dead body on account of outstanding bills. The license of a private hospital was suspended recently after an elderly man was tied to the bed for not being able to pay his medical bills in Madhya Pradesh. It may be noted that, holding a person within the hospital without lawful justification shall amount to wrongful confinement as defined under Sec. 340 of the IPC.

The Ministry of Health and Family Welfare released a 'Charter of Patient Rights' in 2018, prepared by the National Human Rights Commission (NHRC) laying down basic rights of a patient. However, this draft charter has not been adopted yet. But the Courts have recognised these rights; therefore are legally enforceable at present. While, the recent rise in malpractices adopted by hospitals necessitates legislation for patient's rights ever more than before; it is important to devise a midway mechanism which is equally protecting the rights of medicos/hospitals for recovery of their legitimate dues.

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### THE 17 RIGHTS THAT COULD SOON BE YOURS

- Right to Information
- Right to records and reports
- Right to emergency medical care
- Right to informed consent
- Right to confidentiality, human dignity and privacy
- Right to the second opinion
- Right to transparency in rates, and care according to prescribed rates wherever relevant
- Right to non-discrimination
- Right to safety and quality care according to standards
- Right to choose alternative treatment options if available
- Right to choose a source for obtaining medicines or tests
- Right to proper referral and transfer, which is free from perverse commercial influences
- Right to protection for patients involved in clinical trials
- Right to protection of participants involved in biomedical and health research
- Right to take discharge of a patient, or receive the body of deceased from the hospital
- Right to Patient Education
- Right to be heard and seek redress