IMA condemns the West Bengal Clinical Establishment ACT 201
Urges 3 lakh members to observe a National Black Day on 27th April.

New Delhi, 26 April, 2017: Following the deaths of few patients in alleged cases of medical negligence against private hospitals in West Bengal, the West Bengal Clinical Establishments (registration regulations transparency) Bill, 2017 was recently passed in the state assembly with full support. The Indian Medical Association, the largest conglomeration of doctors of modern medicine has, however, condemned and opposed the Act. They feel that it is unjust towards the medical fraternity and will only increase the cases of violence against doctors.

At IMA's recent National Conference in Kolkata – the 217th CWC – it was unanimously decided that 27th April would be observed as National Black Day across the country. Over 3 lakh members of the IMA have been asked to join the peaceful demonstration of solidarity by wearing black badges and displaying a black cloth on their notice board with explanation.

Speaking about the Act and its repercussions, Padma Shri Awardee Dr K K Aggarwal, National President Indian Medical Association (IMA) and President Heart Care Foundation of India (HCFI) and Dr RN Tandon – Honorary Secretary General IMA in a joint statement, said, "The passing of this Act is indeed an issue of grave concern for the medical fraternity as it can hamper the relationship between the doctor and patient and affect the nobility of the profession. Treatment failures don't amount to negligence on the part of doctors and a 5% death rate during treatment is unavoidable. It is impossible for doctors to do their job effectively if they fear imprisonment and violence at every instance. Instead of passing such an Act, it is expected of the Indian judicial system and the law enforcement agencies to provide doctors with protection against such violence failing which the medical community will be unable to practice and fulfill their basic duties without any apprehensions."

The IMA has opined that the provisions of the Act are unjust and impose an inspector raj. As a result of this Act, the licenses of the hospitals can be cancelled every time there is a death to satisfy some or other authority. The decision to include medical negligence under criminal jurisprudence is completely unjust as at no time, during a treatment, is there an intention to kill the patient.
Adding further, **Dr R V Asokan, Chairman, Action Committee IMA,** "As per the Act, a doctor can be put behind bars even for a clerical error. This is unjust as is the law that for every complaint made against a doctor, he/she has to get an advance bail. We wish to understand why this difference exists between doctors in private and government facilities. Many other points in the law are not in accordance with IMA’s stands and hence we wish to seek amendments to the same. This silent protest is a step towards that."

IMA has also initiated a signature campaign wherein each state has been asked to mobilize the maximum number of signatures from doctors. This petition is addressed to the Chief Minister of West Bengal.

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**About IMA:** Indian Medical Association is the only representative, national voluntary organization of Doctors of Modern Scientific System of Medicine, which looks after the interest of doctors as well as the well being of the community at large. It has its Headquarter in Delhi and State / Terr. Branches in 30 States and Union Territories. It has over 2, 60,000 doctors as its members through more than 1765 active local branches spread across the country.

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