

EDITORIAL

Medico Legal Issues in Health Research are Over Challenging Now

Innovations of health research have been able to enrich our lives and provide insight into the world around us. The cornerstones of these advancements have been scientific health research. Health research is critical to the community for several reasons.

It appears that every week and even sometimes everyday on the news there is a fact about development in health research. News reports often overstate such results of medical research, often times before they are even completed. Sadly, while many clinical studies provide valuable data and lead to the creation of life saving drugs and medical treatments, the vast majority of trials do not. Obviously, there is also some danger and risk involved for the participants of health research, as generally the drugs or techniques used on them are unapproved for wide spread use in humans besides legal issues. In most cases drugs are first tested on animals, and then on different groups of human volunteers before being accepted legally.

The main purpose of such research publication is to discover answers to questions through the application of scientific procedures. To find out the truth which is hidden and which has not been discovered as yet, the research publication has to be an original contribution to the existing stock of knowledge, so that other can easily identify the problem. However, such research procedures may have lots of legal issues to be looked for.

The medical profession is a noble profession and it is exciting to think about its relationship with the law. The most intriguing aspect is of the ethical issues of the health research of the highly trained medical professionals and the entire team including the hospital staffs and management. With the upcoming new legislations relating to research, ICMR guidelines and international treaties, etc are really very challenging to overcome for the health researchers.

At times a number of legal issues are raised due to friction between rights, viz., fundamental rights as provided in the Constitution of India, rights created by a contract, rights as a consumer, rights as a citizen of India, rights as a patient and the corresponding duties of the State, hospitals both public and private, doctors, and others related to health care while we proceed for the human or animal experimentation, etc.

It becomes extremely difficult for the judges in courts even to draw the line between the acceptable and unacceptable conduct in the eyes of law in some cases. The codes and policies for any such research ethics are essential to be followed.

CODES AND POLICIES FOR RESEARCH ETHICS

Agreed the importance of ethics for the conduct of health research, it should come as no surprise that many different professional associations, government agencies, and universities have adopted specific codes, rules and policies relating to ethics for the research.

The following is the rough and general summary of some ethical principles that various codes address
[Adapted from Shamoo A and Resnik D. 2009. Responsible Conduct of Research, 2nd ed. (New York: Oxford University Press)]:

HONESTY

Attempt for honesty in all scientific communications. Decently report data, results, methods and procedures, and publication status. Do not fabricate, forge, or distort data. Do not deceive colleagues, granting agencies, or the public.

OBJECTIVITY

Strive to avoid bias in experimental design, data analysis, data interpretation, peer review, personnel decisions, grant writing, expert testimony, and other aspects of research where objectivity is expected or required. Avoid or minimize bias or self-deception. Disclose personal or financial interests that may affect research.

INTEGRITY

Keep your promises and agreements; act with sincerity; strive for consistency of thought and action.

CAREFULNESS

Avoid careless errors and negligence; carefully and critically examine your own work and the work of your peers. Keep good records of research activities, such as data collection, research design, and correspondence with agencies or journals.

OPENNESS

Share data, results, ideas, tools, and resources. Be open to criticism and new ideas.

RESPECT FOR KNOWLEDGEABLE PROPERTY

Honor patents, copyrights, and other forms of intellectual property. Do not use unpublished data, methods, or results without permission. Give credit where credit is due. Give proper acknowledgement or credit for all contributions to research. Never plagiarize.

CONFIDENTIALITY

Protect confidential communications, such as papers or grants submitted for publication, personnel records, trade or military secrets, and patient records.

RESPONSIBLE PUBLICATION

Publish in order to advance research and scholarship, not to advance just your own career. Avoid wasteful and duplicative publication.

RESPONSIBLE MENTORING

Help to educate, mentor, and advise students. Promote their welfare and allow them to make their own decisions.

RESPECT FOR COLLEAGUES

Respect your colleagues and treat them fairly.

SOCIAL RESPONSIBILITY

Strive to promote social good and prevent or mitigate social harms through research, public education, and advocacy.

NON-DISCRIMINATION

Avoid discrimination against colleagues or students on the basis of sex, race, ethnicity, or other factors that are not related to their scientific competence and integrity.

COMPETENCE

Maintain and improve your own professional competence and expertise through lifelong education and learning; take steps to promote competence in science as a whole.

LEGALITY

Know and obey relevant laws and institutional and governmental policies.

ANIMAL CARE

Show proper respect and care for animals when using them in research. Do not conduct unnecessary or poorly designed animal experiments.

HUMAN SUBJECTS PROTECTION

When conducting research on human subjects, reduce harms and risks and maximize benefits; respect human dignity, privacy, and autonomy; take special precautions with vulnerable populations; and strive to distribute the benefits and burdens of research fairly.

The "International Journal of Health Research and Medico Legal Practice" is an international journal dedicated to the up gradation of health sciences and related disciplines. It pursues exceptionally to inspire multidisciplinary research and collaboration among experts, the industry and the healthcare specialists. It also provides an international forum for the communication and assessment of data, methods and findings in health sciences and linked disciplines. While conducting health research it is advisable to all medical professional to start respecting to those national and international legislations for the check of justice.

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