

CASE STUDY RESPONSE

Such research cannot be in isolation

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As researchers, our standpoint has been to link research to action. Therefore, our response to this case study will represent our viewpoint both as researchers and as activists. A complex and often contested issue that arises while doing research with human participants is what should be a researcher's standpoint vis-à-vis the participants and research objectives. To what extent should the researcher intervene and under what circumstances? In this case, it is very difficult to differentiate between the commitment of an individual, of the researcher and of an activist. There are multiple ways of addressing the issue. If research is the primary aim, one might feel it necessary to distance oneself from taking any immediate action in the interest of the research, as immediate action could sour relationships with possible sources of information. We are not aware how someone who is strictly a researcher will act in such a situation. But as an activist group, we would certainly prefer taking immediate action, even if that jeopardises the research.

As we understand, the research was based on informed consent. So when the researcher came across a clear violation the immediate action should naturally be to address the issue. The fact that s/he tried to do so later in some way must be appreciated. The issue of "informed consent" has been misinterpreted in a lot of medical research that has been undertaken in the country till date, such as the clinical trials of contraceptives like Net-En or Norplant or quinacrine sterilisation. Therefore, any unethical practice by the medical community must be addressed.

At the same time one has to also be sensitive to the situation of the "victim". For instance, has the researcher informed the girl about the possible implications of registering the case, or why reporting of unethical practices is a necessity? It is mandatory that the girl and her guardian are informed about their legal rights and their free and informed consent is taken before pursuing any course of action. It was not clear from the case study whether this was done. If not, it will amount to the same level of ethical violation that the hospital authorities committed.

Under no circumstance can the hospital authorities take the decision to insert a Cu-T without even informing the girl or her guardian. They informed her about the MTP because they probably knew that they are legally bound to do so; it can otherwise be tantamount to an illegal abortion. Moreover, the action of inserting the Cu-T leaves the girl exposed to further abuse. Strangely, even the researcher did not give the girl any choice to decide her course of action. At no point of time in the document can we find her voice. Everyone involved in the case -- the researcher, the members of the ethics committee or the

human rights organisation -- is addressing the issue in their own way, never once seeking the views of the girl or her guardian.

Once again, the issue of how do we define violation of bodily integrity becomes problematic. How do we differentiate between rape and consensual intercourse? The girl may not have understood the implications of her action but that does not necessarily make her an unwilling partner in this case. We have to also understand the compulsions of the girl. She might have been in a vulnerable situation, already starving for affection/attention or this might be an instance of the "sugar daddy syndrome". This is not to say that the man was not in the wrong. He must definitely be held responsible.

The media sensationalised the case and both the human rights organisation and the lawyer failed to protect the anonymity of the girl, which goes against their professional ethics. This kind of sensationalism in the media reflects a complete disregard for the vulnerability of the girl as well as other girls for whom a MTP may become a necessity. The way the media misrepresented the case as an illegal abortion without highlighting the violations of the hospital in totality can be viewed as an example of how, even perhaps with the best of intentions, a serious issue is misrepresented and steamrolled due to unthinking action—here, the action of the lawyer and the human rights organisation to inform the media.

Not only this particular researcher but all researchers require a stronger orientation while undertaking such research studies. The anxious reactions of the researcher indicate that either s/he lacks the support of the rest of the research team or is not clear as an individual about the purpose of the research. This is why it is always advisable to minutely discuss the responsibility of the researcher(s) in the field before undertaking any research study. This of course will not solve all the dilemmas that the researcher(s) may come across.

While talking about the researcher's responsibility it must be made very clear that once an issue in the field is addressed it should not be left unresolved. This indicates irresponsible action on the part of the researcher. It is the duty of the researcher to undertake a follow-up and see to it that the victim receives justice. That the researcher/research team failed to get further information from the advocate or even about the medical help that the girl should have received, might reflect insensitivity to the girl's problems. The researcher does have many constraints but s/he cannot justify her/his inability to pursue the matter. S/he may not be legally bound but is ethically bound to act.