



MEDICAL NEGLIGENCE AND LAWS IN INDIA

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Abstract

Medical Negligence is a consequential issue, one that is not discussed enough by people who are mostly nescient of it and their rights regarding it. While negligence overall is something we all have discussed at one point or the other, medical negligence is not as popular of a subject, however this is not an indication of its non-existence around us. With negligible media focus it does not come in the public eye and leaves people in doubt on how to handle such situation or what their rights are what laws are there etc. This paper verbalizes what one needs to know about medical negligence, how it is tenacious, types, laws, penalties, penalizations, etc. It focuses on medical negligence and additionally what one can do in such situations. With the rate of illiteracy being high in India, people are not cognizant of their general laws and rights consequently main purport of this paper is also to spread cognizance regarding medical negligence and avail people to get what they deserve. This study focuses on both the aspects as to what medicos must do and what victims of medical negligence must do in different situations.

Introduction

“Medical Negligence” consists of two words before we understand what is Medical Negligence? Let us first discuss what is Negligence?

Define Negligence?

Negligence is basically without proper care. Anything done without taking proper care which results in harm to some other person or someone else’s property being damaged. It means doing something in carelessness which if not neglected could prevent someone from getting hurt. Everyone must follow a duty of care which is required in order to prevent damages or harms which can take place if duty of care is neglected for example- doctors have duty of care towards their patients they cannot be careless while dealing with them, similarly people have duty of care to not to drink and drive because neglecting that can result in accident or injury.

Negligence is basically doing something in a way which a sagacious or wise person would not have done being in a same situation. Something which a prudent person must have known that doing something is risky and it may result in someone getting hurt or may cause some kind of harm and which is risky and harmful for the society.

Negligence has four elements:-

- **Duty**
- **Breach**
- **Reason for injury**
- **Damages**

In order to prove that someone acted negligently presence of all these four elements is a must. Let’s discuss briefly all these four elements:-

- **Duty-** First of all, it is important to check whether the defendant is bound to have some duty of care towards the plaintiff. In order to prove negligence it is necessary that defendant have a duty of care for the person for example, doctor has a duty of care for



patient to care of everything while dealing with them, people with cars or bike have a duty of care to not to drink and drive, police have a duty of care towards the citizens, etc.

- **Breach-** It means that the person neglected duty of care which a prudent person would not do. Person will be found negligent if he knew that his actions or carelessness can harm someone one else but he regardless of that breach his duty to take care while doing anything.
- **Reason for injury-** The plaintiff must prove that injury or harm which he suffered is because of the negligent behaviour of the defendant. One cannot be liable for doing something negligently if the harm caused to someone is not because of the one acting negligently. There must be full proof that the injury is only because of negligence of someone else.
- **Damages-** Last element of negligence is that the judge is able to compensate to the person by paying for expense.

Earlier, we discussed briefly about negligence and its elements. This paper is going to discuss about **Medical Negligence and Laws** in India.

Medical Negligence

Medical negligence is carelessness by medical practitioner or doctor because of which the patients get injured or any other harm to the patients. It means a doctor acting in such a way that his actions causes' injury or harm to a person which would not had happened if a prudent doctor was operating him.

Medical negligence is when a doctor neglects duty of care and risks his patient's life. A patient always expects his doctor to take due care while performing his or her duties and

doesn't risks the patient's life. If the owner of a hotel can be sued for providing low quality of food, then doctors can also be sued for not taking proper care while performing their duties.

Medical negligence is unskilled or careless medication of a patient by a doctor, nurse, dentists or any health practitioner. Consequences of medical malpractice can be lesser or extensively injuries to a patient. Sometimes medical negligence can be less harmful for a patient or it can also result in death of a patient. Some of the examples of medical negligence are such as-giving someone wrong dosage, too much loss of blood because of negligence, giving high dose of medicine, using infected instruments to operate a patient which can cause several types of diseases, nurse gives something to patient without doctor permission, doctor to be unsound while performing an operation, etc.

D's of medical negligence

1. Duty

Physicians must impose a certain level of care on their patients. This means maintaining high standards when dealing with patients, briefing patients about the potentialities of a process, and keeping each patient's information private.

In addition, doctor must know and brief patients about their experience and practice. For example, if a GP recommends that you have an operation, you should refer to a good surgeon.

2. Dereliction

When doctors fail in maintaining the agreed relationship with a person or cross their limits, this is known as dereliction. For example, if a doctor promises a clean and safe



environment during operation; he must deliver on that promise.

However, if the patient develops an infection or complication as a result of an unhealthy work environment, it is a fault on the part of the doctor. If a doctor performs unauthorized procedures, ignores a patient, or administers the wrong medication, they are all considered negligence.

3. Direct Causation

The immediate cause is the process of finding out whether the actions of a doctor were a result of the harm to the victim. In many cases, determining the direct cause is simple, while other situations are more complex. One case in which the immediate cause can be easily identified is when a doctor performs surgery that a patient did not sign off on.

4. Damage

Finally, the courts will investigate the harm that medical misconduct has expose to a person. This includes physical damage, emotional damage and lost wages. If you are affected by medical misconduct in any way, contact a medical misconduct attorney who will fight to ensure that your voice is heard in court.

Types of Medical Negligence

Medical negligence can occur at anytime or in any case if proper care is not taken. Negligence can take place in any medical department in case of dentists, eye specialist, surgeon, etc. Any medical negligence can turn out to be serious in nature even life ending in some cases that's why it is necessary for doctors, nurses or other health professionals to take reasonable care while performing their duties. There are certain types or we can say some cases in which medical negligence can occur if proper care is not taken and can lead to some serious harm or injury.

Incorrect and Delayed Diagnosis

Once you go to a hospital or for just a check up the doctor or any professional may diagnose you in order know in detail about your illness or any other health problems. This diagnosis is necessary and also an important process as it helps doctors to know what their next step should be. Sometimes due to carelessness of doctors misdiagnosis can happen because of which no real symptoms will be known to the medical staff. Correct diagnosis is necessary in medical profession though sometimes due to negligence misdiagnosis can be done which can result to be harmful for patients. Also, delay in diagnosis can result in serious damages. Doctors must not delay in diagnosis since once the time gone no medication can avoid the damages which the patient can face. There are a lot of examples of incorrect and delayed diagnosis such as-

- Not able to diagnose cancer or delay in cancer diagnosis.
- Symptoms of heart attack or delayed diagnosis of heart attack.
- Ignoring stroke
- Diabetes symptoms not diagnosed. Etc.

Medical negligence in surgery

This is another type of negligence. Negligence during surgery can have serious damages or even can result in death of the patient. Surgery requires a proper procedure and must be conducted by professionals with proper care. Surgical errors can result in unnecessary infections, damage to internal organs, loss of blood, accidental cuts, foreign object in body, etc.

- Negligence in surgery can result in cutting or tearing of artery, vessels or organ. This can result in too much blood loss or even shock



or death. One can be infected or even can face organ failure which can result in death of the patients.

- Sometimes due to lack of communication and carelessness doctor can operate patients wrong body organ which can result in infection or blood loss. Out of place operation can damage the organs or can result in some serious injuries.
- Foreign object left in patient's body can be anything like sharp object which is left by accident due to negligence of the doctor. It can result in internal damage to organs depending upon the time the object was there in the body.
- Sometimes unnecessary surgery can be harmful for patients. Surgeries are often chosen as they are more efficient. But it can have a negative impact because not every time patient can undergo such procedures. Therefore, surgery must be done only when required as it also involves several risks.

Anaesthesia Errors

This is the risky part of any important medical operation. Doctors need to check the patient's medical history, past medicines, allergies, etc. Negligence can occur during medical surgery.

Doctor must review patients records or any medicines he or she taking earlier because not knowing the history can lead to allergies, infection, injury or even death of the patient. Regular check up or monitoring of patient is necessary because time to time changes must be noted and proper medication must be given. Carelessness on the part of the doctor can lead to death of patient.

¹ LawFirms, Types of Medical Negligence, <https://www.lawfirms.com/resources/medical-malpractice/medical-malpractice-injuries/types-medical-negligence.htm>

Negligent long-term treatment

Carelessness from doctor's side like not monitoring time to time or taking time in treating the patient or failure to control treatment as the doctor not focuses on the vital signs and overall health, all this can lead to injury or death of the patient. Doctor must treat patient in proper time and by giving proper medications which are vital for the patient.

Negligence in child birth

Doctors need to be very careful as any negligent behaviour can be a risk for mother as well as child. Proper monitoring and medication is required since any carelessness by the doctor can be harmful for the mother and child. Any negligent part from doctor side can even result in death.¹

What is a Bolam's Test?

Since 1957, the Bolam test has been the benchmark for judging professional negligence. It is based on the instructions to the jury of a Supreme Court judge, McNair J, in the Management Committee of Bolam v Friern Hospital². Plaintiff underwent electroconvulsive therapy as a treatment for his mental illness. The doctor did not give him relaxants and the plaintiff suffered a serious fracture. There were divisions among professionals as to whether relaxants should be administered. If they are administered there is a small chance of death, if they are not administered there is a small chance of fractures. The plaintiff argued that the doctor had violated his duty by not using the relaxant. The Court ruled

² Bolam v. Friern Hospital, 1 WLR 528, (1957)



that this doctor had not violated his duty. The House of Lords formulated the Bolam test:

A physician is not guilty of negligence if he has acted in accordance with a practice accepted as appropriate by a responsible body of physicians trained in that particular field. In other words, a doctor is not negligent if he acts in accordance with such a practice simply because there is an opinion that has a contrary opinion.

It follows that if a medical practice is supported by a responsible group of peers, the Bolam test has been passed and the doctor has met the required legal standard of care. This test has been used repeatedly in medical disputes.

Liability

In case of medical negligence liability can be of two types such as:-

1. Civil Liability - The person who has special knowledge and skills in one area and uses that knowledge to treat the other person owes the other a duty of care. If he has committed injustice, he is obliged to pay him compensation in the form of compensation. In other situations, senior physicians or authorities may also be responsible for mistakes made by junior doctors.

2. Criminal Liability- The patient may have died after treatment and criminal proceedings may have been instituted for the alleged death of a premature or negligent act in accordance with Section 304A of the IPC³. The initiation or on-going criminal proceedings would neither hinder nor suspend other civil proceedings for the recovery of funds or a consumer complaint.

³ The Indian Penal Code, 1860, No.45, Acts of Parliament, 1860(India)

Medical Negligence- Civil

Medical negligence cases take place when health care providers do not follow the appropriate standard of care in a situation and the same care that another reasonable health care provider may have provided. The core of medical malpractice is the negligence of the doctor. This label covers errors such as leaving surgical tools on patients, misdiagnoses, or even wrongful death.

In most cases, medical malpractice is a type of civil procedure or civil case, which means fighting for compensation for the victim, often without punishing the person liable. Medical malpractice is intended to obtain financial support for assistance with medical expenses, loss of earnings, pain, suffering and disabilities, and other matters. No prison sentence is considered for the accused.

These cases are brought by individual citizens, estates, and their medical malpractice lawyers against the person or health practitioner at fault for the injury or death. The plaintiff's lawyer is liable for demonstrating, through information obtained from medical records, investigations, and discussion with medical experts, that the suspect is responsible for the injuries.

In civil and tort law, healthcare professionals hold themselves liable every time they treat a patient. Every time a patient comes under the care of a medical professional, patients and their doctors sign a legally binding agreement stating that a doctor will provide patients with medical services within a reasonable standard of care. Once in treatment, supervision, or medical care, a healthcare professional is



responsible for any event that occurs due to a lack of medical care within these guidelines of a proper standard of care. While liability for medical malpractice is generally assigned to physicians and surgeons, any healthcare professional or entity can be held liable for harmful events during or after a patient's care. Entities and individuals that may be held liable for medical malpractice include:

- i. Doctors
- ii. Nurses
- iii. Interns
- iv. Dentists
- v. Surgeons
- vi. Health specialists
- vii. Hospitals
- viii. Health companies
- ix. Professional health insurers

In the event that a patient undergoes a medical procedure, examination, or any form of medical treatment from a healthcare provider and their staff that adversely affects the health of the patient, liability for medical malpractice is created. Victims of these liabilities must work with a medical liability attorney to recover damages they have incurred under the law. In addition, liability for medical malpractice is not considered settled until pay of liability for damages has occurred, although there is a limitation period for filing claims for medical malpractice. Victims or their loved ones must act quickly to ensure an efficient and applicable compensation for damage.

When a medical negligence liability claim is filed with the federal or state civil courts, victims' claims will not only be investigated by the defendant's healthcare providers, but judges will either allow or refuse to pursue a

claim on based on information presented during the early parts of a medical trial. By having a competent and experienced civil liability attorney as a lawyer, victims will ensure that their claims are not dismissed by civil courts and are ignored by health professionals. In addition, claims with supporting evidence will be essential for negotiating with the defendant and, if possible, reaching an amicable settlement.

In the course of a medical tort, a number of expert witnesses will be required as evidence during a trial or process. Not only are expert witnesses required to achieve the definition of a reasonable level of care regarding the victim's specific medical treatment, but these expert witnesses will also describe the level and possible recklessness or gross negligence of health professionals exhibited during a medical event in question. . In finding big, malicious or careless negligence, courts can assess damages and compensation for victims and their loved ones.

Medical negligence- Criminal

Sections 52, 80, 81, 83, 88, 90, 91, 92 304-A, 337 and 338 of India Penal Code, 1860 contains the medical negligence related laws in India.⁴

A physician may be liable for criminal malpractice if a patient dies from the effects of anaesthesia during surgery or any other form of treatment, if one can show that death was due to wilful misconduct or gross negligence. Before administering anesthesia or performing surgery, the physician is expected to follow accepted precautions.

In such cases, the physician must be able to demonstrate that he has exercised reasonable and ordinary care to treat his patient to the

⁴ The Indian Penal Code, 1860, No.45, Acts of Parliament, 1860(India)



best of his ability. The law wants a suitably qualified doctor to use that level of skill and care that an average man with his qualifications must have done, and expect to bring the greatest possible level of skill into treating his patients, or to provide cures to ensure.

While it is not impossible to accuse or convict a doctor if a medical error occurs, it is rare. Medical malpractice is generally not a criminal offense. Extreme conditions are required for a wrongful death or medical negligence to become a crime, usually related to the death of a patient.

The health care provider in question must act extremely negligently, incompetently or indifferently with regard to the care of his patients. Instead of making a mistake, negligent doctors should ignore information that would risk a patient's life, report drunk or unable to do their job, abuse patients, or be guilty of illegal activities.

Criminal cases are brought not by persons or property, but by prosecutors who work on behalf of the victims and the state. The aim in criminal cases is to punish the suspect, including imprisonment. Prosecutors must be able to demonstrate that the suspect committed the crime in question beyond reasonable doubt.

These requirements do not mean that a medical malpractice attorney cannot help you. Getting an expert opinion is the best way to know which way to go regarding your case.

Medical Negligence can be taken as crime when:-

⁵ Indian Medical Council Act, 1956, No.102, Acts of Parliament, 1956 (India)

The actions if committed by a health care provider can form the ground for a wrongful death case. However, it is not true that cases of wrongful death are necessarily punishable or even that high-risk healthcare acts are reckless enough to justify the charge.

The difference is in a concept called mens rea. This term refers to intention, what the person involved in the criminal act thought at the time. In most civil cases of negligence or wrongful death cases, the person may have been negligent and did not meet the appropriate care their patients should get and needed, but were not necessarily intended to harm a patient. In criminal matters, the defendant is required to have made an erroneous decision that went beyond negligence and put himself in a position where he committed manslaughter or murder.

Disciplinary actions-Indian Medical Council

Another consequence of medical negligence could be the imposition of sanctions. Any misconduct by health professionals is administered by the Indian Medical Council (IMC) (Professional Conduct, Etiquette and Ethics) Regulations, 2002, under the Indian Medical Council Act, 1956⁵. The Indian Medical Council and the State Physicians Councils are empowered to take measures in which the name of the professional can be permanently removed or suspended. However, professional misconduct is a broad term that may or may not include medical malpractice in your fold.

Medical Negligence and Consumer Protection Act



The Consumer Protection Act⁶, implemented in 1986, provides quick and easy redress for consumer complaints. Protects and encourages consumers to speak out against the shortcomings and defects of goods and services. When merchants and manufacturers engage in illegal trade, this law protects their rights as consumers. The main motivation of this forum is to provide assistance to both parties and get rid of lengthy trials.

This act applies to all goods and services of any public, private or cooperative sector, except those exempted by the central government. The law provides a platform for a consumer to file a complaint, and the forum takes action against the provider in question and compensation is awarded to the consumer for the inconvenience it has encountered.

The law not only protects the interests of the consumer when buying goods and services for everyday use, but also protects their interests when they go to a medical professional for treatment. Many medical associations have protested vigorously against the application of the law to physicians because the relationship between doctor and patient is not that of buyer and seller. They reiterated that the misconduct and negligence of medical professionals can be prosecuted and disputes resolved in existing forums such as the Indian Medical Council, the State Medical Councils and the civil and criminal courts. However, his opinion was not accepted.

In 1995, the Supreme Court decision in the Indian Medical Association v. VP Shantha

included the medical profession in the scope of a "service" as defined in the Consumer Protection Act 1986. This defined the relationship between patients and medical professionals as contractual. Patients who had been injured during treatment can now sue doctors for damages in consumer protection courts "without proceedings."

The Court held that while the services provided by doctors are personal in nature, they cannot be treated as contracts for personal services (which are excluded from the Consumer Protection Act). They are service contracts, where a doctor can also be sued in consumer protection courts.

This is probably the most important issue clarified by the Supreme Court in the IMA case. It eliminated any initial confusion about including medical services within the scope of the law. All types of medical services were included in the scope of the CPA.

The Supreme Court noted that medical practice is more of a profession than a occupation and that medical professionals provide a service to patients and therefore are not immune from claims for negligent damages. From this point of view, the court concluded that the patient may be a "consumer" in the context of the CPA.

Advisory and Safeguards for doctors

Supreme Court in one case⁷ stated precautions which must to be taken:-

"Precautions should be taken by doctors / hospitals / hospitals:

⁶ Consumer Protection Act, 1986 , No.68, Acts of Parliament, 1986(India)

⁷ Martin F. D'Souza v. Mohd. Ishfaq (2009) 3 SCC 1



There are basic training, invention, doctor and other staff, hygiene and correction which should be strictly adhered to.

We usually do not provide a prescription without actual testing. The ability to provide a prescription over the phone should be avoided, except in emergency situations.

Not only should the doctor talk about the trauma of the incident, but he should also carry out his own analysis, including tests and tests as needed.

are you. The doctor should not try it when it is not needed, and even if he usually receives the patient's written permission.

In case of doubt, a wise person should consult.

Complete records of decisions, tactics, etc. must be maintained. "

This has character of extensive advice.

Considering the increase in criminal prosecution of physicians, which they find embarrassing and intimidating, and to protect them from frivolous and unfair prosecutions, the Supreme Court has issued certain binding guidelines until legal regulations or MCI instructions, which are as follows:

The private complaint cannot be processed unless the plaintiff has presented prima facie evidence to the court in the form of a credible judgment from another licensed physician.

The investigating officer should obtain independent and competent medical advice,

preferably from a government physician who is qualified in that branch of medical practice and who can normally be expected to give an unbiased and unbiased opinion through the Bolam admits test take into account the facts gathered during the investigation

The doctor should not be routinely arrested unless the arrest is necessary for the continuation of the investigation or for the collection of evidence, or if the investigating officer is convinced that the doctor can flee.

The need for independent medical advice was emphasized, bearing in mind that knowledge of medical science could not be presumed to determine whether the actions of a medical professional amount to criminal negligence. Subsequently, the Supreme Court made this requirement a necessity, even to initiate procedures for the imposition of civil penalties, but it was subsequently repealed for civil procedures.⁸

Principles for deciding a case of medical negligence

Kusum Sharma & Ors vs Batra Hospital & Medical Research– In this case, the Supreme Court enumerated the following principles to be followed while deciding whether medical professional is guilty of medical negligence:

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| I. | Negligence is the breach of a duty exercised by omission to do something which a reasonable man, guided by those considerations which ordinarily regulate the conduct of human affairs, would do, or doing something which a prudent and reasonable man would not do. |
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⁸ Amit Agarwal, Medical Negligence: Indian Legal Perspective (Oct, 2016),

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5109761/#fn33>



II.	Negligence is an essential ingredient of the offence. The negligence to be established by the prosecution must be culpable or gross and not the negligence merely based upon an error of judgment.			desired result may not amount to negligence.
III.	The medical professional is expected to bring a reasonable degree of skill and knowledge and must exercise a reasonable degree of care. Neither the very highest nor a very low degree of care and competence judged in the light of the particular circumstances of each case is what the law requires.		VII.	Negligence cannot be attributed to a doctor so long as he performs his duties with reasonable skill and competence. Merely because the doctor chooses one course of action in preference to the other one available, he would not be liable if the course of action chosen by him was acceptable to the medical profession.
IV.	A medical practitioner would be liable only where his conduct fell below that of the standards of a reasonably competent practitioner in his field.	RE M [C]	VIII.	It would not be conducive to the efficiency of the medical profession if no Doctor could administer medicine without a halter round his neck.
V.	In the realm of diagnosis and treatment there is scope for genuine difference of opinion and one professional doctor is clearly not negligent merely because his conclusion differs from that of other professional doctor.	U P AM	IX.	It is our bounden duty and obligation of the civil society to ensure that the medical professionals are not unnecessary harassed or humiliated so that they can perform their professional duties without fear and apprehension.
VI.	The medical professional is often called upon to adopt a procedure which involves higher element of risk, but which he honestly believes as providing greater chances of success for the patient rather than a procedure involving lesser risk but higher chances of failure. Just because a professional looking to the gravity of illness has taken higher element of risk to redeem the patient out of his/her suffering which did not yield the		X.	The medical practitioners at times also have to be saved from such a class of complainants who use criminal process as a tool for pressurizing the medical professionals/hospitals particularly private hospitals or clinics for extracting uncalled for compensation. Such malicious proceedings deserve to be discarded against the medical practitioners.
			XI.	The medical professionals are entitled to get protection so long as they perform their duties with reasonable skill and competence and in the interest of the patients.



The interest and welfare of the patients have to be paramount for the medical professionals.⁹

**Some medical negligence cases-
Dr Kunal Saha vs. AMRI Hospital¹⁰**

FACTS

In this case the victim was went to a hospital in Kolkata regarding acute pain, fever and rashes. The doctor gave her a high dose of depomedrol. Later, it came to know that doctor gave the victim a dose of 80mg for three days though recommended dose for this drug is 40-120mg with a gap of 1-2 weeks between doses. When victim condition did not improved she was admitted to a hospital name AMRI. There she was again injected with Prednisolone which leads to damaging the blood vessels of the skin of the victim. The doctor treating her went to Australia leaving the victim under dermatologist. Next day victim was diagnosed with toxic epidermal necrolysis a rare skin disease. With not much improvement in her condition she died after ten days.

JUDGEMENT

Supreme Court held three doctors responsible for the death of the victim.

It was held that doctor wrongly treated the patient with proper care and compensation must be paid by the doctors. In this case very high compensation was paid of 5.96 cr which crossed 11 cr with interest. It took 15 years by the victim family to get justice for what the suffered¹¹.

⁹ Important judgments on medical negligence in India, Vakilno1.com (Dec 19, 2007), https://www.vakilno1.com/legalviews/medical-negligence-case-laws.html#_ftn9

¹⁰ Dr Kunal Saha vs. AMRI Hospitals, 1998

¹¹ Vidya Krishnan, MN-Will Anuradha Saha case set as a Precedent?, Livemint (Nov 6, 2013, 11:31 PM),

Chester v Afshar¹²

Facts

Plaintiff Chester had suffered from back pain for years, severely impeding his walking ability and hindering his bladder control. There was a problem in his spinal cord, and later his doctor, the defendant, suggested him operation. In particular, this operation was a little risky (about 1%) of actually exacerbating the problem, but the defendant had no knowledge of the risk. The applicant was ready for the operation but the doctors didn't informed him about the risk. Later, the operation was done responsibly but it was faced by the 1% risk. Victim told the court the no consent was take since no knowledge was given to the victim. The court said that the full information as well as the risky part must had been informed to the patient by the doctor.

Issues

The Defendant appealed that applicant agreed for operation at some point does not change the fact that the operation involved risk.

Held

It was held that there was risk involve and the doctors failed in performing their duty due to negligence in not knowing the consequences

<https://www.livemint.com/Politics/rYITtOKCr3IO0ie xKbvc6K/Medical-negligence-Will-Anuradha-Saha-case-set-precedent.html>

¹² Chester v Afshar [2004] 3 WLR 927



of the operation and therefore the victim must get a remedy¹³

Conclusion

This paper discussed about everything one wanted to know about medical negligence. Medical negligence is quiet common in India there are several case of negligence by health professionals. But according to me there not enough or even proper laws in order to protect medical negligence in India. Most of the times victims are not able to get even enough compensation for the loss they suffered and doctors committing the crime always get away by paying very less amount as compensation. Though not every doctor does this intentionally but most them works carelessly because of which patient suffer a heavy loss or even can die.

So proper laws and remedies must be made so that doctors perform their duties properly and patients must also get what they deserve as compensation. And in the same place proper working condition, proper material and proper protection must be given to doctors and other staff so that they can perform without any fear.

¹³ LawTeacher,
<https://www.lawteacher.net/cases/chester-v-afshar.php>