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Punishment for medical negligence: IMA

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Punishment for medical negligence: IMA



Sharing its views on the disproportionate compensation imposed for medical negligence, the Indian Medical Association (IMA) is also supporting the review petition of AMRI Hospitals, Kolkata in the Supreme Court.Â

Addressing the briefing, Dr Jitendra B. Patel, national president, IMA said, "The association is not against the punishment to guilty but is of the view that the quantum of punishment is such that it might become restraint for others to join this profession. We will appreciate if the apex court accepts the review petition and reconsiders the decision."

As per the association there is a thin line of demarcation between medical accident and negligence as medical treatment does not have fixed modus operandi. The treatment of the patient is entirely based on the patient's condition, response to treatment which may vary from person to person besides knowledge and experience of the treating doctor. If something goes wrong in the treatment then it appears as medical negligence. If a high compensation as this becomes a milestone then medical practitioners will be petrified in treating complex cases. As a result the benefits of medical facility will be affected across various sections of the society.

"The judgement given by the apex court has come as a blow to the medical professionals who are very new to the profession. It is important to note that currently India needs more than 6 lakhs Doctors. But such kind of decisions will frighten students from joining the profession acting as an obstacle in the progress of healthcare in the country" as already we are seeing drop in students joining medical course, said Dr. Narendra Saini, Hony Secretary General, Indian Medical Association.

Indian Medical Association feels that the compensation should be based on few parameters like earning of the hospital/ doctor and expenses incurred by the patient during treatment, earning of the doctor on whom compensation is levied, severity of patient's disease and the chance of the patients survival without treatment. The association is of the opinion that the decision on the Kolkata hospital case was given based on the earning capacity of the patient / her kin.
The association also mentioned that if the review petition filed by the Kolkata hospital is rejected by the apex court then as a future course of action they will approach the law commission and file a petition at the parliament for amendment of law.