

ABSTRACT

MEDICAL NEGLIGENCE - WHEN DOES IT BECOME A CRIMINAL SUIT?

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The main aim of this paper is to talk about medical malpractice and how the number of cases have risen far more than what they were years ago. The difference between a civil suit and criminal suit is discussed along with the ongoing debate about the complexities and difficulties in initiating a criminal suit against a medical practitioner. Various cases have been cited to see the different opinions and orders passed by courts in different parts of the world in regard to this problem. The object of the paper is to put forth the history and current situation concerning criminal medical negligence. The reason why someone opts to make a suit a criminal one instead of a civil one is because some damages are beyond compensations. However, there are requirements that need to be met for a case to fall under criminal medical negligence. Mere misfortune cannot be a good enough reason to cause undue stress and harassment to the medical community. The profession is such that high risks need to be factored in before initiating any proceeding. The object of this paper is to draw a parallel in how various countries have dealt with cases regarding criminal medical negligence, how the judgements vary from case to case basis and what things need to be kept in mind to make sure that the medical community is not caused stress so that they can do their jobs without any hesitation. The paper aims at coming to an analysis post the various discussions as to how there needs to be a fine balance between liability for negligence and liberties given to the medical profession due to their complex job.

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