



### BUT WHY SUICIDE ???

In background of false allegations of medical negligence



# 30

suicide among Indian doctors reported

## within 3 years

Enough is enough !!!

Medical Practitioners are expert in their respective specialties but hardly they are aware of medico-legal aspects in clinical practice. This lack of awareness give opportunity and edge to some people having malafied intentions who create unnecessary pressure & chaos in case of some unexpected event happened during treatment.

Medical errors are inevitable in clinical practice even though best practices are incorporated and implemented. But, occurrence of medical errors not make medical practitioners liable for medical negligence if these errors happened unintentionally. Lack of knowledge, awareness and training about medico-legal aspects, create lots of pressure and fear on their mind and health as and when such incident happened.

In addition to this, practitioners are always apprehensive about their image in the society. Single such bad experience if intentionally spreaded widely in the community can affect and harm their professional practice adversely. Few recent incidences are example of building pressure and creating unnecessary fear due to false allegations which ultimately ended into suicide of some medical practitioners.



## Recent Cases

1

Case 1

A female medical practitioner from a small town of Rajasthan state was found hanged at her residence as she was booked for alleged negligence and pressurized to an extent for a unfortunate unintentional death of a pregnant female due to a known complication i.e. post-partum haemorrhage.

2

Case 2

A young orthopaedic male doctor from southern part of India committed suicide as he had received a lot of flak recently on social media (media trial) for a surgery at his hospital in which a six-year-old child had died due to unintentional medical complication.



## Legal & Ethical Viewpoint...

Honorable Supreme Court of India had submitted observations and mentioned that "this is necessary to avoid harassment to doctors" where the allegations of civil or criminal negligence has been charged.



1

### Avoid harassment to the doctor:

Whenever complaint is received against the doctor, then before issuing notice to the doctor the matter should be referred to a competent committee of doctors, specialized in the field and not to arrest the doctor unless the facts are prima facie. [Civil appeal No. 3541 of 2002]

2

### Preliminary Inquiry:

The Supreme Court in the matter of Lalita kumari vs State of UP (12.11.2013) In alleged medical negligence cases, a preliminary inquiry should be made time bound and in any case, it should not exceed fifteen days.

3

### Medical Board:

The EMRB National Medical Commission recommends to frame guidelines to protect unjust prosecution against medical negligence; to form District and State Medical Board.

### World Medical Association in response to the above case:



..... we support to enact unambiguous and effective lawful means to stop the attacks on the physicians and other health personnel. It must be clear that any treatment outcome that is detrimental or fatal must first be properly and professionally examined before conclusion about civil and criminal liability can be made. Countering non-negligent treatment errors with prosecution in the first place is not only unjust, but will also have grave consequences for the treatment of the population .....



### POINTS TO REMEMBER:

- Therapeutic misadventure, Reasonable error in diagnosis, Clinical misjudgment are not the even prima facie evidences for civil and criminal negligence against the medical practitioner. These are inevitable during practice but caution to be taken at every step.
- All negligence against the doctor are not always criminal. Most of the time they are civil in nature and attract penalty only if proven.
- Any rash or negligent act of a medical practitioner is defined under section 304 A of IPC (Indian Penal Code) where provision of imprisonment up to 2 years if negligence found gross by the competent authority and penal of experts.



## Medico-legal tips...



### Do not fear

Develop cop up abilities to deal with mob and strangers irrespective of their background, rather bowing down to their demands. Prefer to adopt legal procedures as per prevailing law of land.



### Consent

Develop a practice of obtaining informed consent beforehand for any intervention. See that your consent form cover all required aspects.



### Consultation

Do not hesitate to consult your colleagues, friends, family members, medico-legal experts as and when need arises.



### Prepare yourself

Continuously upgrade your knowledge and skill in your respective discipline. Importantly, never miss out to document even minor observations. Documentation is vital.



### Security

Take requisite indemnity insurance and deploy all required security measures in the premises of your hospital. Surveillance and vigilance are essential.



### Associations

Actively participate and enroll in local doctors association and professional bodies located at state and national level. Networking helps in your development also adds strength to your professional practice.



### Communication

A good communication is the key to build trust and report between doctor & patient. But extended communication at community level is always savior in unfortunate time. Telling is not always a mode of communication but listening too.



### Training

It is important to continuously upgrade yourself through subject specific training program but at the same time, it is vital to participate actively in medico-legal training program as and when opportunity arise.

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- Letter from World Medical Association to PMO India dated 08.04.2022.



### Message from Executive Director:



I heartily congratulate the Department of Forensic Medicine & Toxicology for bringing this informative newsletter specially at the time of turmoil going around in medical practitioner community. This initiative will certainly be helpful to medical practitioner community in understanding medico-legal aspects. My Best Wishes to the entire team...

Prof. Dr. (Col.) C. D. S. Katoch

### Message from Editors:

We hope you all will enjoy reading this piece of work. Our attempt though this newsletter is to spread awareness among medical practitioners about key medico-legal aspects of clinical practices. If you have any suggestions or ideas, please feel free to contact us anytime.

Prof. (Dr.) Sanjay Gupta

Dr. Utsav Parekh

