Press Release

Criminal prosecution of medical negligence unacceptable, says IMA

New Delhi, 29 May 2017: Highlighting another pertinent issue faced by the medical fraternity, the IMA has expressed its disagreement over the criminal prosecution of medical negligence and clerical errors and called it unacceptable. This is one of the many issues leading up to the Dilli Chalo movement being organized by the IMA on 6th June 2017. To be joined in entirety by the medical fraternity, the march will be undertaken by over a lakh doctors in the country, both digitally and physically, and followed by deliberations on issues ailing the medical profession.

According to a judgment passed by the Supreme Court in 2004, it had stated that the medical man cannot be proceeded against for punishment for every mishap or death during treatment. Without adequate medical opinion, criminal prosecutions of doctors would amount to great disservice to the community.

Speaking about this, Padma Shri Awardee Dr K K Aggarwal, National President Indian Medical Association (IMA) and President Heart Care Foundation of India (HCFI) and Dr RN Tandon – Honorary Secretary General IMA in a joint statement, said, "To prosecute a doctor for criminal medical negligence, any medical action taken by him/her, should have been done with an intention to harm or with the knowledge that it can cause harm and the patient is not informed about the same. However, this is not the case in medical practice. We never treat with an intention to harm or treat without an informed consent. Then why are doctors again and again subject to criminal prosecution? Criminal prosecution of doctor should be an exception and not a routine. The situation today is that doctors now are being prosecuted in various special acts for non-professional activities like not wearing apron, not displaying a defined board or not keeping a copy of PC PNDT Act. Doctors are also being prosecuted for minor violations of privacy, confidentiality of patient information and data and violations of minor clauses in surrogacy, IVF and HIV_AIDS acts. This is not acceptable to the medical profession."

Earlier, doctors from the IMA had also opined that many medical negligence cases took place in government hospitals. However, their comparatively lower bills kept such establishments out of the purview of the authorities.
Adding further, Dr Aggarwal, said, "While it would be reasonable to cancel the registration of a doctor or a clinical establishment, booking a doctor under criminal charges will no longer result in this being called a noble profession. Justice has been denied to the medical fraternity on a number of accounts and this movement is a clarion call against all these issues."

IMA is also initiating a signature campaign on the issues at hand on social media and has urged all doctors to join and collect hundreds of thousands of signatures to demand justice from the government.

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About IMA: Indian Medical Association is the only representative, national voluntary organization of Doctors of Modern Scientific System of Medicine, which looks after the interest of doctors as well as the well being of the community at large. It has its Headquarter in Delhi and State / Terr. Branches in 30 States and Union Territories. It has over 2, 60,000 doctors as its members through more than 1765 active local branches spread across the country.

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