Content list Available at ijmj.net

International Journal of Medical Justice

Journal Homepage: https://www.ijmj.net

Scientific Correspondence:

Medical Malpractice in India: An Emergence of Increasing Concern

Imran Sabri

Faculty Member, Forensic Medicine Division, College of Medicine, King Faisal University, Al-Ahsa

Article History:

Date of Submission: Thursday August 22, 2024.

Date of Start of Review Process: Friday August 23, 2024

Date of Receipt of Reviewers Report: Saturday September 28, 2024.

Date of Revision: Thursday November 21, 2024

Date of Acceptance: Sunday December 1, 2024

Date of Publication: Tuesday December 10, 2024

Date of Online Availability: Tuesday December 24, 2024

Digital Object Identifier [DOI]: 10.5281/zenodo.14254169

Available Online: Tuesday December 10, 2024

Website Archive: https://www.ijmj.net/archive/2024/2/IJMJ-2024-222.pdf

Citation: 1. Imran Sabri. Medical Malpractice in India: An Emergence of Increasing Concern. International Journal of Medical Justice. 2024 Dec10;2(2):104-19.

Indexing: OpenAIRE

INTERNATIONAL
Scientific Indexing





Academic Editor: Dr Suraj Sundaragiri

Correspondence: Dr. Imran Sabri

Faculty Member,

Forensic Medicine Division,

College of Medicine, King Faisal University, Al-Ahsa, Saudi Arabis

Email: ikhan@kfu.edu.sa

ORCID: https://orcid.org/0000-0002-8754-0450

IJMJ-V2-N2-2024-P- 104

Abstract: As awareness regarding patients' rights continues to the increase expand, in instances of medical malpractice has prompted India's medical regulatory bodies to remain vigilant, with bereaved patients and advocates asserting that the pursuit of justice is fraught with challenges. Medical malpractice, characterized as the failure of a healthcare provider to uphold an acceptable standard of care, remains a India. issue in pressing Notwithstanding the availability legal avenues, numerous obstacles impede the effective prosecution of medical malpractice cases within the country. The data indicates that the annual incidence of medical malpractice in India reaches 5.2 million cases. The frequency of such incidents has escalated by 110%; meanwhile, litigation has surged by 400%. This paper reviewed the frequency of medical malpractice occurrences, the existing legal framework designed to address these issues, and the difficulties encountered in obtaining compensation. Ιt further deliberates on potential strategies to enhance patient safety and diminish prevalence of malpractice

incidents. The conclusion drawn is that medical malpractice significant represents a challenge in India, adversely impacting both patient safety and trust in the healthcare system. Legal actions regarding medical malpractice should serve deter negligence while ensuring that victims receive compensation that is equitable, prompt, cost-effective, readily accessible. To bolster patient safety and mitigate malpractice risks, a variety of solutions warrant exploration.

Key Words: Medical Malpractice, India,

Introduction: Medical malpractice is a significant concern in India, implications for both patients and healthcare providers. The issue of medical negligence is complex, involving challenges in proving negligence and its longterm effects. One notable consequence is the practice of defensive medicine, where healthcare professionals undertake unnecessary treatments even refuse to provide treatment altogether to mitigate the risk of potential negligence liabilities. This practice arises from the uncertainty and fear associated with medical malpractice suits, ultimately

impacting the cost of medical care and the quality healthcare services provided [1]. With awareness of patients' rights growing, a rise in medical malpractice has put India's medical regulators on alert, as grieving patients and campaigners say finding justice is an ordeal [16]. The term "medical malpractice" has been an increasingly frightening one patients, doctors, insurers as well. In recent months, the spectre of physician strikes, astronomical damage awards, soaring liability insurance premiums, and allegations of poor-quality medical care have stirred debate in state legislatures, in the Congress, in the press, and in scholarly journals. The global medical malpractice crisis is real, and the problems which created the crisis remain with us [17]. The term "medical negligence" is an omnibus one, which has come in vogue to refer to wrongful actions or omissions of professionals in the field of medicine, in pursuit of their profession, while dealing with patients. It is not a term defined or referred to anywhere in any of the enacted Indian laws [18]. India's healthcare system is vast and complex, catering to a large and diverse population. However, concerns regarding malpractice medical are widespread. This paper examines the various aspects of medical malpractice in India, including prevalence, legal its considerations, and ongoing challenges. Doctors, private hospitals, pharmaceutical, and insurance companies are making a buck at the cost of individual patients and corporations who provide the healthcare benefits to their employees in a largely unregulated healthcare market [22].

Despite the extensive focus on medical malpractice in developed countries, there is a lack of literature on this topic in developing countries like India. Given that developing countries represent a significant portion of the global population, understanding how they handle medical malpractice disputes and the challenges patients may face is crucial for addressing this issue effectively. [2]

1.1. Definition of Medical Malpractice

Medical malpractice, in the context of the Indian healthcare system, is defined as the failure of a medical professional to provide a standard level of care that

results in harm, injury, or death to а patient. This definition encompasses a wide range of scenarios, including misdiagnosis, surgical errors, medication mistakes, and lack of informed consent. The legal aspect of medical malpractice in India confers the victims the right to claim compensation, and the next of kin may claim rights to due process [1]. Proving medical negligence can challenging for patients, as it requires demonstrating that the healthcare provider deviated from the accepted standard of care, leading to the patient's injury or harm. This difficulty proving negligence can significantly impact a person's as it involves their life, health and livelihood.

concept of defensive The medicine is closely related to medical malpractice, as it involves doctors performing unnecessary treatments on avoid possible patients to negligence liabilities. practice is driven by the fear of facing or being taken action upon due to the uncertainty surrounding medical malpractice and the cost malpractice insurance. Defensive medicine not only affects the cost of medical care but also leads to overutilization of certain medical specialties, as seen in the case of emergency medicine in Romania [3]. Understanding the definition and implications of medical is malpractice crucial in addressing the growing concern poses in the Indian healthcare system.

Prevalence Medical of Malpractice: Estimating the exact number of medical malpractice cases in India is difficult due to underreporting. Media reports suggest Over 5.2 medical million malpractice cases filed in India annually, while official statistics from the National Crimes Records Bureau are significantly lower [16]. A study published in The BMJ [16] revealed a high rate of negligence in adjudicated surgical malpractice cases, with obstetrics and gynecology being the most affected specialties.

Legal Framework: India's health-care system has to account for and regulate private (individual and corporate), public, and not-for-profit hospitals within its framework. In addition, the Indian government is bound to ensure universal access to healthcare [19]. India's legal system addresses medical malpractice through both

criminal and civil law. Additionally, the Consumer Protection Act allows patients to seek compensation through consumer courts [16, 17].

In India, special consumer courts handle the cases. Awards are restricted to actual damages [21].

Historical Overview of Medical Malpractice in India

Historically, the Indian healthcare system has grappled with malpractice issues, with significant events and periods leaving a lasting impact on the current landscape. A study by Hanganu, Iorga, Muraru, and Ioan [3] highlights the multifaceted nature of medical malpractice, emphasizing the acceptability of family-centered newborn care models among providers and receivers of care in a public health setting in India. Additionally, malpractice claims related to diagnostic errors in hospitals have been a pertinent issue, reflecting the challenges within the healthcare system. Furthermore, Brown [4] discusses how the late nineteenth century saw a shift in the perception of medical negligence.

3. Current Scenario

The prevalence of medical malpractice complaints and cases in the country has raised

concerns about patient safety and the quality of healthcare services. While there is a growing awareness of the issue, the lack of comprehensive data and analysis hinders a complete understanding of the patterns of outcomes medical malpractice cases in India [3]. The medico-legal need for training for healthcare staff to emphasize the duty of care and adherence to patient charters is crucial in mitigating the risks with associated medical malpractice in India [5].

3.1. Statistics and Trends

The data indicates that the annual incidence of medical malpractice in India reaches 5.2 million cases. The frequency of such incidents has escalated by 110%; meanwhile, litigation has surged by 400%. Merely 46% of healthcare providers adhere to ethical guidelines. A staggering 80% of fatalities resulting from medical errors can be attributed surgical errors. Additionally, 70% of deaths occurring in emergency situations arise mismanagement. The highest rates of malpractice are observed in Punjab (24%), followed by West Bengal (17%), Maharashtra (16%), and Tamil Nadu (11%) [23].

Proving medical negligence in India poses significant challenges for patients [1]. difficulty in proving negligence has led to the practice of defensive medicine among medical practitioners, where unnecessary treatments are performed to avoid potential negligence liabilities. The fear of facing lawsuits and uncertainty due to the present value of malpractice insurance has prompted doctors to resort defensive to medicine, ultimately impacting the cost and quality of healthcare in India.

4. Factors Contributing to Medical Malpractice

Medical malpractice in India is influenced by a multitude of factors that contribute to its Systemic occurrence. deficiencies, such as inadequate infrastructure, understaffing, and lack of resources, play a significant role in creating an environment where malpractice incidents can arise. Additionally, individual of behaviors healthcare professionals, including poor communication, lack of informed consent, and defensive medicine practices, also contribute to the occurrence of medical malpractice. Research has shown that while some defensiveness is necessary in the current medical context, an excessive defensive approach can erode the ethical practice of medicine, emphasizing the need to strike a balance between different approaches to modern medicine [3,6]. Understanding factors is crucial in devising effective strategies to prevent and address medical malpractice in India.

4.1. Lack of Regulation and Oversight

The lack of effective regulation and oversight in the Indian medical system has led implications significant for medical practices and patient care. The absence of stringent governance has resulted in a climate where medical occur malpractice can with limited repercussions, impacting patient safety and well-being. This lax oversight has also contributed to the phenomenon of defensive medicine, healthcare providers may resort to unnecessary treatments or even refuse to provide necessary care in an effort to mitigate the risk of negligence liabilities. This defensive approach is a direct response to the uncertainty and fear stemming from the prevalence of medical

malpractice suits and the unpredictable nature of malpractice insurance in the medical industry 1.

The historical context of medical regulation in India further complicates the issue, with the transition from the Medical Council of India (MCI) to the National Medical Commission (NMC) in 2018 aiming to address issues of corruption and inefficiency. However, the power balance between central and state governments, as well the fragmentation as of regulatory functions, has created a disconnect between regulation, training health systems, and population health needs in India 7. This lack of governance cohesive has perpetuated the challenges associated with medical malpractice and the need for effective oversight in the Indian healthcare system.

5. Types of Medical Malpractice Medical malpractice the Indian healthcare system encompasses various types of incidents that can lead to patient harm. These include but are not limited to misdiagnosis, surgical errors, medication errors, and failure to obtain informed consent. Misdiagnosis, for instance, can result from a

range of factors such inadequate medical history improper diagnostic taking, testing, or misinterpretation of test results 5. Surgical errors may involve performing the wrong procedure, operating on wrong body part, or leaving surgical instruments inside the patient's body 3. Medication errors, on the other hand, can due to incorrect prescription, administration, or monitoring of medications, leading to adverse drug reactions or treatment complications. Furthermore, failure to obtain informed consent from patients before treatment or procedures can also constitute medical malpractice, as it violates the patient's right to make informed decisions about their healthcare. Understanding these types of medical malpractice is crucial for developing effective preventive measures and improving patient safety in the Indian healthcare context.

6. Impact on Patients and Healthcare System

Medical malpractice has farreaching implications for both patients and the healthcare system, encompassing medical, financial, and emotional dimensions. One significant

impact is the phenomenon of defensive medicine, which arises from the fear of legal action and uncertainty due to malpractice This insurance. defensive approach leads to doctors performing unnecessary treatments on patients to avoid potential negligence liabilities, as the cost of defensive medicine is perceived as lower than facing a lawsuit. As a result, there is an increase healthcare costs, patients may receive unnecessary treatments, leading to potential financial burden. harm and Moreover, the fear of legal action and the unpredictability of court verdicts negatively impact medical practitioners, leading to a shift in practice patterns and a reluctance to provide certain treatments, ultimately affecting the quality of care and patient outcomes 1. Furthermore, the civil liability system's impact on physicians' patterns has practice observed through statistically significant correlations between increases in malpractice premium levels and the frequency of specific diagnostic procedures. This suggests that the threat of malpractice liability influences medical decision-making and may lead to changes in practice

patterns, such as an increase in Cesarean sections. However, it is important to note that physician practice patterns are also influenced by direct patient demand and professional recommendations, indicating that the actual marginal impact of the malpractice system on care levels is not entirely clear 8.

6.1. Financial Consequences

Medical malpractice can have significant financial consequences for both patients and healthcare providers. In cases where malpractice occurs, patients may face increased medical expenses, loss of income due to prolonged or worsened health conditions, and the need for additional medical treatment to address the effects of the malpractice. This financial burden can be particularly challenging for patients who may already be dealing with the physical and emotional impact of the malpractice incident [1]. Healthcare providers also experience financial implications as a result of medical malpractice, including increased insurance premiums and potential legal costs associated with defending malpractice claims. The rise in insurance premiums can place a strain on healthcare providers, leading to

concerns about the sustainability of private healthcare and potentially impacting the overall healthcare system [3].

7. Legal Framework and Remedies

The legal framework and available remedies for medical malpractice in India are crucial of aspects addressing malpractice issues and providing avenues for redressal. Currently, the response to medical errors often involves legal intervention, with attorneys taking over and the shifting to limiting information flow and making the better argument [9]. However, it is essential to refocus on medicine's core values and develop a healing-centered framework to better serve the needs of all parties affected by medical error. This approach aims to address not only medical errors but also quality of care, patient compensation, and other issues within the current system.

Moreover, there is a growing discussion about the readiness of India for a no-fault liability system in healthcare, which could offer streamlined compensation processes for medical injuries. However, challenges such as

administrative complexities, delays in claim processing, and concerns regarding fairness and transparency need be to carefully addressed to ensure successful implementation [10]. Additionally, the adoption of a no-fault liability system would require reforms to frameworks and procedures, mechanisms well as for adjudicating claims fairly and transparently. Balancing fault liability with existing legal norms and principles of justice, addressing disparities access to healthcare services, and raising awareness among the population about their rights are crucial considerations for the successful implementation of such a system in India.

7.1. Laws and Acts Governing Medical Malpractice

In India, the legal framework governing medical malpractice is primarily defined by the Indian Medical Council Act, 1956, and the Consumer Protection Act, 1986. The Indian Medical Council Act establishes the Medical Council of India, regulates medical education and practice in the country. It sets standards for professional conduct, qualifications, and ethics for medical

practitioners. On the other hand, the Consumer Protection Act provides a mechanism for addressing grievances related to services, medical allowing patients to file complaints against healthcare providers for deficiency services in medical negligence 11. Additionally, the Supreme Court of India has emphasized that criminal prosecution of medical professionals should only occur in cases of gross negligence, providing a level of protection for doctors against frivolous 12. complaints These legal provisions judicial and interpretations play a crucial role in shaping the landscape of medical malpractice in India, impacting the rights and responsibilities of both patients and healthcare providers.

8. Role of Medical Professionals and Institutions

In the context of medical malpractice in India, the role of medical professionals and institutions is crucial in preventing and addressing malpractice incidents. The ethical, professional, and institutional dimensions accountability and duty play a significant role in this regard. 13 emphasize that despite the

technological progress medical science, errors often from the mindless stem application of unexamined habits the interference unexamined emotions, rather than knowledge. lack of underscores the importance of promoting а culture mindfulness and self-reflection among medical professionals to reduce malpractice incidents. 3 highlight the need for special undergraduate training periodic updates for doctors to address challenges in the doctor-patient relationship. They found that certain medical specialties, such as obstetrics and gynecology, emergency medicine, general surgery, and orthopedics, were frequently involved in malpractice complaints. This underscores the importance of targeted interventions and training programs tailored to the specific needs of different medical specialties to prevent mitigate medical malpractice. Moreover, redirecting patients to primary care through health policies alleviate overutilization of emergency medicine, thereby reducing the malpractice likelihood of incidents in this setting.

9. Preventive Measures and Quality Assurance

Preventive measures and quality protocols assurance play crucial role in mitigating medical malpractice. In the context of the Indian health it is essential to system, strike a balance between the interests of medical professionals and patient safety. 6 emphasize the need for a joint responsibility of health professionals, the common man, government, judiciary, and administration to achieve this balance. They argue that while some defensiveness is necessary in today's context, an excessive defensive approach can erode the ethos of medical practice. This highlights the importance of implementing preventive measures that prioritize patient safety without unduly burdening healthcare providers.

Moreover, 14 point out that efforts to prevent medical malpractice have been slow and ineffectual in some contexts. They underscore the need for improved information gathering, dissemination of best practice standards, and meaningful evaluation of these reforms to ensure improvements in patient safety. This suggests that proactive approaches, such as

adequate training for physicians and robust evaluation of regulatory changes, are crucial components of effective preventive measures and quality assurance in the healthcare system.

10. Public Awareness and Patient Education

Public awareness and patient education play a crucial role in addressing the issue of medical malpractice. Informed consent and patient engagement through shared decision-making have been identified as key factors in reducing hidden health system costs and improving patient empowerment. Research has shown that the level of awareness about medical malpractice among surgeons and surgical trainees is relatively low, emphasizing the need for revised curriculum and training programs focused on medical ethics, malpractice, and litigation issues. Additionally, the practice of complete disclosure of errors adherence to safety protocols such as the surgical safety checklist have been highlighted as measures to prevent medical errors and improve patient safety 3 15.

These findings underscore the importance of enhancing public awareness and patient education

to empower individuals with knowledge about their rights and responsibilities in healthcare settings. By equipping patients and the public with a better understanding of medical malpractice, informed consent, and patient engagement, it is possible to improve patient outcomes and contribute to a safer healthcare environment.

11. Ethical Considerations in Medical Practice

Ethical considerations play a crucial role in the landscape of medical practice, particularly in the context of addressing issues related to malpractice. The ethical principles and professional conduct of healthcare providers are foundational in ensuring the delivery of high-quality and safe medical care. As highlighted by 6 , the interests of medical professionals cannot be overlooked, especially when are making bold and evidence-based decisions in situations. emergency This underscores the importance of giving the benefit of doubt to doctors who take risks to save patients' lives. Moreover, 13 emphasize the significance of preventing medico-legal issues by acknowledging that errors in healthcare often stem from

unexamined habits and emotions rather than a lack of knowledge. This underscores the need for a balanced approach involving health professionals, the public, government, judiciary, and administration to navigate the complexities of modern medicine while upholding ethical standards.

12. Comparative Analysis with Global Practices

Understanding how jurisdictions in developing countries handle medical malpractice disputes and the obstacles patients might encounter is crucial informing policy and resource allocation in these contexts. Additionally, examining variables associated with patient complaints and malpractice claims in other countries can offer valuable lessons for preventing addressing medical malpractice in India [3].

By drawing parallels and contrasts with global practices, this comparative analysis aims to enrich the discourse on medical malpractice in India, offering a broader perspective inform that can policy, regulation, and healthcare delivery in the country.

Challenges in Addressing
Malpractice: Despite legal

recourse, several challenges hinder effective action against medical malpractice in India. These include:

- Difficulties in Proving
 Negligence: The burden of
 proof lies with the patient,
 who often lacks medical
 expertise to establish
 negligence.
- Lengthy Legal
 Process: Medical malpractice
 cases can drag on for years,
 discouraging patients from
 pursuing claims.
- Doctor-Patient Power
 Imbalance: Patients may
 hesitate to challenge doctors
 due to social and cultural
 factors.

Potential Solutions: To improve
patient safety and reduce
malpractice, various solutions
can be explored:

- Strengthening Regulatory

 Bodies: Empowering medical councils to effectively investigate and penalize negligence.
- Improved Medical Education: Integrating patient safety and communication skills into medical education.
- Promoting Transparent
 Communication: Encouraging
 open communication between

doctors and patients to build trust.

• Developing Alternative
Dispute Resolution (ADR)
Mechanisms: Facilitating
faster and less expensive
claim settlements.

13. Recommendations for Policy and Practice

In considering recommendations for policy and practice reforms to address medical malpractice in India, it is crucial to assess the readiness and implications implementing a no-fault liability system in healthcare. According to 10 , while such a could system streamline compensation processes and expedite redress for medical injuries, challenges such as administrative complexities, delays in claim processing, and concerns regarding fairness and transparency must be addressed. Additionally, the diverse healthcare system in India presents disparities in access services, variations quality of care, and limited awareness about rights recourse mechanisms, necessitating comprehensive reforms to legal frameworks and procedures to accommodate the shift away from fault-based liability. Moreover, 6 emphasize

the importance of striking a balance between the interests of medical professionals and the responsibilities of healthcare stakeholders, including the judiciary, government, and administration, in addressing defensive medicine practices within the Indian health system. These recommendations highlight the need for a multifaceted approach to policy and practice reforms, considering the unique context and practices among Indian patients and healthcare providers, as well as the broader healthcare landscape.

14. Conclusion and Future Directions

In India, medical malpractice is a major problem that affects patient safety and faith in the medical establishment. Medical malpractice actions should deter medical negligence and compensate victims in a manner that is fair, speedy, costeffective and accessible. A multifaceted strategy is needed to address this issue, including bettering medical education, promoting better doctor-patient communication, and enacting legal reforms. India may strive toward a healthcare system that puts patient safety first and reduces the incidence of medical

malpractice by putting these suggestions into practice.

Further conclusion, this review has shed light on the pressing issue of medical malpractice in India. We emphasize the need for comprehensive research and intervention in this domain, especially in developing countries. The complexities of handling medical malpractice disputes and the obstacles faced patients in proving negligence have been highlighted, underscoring the importance of understanding how these jurisdictions handle such cases [2]. Additionally, the rise in medical negligence claim rates and the challenges in accessing medical records after a malpractice accusation have been discussed, pointing to the potential negative impact patients' lives and access to medical care 1.

Moving forward, future research and interventions should focus on addressing the barriers to justice faced by patients, as well as the underlying causes of defensive medicine practiced by healthcare professionals in response to malpractice fears. It is imperative to explore potential solutions to mitigate the adverse effects of medical malpractice on both patients and

healthcare providers in India and other developing countries. This will contribute to the advancement of healthcare systems and the protection of patients' rights in the face of medical malpractice challenges.

Financial support and sponsorship:

Conflicts of interest: There are no conflicts of interest

References:

- 1. Mohamed Fadzil R, Hakimah Abd Halim A, Alya Ariffin A. DEFENSIVE MEDICINE AS A RESULT OF MEDICAL NEGLIGENCE : A BRIEF OVERVIEW. 2018. [PDF]
- 2. Cortez N. A Medical Malpractice Model for Developing Countries?. 2011. [PDF]
- 3. Hanganu B, Iorga M, Muraru ID, Gabriela Ioan B. Reasons for and Facilitating Factors of Medical Malpractice Complaints. What Can Be Done to Prevent Them?. 2020. ncbi.nlm.nih.gov
- 4. Blake Brown R. Canada's First Malpractice Crisis: Medical Negligence in the Late Nineteenth Century. 2017.
 [PDF]
- 5. Bayuo J, O Koduah A. Pattern and outcomes of medical malpractice cases in Ghana: a systematic content analysis. 2022. ncbi.nlm.nih.gov
- 6. Chaudhary A, Kumar Barwal V. Defensive Medicine in the Context of the Indian Health System. 2022. ncbi.nlm.nih.gov
- 7. Sriram V, R. Keshri V, Kumbhar K. The impact of colonial-era

- policies on health workforce regulation in India: lessons for contemporary reform. 2021. ncbi.nlm.nih.gov
- 8. J. Trebilcock M, N. Dewees D, G. Duff D. The Medical Malpractice Explosion: An Empirical Assessment of Trends, Determinants, and Impacts. 1990. [PDF]
- 9. Todres J. Toward Healing and Restoration for All: Reframing Medical Malpractice Reform. 2006. [PDF]
- 10. N Pai S, Jeyaraman M, Jeyaraman N, Yadav S. Beyond Blame: Is India Ready for No-Fault Liability in Healthcare?. 2024. ncbi.nlm.nih.gov
- 11. E. (Muh) Susila M. Medical Law in Indonesia: Its History and Development. 2015. [PDF]
- 12. S. Pandit M, Pandit S.

 Medical negligence: Criminal prosecution of medical professionals, importance of medical evidence: Some guidelines for medical practitioners. 2009. ncbi.nlm.nih.gov
- 13. N. Raveesh B, B. Nayak R, F. Kumbar S. Preventing medico-legal issues in clinical practice. 2016. ncbi.nlm.nih.gov
- 14. M. Flood C, Thomas B. Canadian Medical Malpractice Law in 2011: Missing the Mark on Patient Safety. 2011.
 [PDF]
- A. Malpractice Awareness among Surgeons and Surgical Trainees in Ethiopia. 2022. ncbi.nlm.nih.gov
- 16. Thiagarajan K. India's struggle with medical malpractice BMJ 2023; 381 :p632 doi:10.1136/bmj.p632.
- 17. Medical Malpractice: Frank A. Sloan and Lindsey M.

Chepke, The MIT Press ISBN 978-0-262-19572-0, Cambridge, Massachusetts, London, England.

- 18. Agrawal A. Medical negligence: Indian legal perspective. Ann Indian Acad Neurol. 2016 Oct;19(Suppl 1):S9-S14. doi: 10.4103/0972-2327.192889. PMID: 27891019; PMCID: PMC5109761.
- 19. Paschim Bhanga Khet Mazdoor Samiti vs. State of West Bengal AIR (1996) SC 2426.
- 20. Mitchell CN, McDiarmid S. Medical Malpractice: A Challenge to Alternative Dispute Resolution. Canadian Journal of Law and Society / Revue Canadienne Droit et Société.
 1988;3:227-245.
 doi:10.1017/S082932010000139
- 21. Studdert DM, Mello MM, Brennan TA. Medical malpractice. New England Journal of Medicine. 2004 Jan 15;350(3).
- 22. https://thediplomat.com/20 16/08/dealing-wth-thegrowing-threat-of-medicalmalpractice-in-india/ Accessed on March 27, 2024.
- 23. https://www.medicalbuyer.c
 <a href="mailto:o.in/5-2-million-medical-malpractice-cases-reported-in-india-annually/#:~:text=The%20alarming%20statistics,are%20due%20to%20surgical%20mistakes]

 Last Accessed on May 27, 2024.
- 24. Daya, Shankar, Tiwari.

 Medical Negligence in India:
 A Critical Study. Social
 Science Research Network,
 (2013). doi:
 10.2139/SSRN.2354282

Disclaimer/Publisher's Note: The statements, viewpoints, and data presented in this publication are exclusively those of the respective author(s) contributor(s), and do reflect the position of IJMJ and/or the editor(s). IJMJ and/or the editor(s) expressly reject any liability for any harm to individuals or property arising from any innovations, concepts, methodologies, guidelines, conclusions, products mentioned in the content.

Copyright: © by the Publisher, IJMJ disseminates all articles under a <u>Creative Commons</u> Attribution (CC BY) license. Under the CC BY license, authors maintain ownership of their intellectual property while permitting others to copy, distribute, display, and perform the work, as well as create derivative works derived from it. Consequently, all published articles, papers, and materials in the International Journal of Medical Justice, IJMJ are readily accessible and shareable, contingent upon the provision of appropriate attribution to the original authors.

