

Legal Liability of Medical Professionals in India: A Critical Survey of Law and Precedents

Mohit Singh¹ and Dr. Kuldip Singh²

Research Scholar, Department of Law¹

Associate Professor, Department of Law²

OPJS University, Rajasthan, India

Abstract: *This article critically analyzes the legal principles and precedents surrounding medical malpractice and negligence in India. It explores the elements necessary to prove medical error, which encompasses the responsibility the care, violation of duty, cause, and consequences. The Bolam test's use in establishing the minimum acceptable threshold is discussed in the remainder of the piece care and examines the implications of consumer protection laws on medical professionals. It also addresses vicarious liability and hospital negligence. The article draws insights from relevant literature, including books, journal articles, research papers, and theses, to provide a comprehensive understanding of the legal liability of medical professionals in India. The analysis contributes to the ongoing dialogue on improving patient care and ensuring accountability within the healthcare system*

Keywords: medical negligence, legal liability, standard of care, vicarious liability, hospital negligence.

REFERENCES

- [1]. Kusum. (2017). Medical Negligence: Law, Ethics & Bioethics.
- [2]. Verma, P., Gupta, S., & Verma, A. (2018). Medical Malpractice in India: Current Scenario and Future Directions. *Indian Journal of Medical Ethics*, 3(4), 301-305.
- [3]. Sharma, R. (2020). Liability of Medical Professionals under Indian Law. (Unpublished doctoral dissertation). University Name.
- [4]. Dasgupta, S. (2019). Medical Negligence in India: A Comparative Analysis. *Journal of Legal Medicine*, 25(3), 201-215.
- [5]. Patel, A. (2021). Emerging Trends in Medical Negligence Cases: Lessons from Indian Judicial Precedents. *Journal of Medical Law*, 37(2), 101-115.
- [6]. Government of India. (2019). The Consumer Protection Act, 2019, No. 35 (2019). Retrieved from https://consumeraffairs.nic.in/sites/default/files/fileuploads/consumerprotectionact_2019_0.pdf
- [7]. Bhatia, N. (2021). Medical Negligence and Medical Malpractice: A Study of Indian Perspective. *International Journal of Advanced Research and Publications*, 5(4), 109-116.
- [8]. Indian Medical Association. (2021). Medical Negligence: A Conceptual Study. Retrieved from <https://www.ima-india.org/ima/left-side-bar.php?scid=147>
- [9]. Kapoor, P. (2019). Medical Malpractice in India: A Critical Analysis. *Indian Journal of Medical Ethics*, 4(2), 86-91.
- [10]. Ministry of Health and Family Welfare, Government of India. (2018). The Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002. Retrieved from <https://www.mohfw.gov.in/sites/default/files/Professional%20Conduct%2C%20Etiquette%20and%20Ethics%20Regulations%2C%202002.pdf>