

No prompt arrest of doctors on Medical Negligence: Supreme Court of India

Noting that frivolous complaints against doctors have increased by leaps and bounds, the Supreme Court on Tuesday held that the police cannot arrest doctors over complaints of medical negligence without prima facie evidence.

The apex court also restrained courts, including consumer fora, from issuing notices to doctors for alleged medical negligence without seeking an opinion from experts.

“While this court has no sympathy for doctors who are negligent, it must also be said that frivolous complaints against doctors have increased by leaps and bounds in our country particularly after the medical profession was placed within the purview of the Consumer Protection Act,” the court said.

A bench of Justices Markandeya Katju & R M Lodha ruled that courts must first refer complaints of medical negligence to a competent doctor or a panel of experts in the field before issuing notice to the allegedly negligent doctor.

“This is necessary to avoid harassment to doctors who may not be ultimately found to be negligent. We further warn the police officials not to arrest or harass doctors unless the facts clearly come within the parameter laid down in Jacob Mathew’s case, otherwise the policemen will themselves have to face legal action,” the apex court said .

[for detailed judgement please [click here](#)]