

Request to consider including `or` between `imprisonment and fine` so that either one or both can be given as punishment depending upon severity of negligence

DR. SHARMILA SARKAR (BARDHAMAN PURBA): Thank you, Madam, for giving me an opportunity. I would like to speak about an important issue which has a huge impact on doctor-patient relationship, and the critical decision making by a doctor while performing medical procedures.

Madam, being a medical practitioner and educator, I am acutely aware of the dedication the medical students and the doctors bring to the patient care. But it is essential to remember that doctors are humans too. A doctor never intentionally harms his patient. When a doctor unintentionally makes a mistake, it can cause a huge trauma to the mind of the concerned doctor and it takes several days to overcome. When a patient dies, the family believes that the doctor was negligent. Even if the negligence was minor, the magistrate has no option other than to give him ?imprisonment and fine? both as a punishment under Section 106 of the Bhartiya Nyaya Sanhita, 2023.

Therefore, I respectfully urge the hon. Health Minister and the hon. Law and Justice Minister to consider including ?or? between ?imprisonment and fine? so that either imprisonment or fine or both can be given as punishment depending upon the severity of the negligence. This would provide a stringent punishment for a clear medical negligence while it will award less punishment for minor mistake.

Madam, in addition to this, I would like to say that a clarification is also needed on what basis the negligence will be determined and who will determine the negligence. We are looking forward to the hon. Minister of Health and the hon. Minister of Law and Justice to kindly consider the above requests for the betterment of the society. Thank you, Madam, for giving me the opportunity.