

Study on the legal consequences of social acceptability special reference to medical practices

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ABSTRACT

White collar crime as term coined by Edward Sutherland for non violent crime committed by corporation, doctors engineers, lawyers etc .In course of their business activities. These are termed as professional crime. Those crimes which occur in professional setting are not given much attention. One type of particular crime is medical crime which includes wide number of illegal activities .Due to severity of the harm caused by these crime and the lack of oversight in the medical profession, medical crime is arguably the most harmful type of occupational crime. Some of the medical crime are fee-splitting, taking or offering kickbacks, price fixing, fraudulent billing etc. This consist of how medical fraud violet public trust. After Consumer Protection Act ,1986 came into effect a number of patient have filed case against doctor. This article consist of summary of Medical negligence its causes law and social acceptability as well.

Keywords: ¹Medical negligence and crime, Social acceptability, Civil laws and cases

INTRODUCTION

Negligence is a breach of a legal duty to care. A breach of duty gives a patient the right to initiate action against negligence.

Person who offer medical advice and treatment implicitly state that they have the skill and knowledge to do so. This is known as "implied undertaking" in the part of medical profession. In case of Haryana vs Smt Santra , ' the S.C held that every doctor has a duty to act with reasonable duty and skill. Medical Crime which include wide range of unlawful activities such as performing wrongful operation , unnecessary prescription of medicines , over fee charging etc.

Doctor in India may be held liable for their service individually or vicariously unless they come within exception specified in case of Indian Medical Association vs VP Santha. Free treatment at non government hospital, government hospital , health care , nursing home would not be considered a service defined in Sec (1) (0) of Consumer Protection Act , 1986. Health care have become a business and doctor get motivated by money and huge profit rather than well being and safety of the patients, this destroys the public trust of one doctor because of which the entire hospital management suffers. In a effort to maximize their profit, they may resort to criminal activities knowingly that chance of well being caught is low, Public awareness of medical negligence in India is growing. Section 304 A[10] Indian penal code of 1860 states that whosoever cause the death of a person by a rash on negligent act not amounting to culpable homicide shall be punished with imprisonment for a term of two years or with a fine or with both Legal ²framework in India .

Society easily accept medical crime. The weaker section of society is most affected economically and even suffer damage. Medical related white collar crime is a serious issue in India, restorable for an estimated 250 billion in economic damage each year.

There are a number of factors to be considered regarding crime of medical field the total cost of damages and ripple effects that will reach others, how likely the victims are to recover from crime and how likely the victim are to get justice for ¹ being wronged, when considering the acceptability that society has placed on medical white collar crime, but as time is running a present people are not trusting doctor word blindly. The medical white collar criminal of the middle and upper class are free of criminality. Looking into societal reaction these medical white collar offender alike yet a reduction in the intensity of punishment is a

¹ <https://doi.org/10.20529/IJME.2007.046>

² Sociology imagination: Western undergraduate sociology student journal Vol. 5(2016), Iss. 1, Art. 5
<https://indiankanon.org/doc/182503> visited on 18-4-2018 .
Appeal No. CIC/WB/A/2009/000427

desirable policy. victim are to get justice for ¹ being wronged, when considering the acceptability that society has placed on medical white collar crime, but as time is running a present people are not trusting doctor word blindly . The medical white collar criminal of the middle and upper class are free of criminality. Looking into societal reaction these medical white collar offender alike yet a reduction in the intensity of punishment is a desirable policy.Public officials allow them to escape arrest and prosecution because of their favoured position in crime.The law enforcement officers sometimes work for them because they get money for the service rendered.Society or the general public is even not considered about their arrest and they easily get escaped by regular payment.

Public toleration of professional crime results from public ampathy toward law violation which does not affect each person directly and concretely.

SUGGESTION AND CONCLUSION

To wind up our discussion made so far, it would be well in point to recapitulate the following essential things around which this work has been spinning. As we can see public awareness of Medical Neligence in India is increasing as a result of which hospital management are facing problem and complaint regarding the facilities , diagnosis method , standard of professional competence. As per my suggestion their should be less tolerance for physician error , misconduct negligence, for the further impact and changes for providing social justice and bring change in purview of Consumer act, India . Their should be more awareness among common people ,they should claim for infection suffered by them in the hospitals. Public policy made at national level and stste levels deserves to be examined where it was carried out at the local level in one on one interactions and on a day- to-day basis.

Being the richest man in the cemetery doesn't matter to me. Going to bed at night saying we've done something wonderful, that's what matters to me.

~ Steve Jobs