

MEDLEGAL YEAR BOOK

2025



Institute of Medicine & Law
Value Driven. Evidence Based.

MedLegal Year Book

2025

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ABOUT THIS YEAR BOOK

The MedLegal Year Book 2025 is in essence, both an instruction manual and a reference book on laws relating to medical negligence for today's busy doctors. The instructions are in the form of simple 'Do's & Don'ts' that can be easily put to use in their day-to-day practice of medicine. It also updates doctors on the new laws and the changes in the existing laws relevant to them. This book aims to help Indian doctors avoid, minimize and face the growing threat of legal issues confidently.

Laws are usually laid down by the judgments of the higher courts. 'Medical Law Cases – For Doctors' (MLCD), a monthly law reporter published by us, collects and publishes doctor-relevant judgments delivered by 1 Supreme Court, 1 National Consumer Commission, 35 State Consumer Commissions, and 25 High Courts in India. Each of these judgments has lessons that can be learnt from either the mistakes of the doctors and hospitals, allegations of negligence made by the patients, and/or observations made by the courts. These lessons, and at times, even the practical experiences of the editorial board members, are published as the 'Suggested Precautions' in MLCD - the practical 'MedLegal Do's & Don'ts' for doctors and hospitals.

All the 'Suggested Precautions' reported in the previous year of MLCD (Volume 17 - 2024) are collated and reproduced under appropriate topics. These 'Suggested Precautions' are further condensed into a one-liner 'Do' or 'Don't'. In some places, several 'Suggested Precautions' on the same or similar topics are regrouped under a particular 'Do' or 'Don't'.

The Indian Medical Council (Professional Conduct, Etiquette, and Ethics) Regulations – 2002 is the statutory law regulating the professional conduct of allopaths in India. Hence, relevant extracts from these Regulations are reproduced at appropriate places to make this book complete and for easier cross-referencing.

In this edition, certain important issues have been grouped in Chapters 1, 5 & 17. This is a deviation from the regular format. The avowed purpose of this experimentation is to ensure that these issues, which are rather abnormal but important, get the importance they deserve.

The MedLegal Year Book is intended to update Indian doctors on the ever-changing laws relating to medical negligence. It is hoped that these practically useful instructions are not only read and understood but also appropriate changes as suggested are brought by doctors in their practice. This will help in avoiding and minimizing the possibility of medical errors and legal problems.

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Abbreviations

HPE:	Histopathological examination
ICCU:	Intensive Cardiac Care Unit
ICU:	Intensive Care Unit
IMCR 2002:	Indian Medical Council (Professional Conduct, Etiquette, and Ethics) Regulations, 2002
IPD:	In-Patient Department
MCI:	Medical Council of India
MTP:	Medical Termination of Pregnancy
NMC:	National Medical Commission
OPD:	Out-Patient Department
OT:	Operation Theatre

Meanings

attendants:	means and includes relatives / friends
discharge against medical advice (DAMA):	means and includes leave against medical advice (LAMA)
discharge summary:	means and includes discharge card / discharge certificate / discharge note / discharge ticket
hospitals:	means and includes nursing homes / day care clinics
interventions:	means and includes surgeries / procedures
investigations:	means and includes diagnostic procedures
medical mishap:	means and includes accidents
reference letter:	means and includes reference note / reference summary
transfer summary:	means and includes transfer card / transfer note
"You":	means the doctor / hospitals (reader)

Tips

1. “ / ” between two words or phrases is used in lieu of “and”, “or”, “and/or”.
2. ‘Advisable’ before a Do / Don’t means that the same is not legally mandatory in nature or statutorily prescribed but desirable / prudent in the opinion of the editorial board.
3. ‘Advisable’ before the second sentence / sub-point in a Do / Don’t (where there are two or more sentences / one or more sub-points) means that only the second sentence / sub-point is not legally mandatory, whereas the first one is mandatory.
4. Individual doctors must also refer to the following topics from ‘Chapter 14. Hospitals’ as they are relevant to individual medical practitioners also:
 Chapter 13.2. Hospitals — Admitting patients
 Chapter 13.3. Hospitals — Discharging patients
 Chapter 13.4. Hospitals — Discharge / Leave Against Medical Advice (DAMA / LAMA)