

## Letter to the Editor

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### Conduct of doctor: court takes a serious view

Sir,

The cases of alleged medical negligence are being reported increasingly day by day and already it has become a great problem for medical professionals. In this context the recent verdict passed by the supreme court of India in the case Dr. P.B. Desai vs. state of Maharashtra & ANR on 13-9-2013<sup>1</sup> needs special mention. The verdict states that the conduct of the doctor is paramount while discharging his duties as caregiver.

On 13<sup>th</sup> January, 1998, Maharashtra Medical Council held Dr Desai guilty of misconduct. The Bombay high court upheld the conviction on 16<sup>th</sup> October, 2012 and ordered him to pay damages of Rs. 15 lakh. The appellant (Dr. Desai) moved the supreme court of India where the court quashed the criminal liability, while upholding the negligence part, as had been adjudged by the state medical council and the Bombay high court, after a nearly 26-year-long legal battle. The patient was a case of carcinoma breast with metastasis, and was suffering from vaginal bleeding. Dr. Desai had advised exploratory laparotomy to ascertain if hysterectomy could be done to stop the bleeding. However due to severe adhesions and ascites, the abdomen was closed without any further intervention.

The doctor was sued on the following grounds:

1. He subjected the patient to exploratory laparotomy, even after the patient had been declared inoperable at a hospital in the US.
2. His subordinate conducted the operation, and when he was called for during the surgery, he just had a glance on the patient from the door of the OT, and directed his subordinate to close the abdomen.
3. The action of taking the patient to surgery resulted in the development of fistula, which led to deterioration

of the patient's health and reduced her quality of life (she remained bedridden for three months, till her discharge).

4. During postoperative period, he did not visit the patient even once.

This case highlights that professional excellence is not the only requisite of a good medical practitioner. While there is no substitute to the adequate skills that he/she must possess, there is also no substitute to the general behaviour that he must possess while dealing with the patient. "Empathy" is the key word when a medical practitioner deals with his patients. His tender touch, few compassionate words, and some moments of warmth and affection spent with the patient go a long way in healing the patient both physically and mentally.

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