

NEWS

Record damages are awarded in medical negligence case in India

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India's Supreme Court last week ordered the AMRI Hospital in Kolkata and three doctors to pay Rs 60 800 000 (£616 566; €719 918; \$990 520) plus interest in compensation to Indian-American doctor Kunal Saha for medical negligence that led to the death of his wife, Anuradha, aged 36, in 1998.

This is the highest compensation ordered by the apex court of India in a case relating to medical negligence.

A Metropolitan Magistrate of the Bankshall Court in Kolkata has also directed that the criminal trial of 17 former members of the West Bengal Medical Council will begin on 10 December. They are accused of conspiring to exonerate the doctors involved in Anuradha's treatment from all charges of medical negligence.

Saha told the *BMJ*: "I cannot say I'm pleased with the quantum of compensation after spending so much money to fight this legal battle, but this fight was never for money. The verdict has sent the right message to the medical community in India. Until now, even on the rare occasions when a court held a doctor or hospital guilty for medical negligence resulting in the death of a patient, the compensation generally awarded was a few lakh rupees with which you perhaps wouldn't be able to purchase even a second-hand car."

Tragedy struck when Anuradha came to Kolkata from the United States for a vacation in March 1998. The child psychologist consulted Sukumar Mukherjee after developing skin rashes. Mukherjee did not prescribe any medicines and asked her only to take rest. The rashes intensified in May and Mukherjee then

prescribed depomedral injections (80 mg) twice daily, a step later faulted by experts.

However, Anuradha's condition worsened and she was admitted to AMRI Hospital under Mukherjee's care. When matters worsened, Anuradha was flown to Mumbai where she was admitted to Breach Candy Hospital. She died there on 28 May.

"My wife was eventually afflicted with toxic epidermal necrolysis, a rare and life threatening skin condition usually caused by a reaction to drugs," Saha said.

After the incident, Saha filed civil and criminal cases in 1999 against AMRI Hospital, medicine specialist Mukherjee, dermatologist Baidyanath Halder, medicine specialist Abani Roy Chowdhury, who died two years ago, and cardiologist Balam Prasad, who were all involved in the treatment.

Speaking of the difficulties he faced, Saha recounted, "I've spent at least \$1.5m to wage this legal battle. These expenses include not only the hefty fees for the lawyers but also numerous trips to India. Despite making a decent income as a professor of Ohio State University (OSU) as well as working as a private consultant on HIV/AIDS, I had to file for bankruptcy and foreclose my home in 2011. My tenure was eventually rejected by OSU solely because of my frequent trips to India, where my attorneys told me my physical presence was required during the trial."

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