

with falciparum malaria. It is possible that there may be cases of splenic infarction which are missed and remain undiagnosed.

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## REFERENCES

1. Task Force on the Clinical Management of Acute Malaria. Pathophysiology of falciparum malaria. *In: The Clinical Management of Acute Malaria*, 3rd edn. Geneva, WHO Regional Publications, South-East Asia Series NO. 9, 1990; p 16.
2. Allison DJ, Standertskjold-Nordenstam CG. The liver, biliary tract, pancreas and spleen. *In: A Global Textbook of Radiology*, Vol. II, 1st edn. Ed. Holger P. Oslo, NICER Institute, 1995; p 1076.

## Consumer Protection Act and Medical Profession

I read the 'Viewpoint' on the above subject with interest(1). I wish to contest the assertions and conclusions made in the paragraph captioned "Medical cases are highly technical and judges cannot make fair decisions" (Para 2, page 323). The author, says "All over the world, even in the developed countries like USA and UK, medical negligence cases are decided by judges who have no medical expertise. Even before COPRA was enacted, cases of medical negligence were decided in civil and criminal courts where judges have no medical expertise." Very true indeed, and it should be noted that till date, no Doctor had objected to being tried by a non-medical fudge. Then, what is the difference today? The crucial difference, has been knowingly or unknowingly overlooked. The trial in the Consumer courts is not by a judge who

does not have medical expertise, but does have unquestioned legal knowledge and training, but is by a panel of 'judges', where the final decision is by majority, and consisting of a legal personnel (for example, a retired judge) and two non-medical, and what is even more important, non-legal personnel, (for example, social worker). This is what the doctors find obnoxious, and defying the principles of scientific justice, and to the best of my knowledge, such provisions do not exist anywhere else in the world-developing or developed.

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## REFERENCE

1. Bal A. Consumer Protection act and medical profession. *Indian Pediatr* 1997; 34: 319-327.