

Suing a Doctor for Negligence

Q: Prohibitions and Permissions-9: Zaid was being treated by a doctor in the hospital for a stomach ailment. The doctor made it clear that the ailment was incurable, but which could be controlled with medication. There was very little hope of a complete recovery. When the pain became unbearable during the course of treatment. Zaid was given a drug, which caused him to start suffering from diabetes, a side-effect of the drug. The doctor was not at all surprised when he was informed of the condition and he merely reiterated that this was one of the side-effects. He then gradually reduced the dosage of the drug and replaced it with another less dangerous drug. Can this doctor be held responsible for not using the second drug in the first place and for his negligence in the matter?

(2) If a court establishes that the doctor had been negligent and had Handicapped Zaid for life, they may impose a fine, which the doctor will have to pay to Zaid. Does the Shari'ah allow Zaid to use this money? it is usually doctors' insurance companies that pay this fine.

Answer: The doctor will be liable for a fine only if he prescribed the drug knowing the harms it was likely to cause. If this is established and a fine is levied, Zaid may use the money for himself. However, if he has any doubts about the money, he may give it to the poor.

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