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**REFORMING THE LAW ON MEDICAL NEGLIGENCE IN  
SRI LANKA: A COMPARATIVE ANALYSIS**

By

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## ABSTRACT

This study is based on the concept of Medical Negligence in Sri Lanka. The concept of medical negligence or medical malpractice is fallen under the delict law in Sri Lanka. Medical negligence means the negligent wrongful acts, which cause a loss or damage to a patient in the exercise of the duties of the persons involved in medical treatments<sup>1</sup>. This study aims to discuss on this concept in Sri Lanka while comparing it with foreign jurisdictions. This study focuses on Sweden and United Kingdom jurisdictions since both countries have effective and strong legal system over Medical Negligence claims. The objective of this study is to find out loopholes in Sri Lankan jurisdiction over the scope of medical negligence and to suggest the proposals which should be taken to establish a better legal background. Researcher followed the qualitative approach of data gathering via legislations, case laws and available literatures as the methodology. Discussion and critical Analysis of the study shows that there are developed and effective systems in UK and Sweden to govern the medical negligence claims, and available sources of Sri Lankan legal system are not adequate to prevent occurrences of those incidents from happening. The study proposes effective recommendations inclusive of inter alia, adopting a comprehensive legislation and introducing an insurance scheme as remedies for this burning issue. Thereby the final outcome of this research provides the essential legal reforms which should be done in Sri Lankan jurisdiction to control the growth of damages happened due to medical malpractice.

Key words: Medical Negligence, Sri Lankan Jurisdiction, UK Jurisdiction, Sweden Jurisdiction

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<sup>1</sup> M S Pandith, 'Medical Negligence: Coverage of the profession, duties, ethics, case law and enlightened defense – A Legal Perspective' (2009) UROLOGY  
<<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2779963/>> accessed 1 June 2020