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*Research Article*

## Right To Consumer: A Socio-Legal Study with Reference to Medical Negligence

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### Abstract

Consumer protection has emerged as one of the most important aspects of modern legal systems, especially in sectors directly related to human life and dignity, such as healthcare. With the increasing commercialisation and privatisation of medical services, incidents of medical negligence have significantly increased, raising concerns regarding accountability, ethics, and patient rights. The recognition of patients as consumers under the Consumer Protection Act, 2019, has transformed the legal relationship between doctors and patients by enabling victims of negligent treatment to seek compensation and legal remedies. This study examines the socio-legal dimensions of consumer rights with special reference to medical negligence in India. It analyses the legal framework governing medical services, the role of consumer forums, constitutional protections, judicial interpretations, and ethical responsibilities of medical professionals. The article further highlights the social impact of negligence on patients and society, challenges faced in proving medical negligence, and the need for stronger regulation and awareness. The study concludes that a balanced approach ensuring both patient protection and professional independence of doctors is necessary for maintaining justice, trust, and accountability in the healthcare sector.

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## 1. INTRODUCTION

Consumer rights form an essential component of a welfare state because consumers are often vulnerable to exploitation, unfair trade practices, and deficient services. In India, consumer protection gained statutory recognition through the enactment of the Consumer Protection Act, 1986, which was later replaced by the Consumer Protection Act, 2019, to meet contemporary challenges and strengthen consumer welfare. The healthcare sector occupies a unique position in consumer jurisprudence because it directly concerns human life, health, and dignity. Traditionally, the medical profession was regarded as a noble profession based on ethics, trust, and compassion. However, rapid commercialisation and privatisation of healthcare services have transformed medical treatment into a profit-oriented industry, leading to incidents of overcharging, unethical practices, and medical negligence.

Medical negligence refers to the failure of a doctor, hospital, or healthcare professional to exercise reasonable care and skill while treating a patient, resulting in injury, disability, mental agony, or death. The recognition of patients as consumers through judicial interpretation has empowered individuals to seek compensation for negligent treatment. The landmark decision in *Indian Medical Association v. V.P. Shantha* brought medical services within the ambit of consumer protection law and revolutionised Indian medical jurisprudence. Medical negligence is not merely a legal issue but also a social issue involving ethics, healthcare accessibility, public trust, and constitutional rights. Therefore, a socio-legal analysis is necessary to understand the relationship between law, society, and healthcare administration.

## 2. LITERATURE REVIEW

Several scholars, jurists, and legal researchers have examined the issue of consumer rights and medical negligence from different perspectives. Dr J.N. Pandey, in his writings on consumer protection law, emphasised the importance of legal remedies for consumers against deficient services and unfair practices. R.K. Bangia discussed the principles of negligence under tort law and highlighted the duty of care expected from professionals, including doctors. Legal scholars such as Avtar Singh have analysed the scope of consumer protection laws and the changing nature of consumer jurisprudence in India.

Research studies on medical negligence reveal that increasing commercialisation of healthcare has weakened traditional medical ethics and increased patient exploitation. Many researchers have pointed out that lack of awareness, illiteracy, poverty, and unequal healthcare infrastructure prevent patients from effectively asserting their rights. Several studies have also emphasised the role of judicial activism in strengthening patient rights through landmark judgments. Articles published in legal journals have highlighted the importance of informed consent, confidentiality, and accountability in healthcare services. Existing literature also discusses the tension between protecting patient rights and safeguarding doctors from false and frivolous litigation.

Despite extensive literature on consumer protection and medical negligence, there remains a need for an integrated

socio-legal study that examines the interaction between law, ethics, constitutional rights, and social realities in the healthcare sector.

## 3. OBJECTIVES OF THE STUDY

The major objectives of the study are:

1. To examine the concept and importance of consumer rights in the healthcare sector.
2. To analyse the legal framework governing medical negligence in India.
3. To study the socio-legal dimensions of medical negligence and its impact on society.
4. To evaluate the role of consumer forums and the judiciary in protecting patient rights.
5. To identify the challenges faced by victims in proving medical negligence.
6. To suggest measures for strengthening consumer protection and accountability in healthcare services.

## RESEARCH GAP

Although several studies have been conducted on consumer protection and medical negligence separately, there is limited research focusing on the combined socio-legal analysis of consumer rights in relation to medical negligence. Most studies primarily examine legal principles and judicial decisions without adequately addressing the social realities faced by patients, especially poor and rural populations. Existing literature also lacks a detailed discussion on the impact of the commercialisation of healthcare services on medical ethics and patient trust. Furthermore, limited attention has been given to balancing patient rights with the professional independence and protection of honest doctors. Therefore, this study attempts to bridge the gap by providing a comprehensive socio-legal analysis of consumer rights with special reference to medical negligence in India.

## 4. RESEARCH METHODOLOGY

The present study is doctrinal and analytical in nature. The research is primarily based on secondary sources of data such as books, journals, research articles, law reports, government publications, statutes, and judicial decisions. Relevant provisions of consumer protection laws, constitutional principles, and medical ethics have been analysed to understand the legal framework governing medical negligence. Landmark judgments delivered by the Supreme Court and various consumer forums have also been examined to evaluate judicial interpretation and the development of patient rights in India. The study adopts a socio-legal approach by analysing not only legal principles but also the social, ethical, and economic dimensions of medical negligence.

### Legal Framework Relating to Medical Negligence

The legal framework governing medical negligence in India is based upon consumer protection laws, constitutional provisions, tort law principles, and professional ethics. The Consumer Protection Act, 2019, provides legal remedies to patients against deficient medical services and enables them to seek

compensation before consumer forums. The Act recognises healthcare services rendered for consideration as “services” under consumer law. The Constitution of India under Article 21 guarantees the Right to Life and Personal Liberty, which has been interpreted by the judiciary to include the right to health and medical care.

Medical negligence is also governed by principles of tort law, where negligence is established through duty of care, breach of duty, and resulting damage. Criminal liability may arise in cases of gross negligence under criminal law provisions. Regulatory bodies such as the National Medical Commission supervise professional conduct and ethical standards of medical practitioners. Ethical obligations such as informed consent, confidentiality, and patient welfare form an important part of the legal framework relating to medical negligence.

### Judicial Review and Landmark Cases

The judiciary has played a vital role in protecting consumer rights in healthcare and developing principles relating to medical negligence. In *Indian Medical Association v. V.P. Shantha*, the Supreme Court held that medical services rendered for consideration fall within the scope of consumer law and that patients are consumers entitled to legal remedies. This judgment transformed the legal relationship between doctors and patients by introducing accountability in medical services. In *Jacob Mathew v. State of Punjab*, the Supreme Court distinguished between civil negligence and criminal negligence in medical practice and held that criminal liability arises only when negligence is gross and reckless. The Court sought to protect honest medical practitioners from unnecessary criminal prosecution while maintaining accountability for serious negligence. In *Samira Kohli v. Dr. Prabha Manchanda*, the Supreme Court emphasised the doctrine of informed consent and held that patients must be informed about risks, procedures, and alternatives before surgery. Similarly, in *Kusum Sharma v. Batra Hospital*, the Court laid down guidelines regarding the determination of medical negligence and cautioned against unnecessary harassment of doctors.

These judicial decisions have significantly strengthened patient rights while also balancing the professional autonomy of doctors.

### 5. CONCLUSION

Consumer rights in the healthcare sector represent an important aspect of social justice, constitutional governance, and human dignity. The recognition of patients as consumers under consumer protection laws has empowered individuals to seek accountability and compensation against negligent medical treatment. Medical negligence is not merely a legal wrong but also a serious social issue involving ethics, inequality, commercialisation of healthcare, and public trust in medical institutions. Judicial activism and consumer protection laws have played a significant role in strengthening patient rights and ensuring accountability in healthcare services. However, several challenges, such as a lack of awareness, the technical complexity of medical science, expensive litigation, delays in justice, and unequal healthcare infrastructure, continue to affect

victims seeking remedies. At the same time, honest medical practitioners must also be protected from false and frivolous complaints because medicine is not an exact science. Therefore, a balanced approach is necessary to ensure both patient protection and professional independence. Strengthening medical ethics, improving public healthcare infrastructure, enhancing consumer awareness, maintaining transparency in hospital administration, and enforcing strict professional standards are essential for reducing medical negligence and ensuring effective consumer protection. Ultimately, healthcare should remain a humanitarian service aimed at protecting human life and dignity rather than becoming merely a commercial enterprise.

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