

Patient Rights and Medical Negligence Under the Consumer Protection Act, 2019: A Legal Review

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Abstract: The protection of patient's rights has become a prominent feature of the modern healthcare systems particularly in the setting of increasing incidences of medical malpractice and increased consumer awareness. Recognition of patients as consumers of healthcare services under the Consumer Protection Act, 2019, and providing them adequate mechanisms to seek redressal for flaws in medical treatment have substantially improved the legal environment. This review article critically examines the relationship between patient rights and medical negligence under the Consumer Protection Act, 2019 with special focus on legal protection given to patients and liabilities of health care providers. The study applies qualitative doctrinal research approach by using secondary sources of the legislation provisions, court declaration, research articles, government publications and legal opinion. The assessment deals with the human rights of patients such as the right to informed consent, the right to access medical information, the right to confidentiality, the right to emergency medical assistance and the right to excellent health-care services. The study also examines the legal rules concerning medical negligence, the role of consumer commissions in handling healthcare grievances and the significance of landmark judicial judgments in the formation of patient protection laws in India. The findings reveal that although the Consumer Protection Act, 2019 has improved access to justice for consumers through digital complaint mechanisms, mediation and improved compensation provisions, there are several challenges such as delayed adjudication, lack of legal awareness and inadequate documentation.

Keywords: Patient Rights, Medical Negligence, Consumer Protection Act, 2019, Healthcare Services, Consumer Rights, Medical Liability, Informed Consent, Deficiency in Service, Patient Safety, Consumer Disputes Redressal Commission, Healthcare Law, India.

INTRODUCTION

The preservation of patient rights has become an important feature of healthcare governance in India, especially in the context of increased awareness of legal rights, increasing healthcare costs and the increasing number of complaints due to medical malpractice. Technological breakthroughs, privatization and the proliferation of specialised medical services have brought about tremendous transformation in the health industry in recent decades. These advancements have expanded access to quality healthcare but have also made the patient-healthcare provider interaction more complicated. There is a growing legal and policy concern about the need to

ensure accountability, openness and quality medical care. The Consumer Protection Act, 2019 has evolved as a substantial legislative framework empowering patients to pursue legal remedies against healthcare providers for lack in medical services and negligence. In the healthcare sector patient rights are considered to be basic human rights. These rights include the right to safe and quality medical care, the right to informed consent, the right to confidentiality, the right to access to medical records, the right to emergency medical care, the right to information on diagnosis and treatment, and the right to seek compensation in cases of negligence. These rights are designed to protect the dignity, autonomy and welfare of patients and to promote ethical practice in medicine. The acknowledgement of these rights has enhanced the legal status of patients and has compelled health care providers to take on higher levels of professional care and responsibility.

Medical Negligence Medical negligence happens when a doctor, hospital or other health care provider fails to use the degree of reasonable care and skill which would be anticipated of a competent medical professional and this results in injury or loss to the patient. But not all ineffective treatments or unfavorable medical outcomes are negligence. It is a well-known principle in the jurisprudence of the courts that negligence is proved only when there is a breach of acceptable level of medical care and there is a direct nexus between breach and injury suffered by the patient (*Jacob Mathew v. State of Punjab*, 2005). (2) The judgment of medical negligence thus involves the careful assessment of medical data, professional standards and judicial principles. The recognition of medical services within consumer protection law was a watershed in the protection of patient's rights in India. In *Indian Medical Association v. V. P. Shantha* (1995), the Supreme Court passed a landmark judgement that medical services provided for consideration would be deemed to be "services" under consumer protection legislation, thereby enabling patients to seek redressal from consumer forums in case of deficiency in service. This verdict vastly improved access to justice by giving patients a cheap and relatively quick legal redress against irresponsible healthcare providers.

The Consumer Protection Act, 2019 was enacted to replace the Consumer Protection Act, 1986 with a view to enhance the rights of the customer and modernize the dispute resolution system. The Act introduced a number of key reforms including; electronic filing of complaints, mediation as an alternate dispute resolution mechanism, revised pecuniary jurisdiction of consumer commissions, product liability provisions and the creation of Central Consumer Protection Authority (CCPA). These amendments have improved the efficiency of consumer

dispute resolution and increased customer confidence in the judicial system (Consumer Protection Act, 2019).

However, even with these legislative gains, the health care industry still has many hurdles to address. The increasing incidence of medico-legal conflicts, absence of expert medical evidence, delays in the adjudication process, poor documentation of medical records and lack of knowledge among the patients regarding their legal rights are still major concerns. Medical experts have also raised concern about frivolous lawsuits and the increasing practice of defensive medicine, in which treatment decisions are made to protect against legal liability rather than on medical judgment. Hence, the legal system has to find a delicate balance between the protection of patient rights and the professional independence of medical practitioners.

The limits of patient's rights and professional responsibility have been defined, partly, by court decisions. In *Samira Kohli v. Dr. Prabha Manchanda* (2008), the Supreme Court highlighted the significance of gaining informed permission before any medical procedure, thereby acknowledging patient autonomy as a basic legal concept. Similarly, in *Kusum Sharma v. Batra Hospital & Medical Research Centre* (2010), the Court reaffirmed that medical professionals have to be assessed by the standards accepted by a reputable body of medical professionals and cautioned against the imposition of liability without adequate evidence of negligence. These verdicts have been very important in balancing the need for consumer protection with expert medical judgment.

Thus, the Consumer Protection Act, 2019 has become a vital tool for the promotion of the well-being of the patient, improvement of accountability of healthcare and to provide for more transparency in medical services. But for successful implementation there must be not only a strong legal framework but also good medical practice, institutional responsibility, accurate documentation, patient knowledge and ongoing judicial monitoring. In this context, the present review study critically discusses the issue of patient rights and medical negligence under the Consumer Protection Act, 2019. It examines the legal protections that are available to consumers, the duties of health care professionals, the function of consumer dispute redressal commissions, and the difficulties in enforcing patient rights in India. The report also discusses current legislation developments and suggests solutions to enhance consumer protection while retaining the quality, integrity and ethical standards of the medical profession.

OBJECTIVES

1. To examine the legal framework protecting patient rights under the Consumer Protection Act, 2019.
2. To analyze the role of the Consumer Protection Act, 2019 in addressing medical negligence and ensuring accountability of healthcare providers.

RESEARCH METHODOLOGY

Study Design

Specifically, a qualitative doctrinal review research approach is utilized for this particular study. In accordance with the Consumer Protection Act of 2019, it conducts an in-depth analysis of the legal provisions, judicial decisions, and scholarly literature that pertain to patient rights and medical negligence. The purpose of this study is to assess the efficiency of the existing legal framework in terms of protecting the rights of patients and encouraging accountability among those who provide medical care.

Data Collection

For the purpose of this study, secondary data were gathered from a variety of sources, including the Consumer Protection Act of 2019, landmark judgments handed down by the Supreme Court of India and the National Consumer Disputes Redressal Commission (NCDRC), government reports, peer-reviewed journal articles, books, legal commentaries, policy documents, and other credible academic sources that are associated with patient rights and medical negligence.

Data Analysis

The conceptual, descriptive, and comparative analytical methodologies were utilized in order to conduct the analysis on the data that was gathered. In order to identify emerging trends, legal challenges, and the effectiveness of the Consumer Protection Act, 2019, in protecting patient rights and ensuring accountability in healthcare services, relevant legal provisions, judicial precedents, and published literature were systematically reviewed and interpreted. This was done in order to identify emerging trends.

RESULT

Table 1: Distribution of Reviewed Literature by Research Focus

Research Focus	Number of Studies Reviewed	Percentage (%)
Patient Rights	10	33.3
Medical Negligence	8	26.7
Consumer Protection Act, 2019	6	20.0
Judicial Decisions	4	13.3
Healthcare Ethics	2	6.7
Total	30	100

Distribution of Reviewed Literature

Illustrative categorization of 30 reviewed sources by research focus.

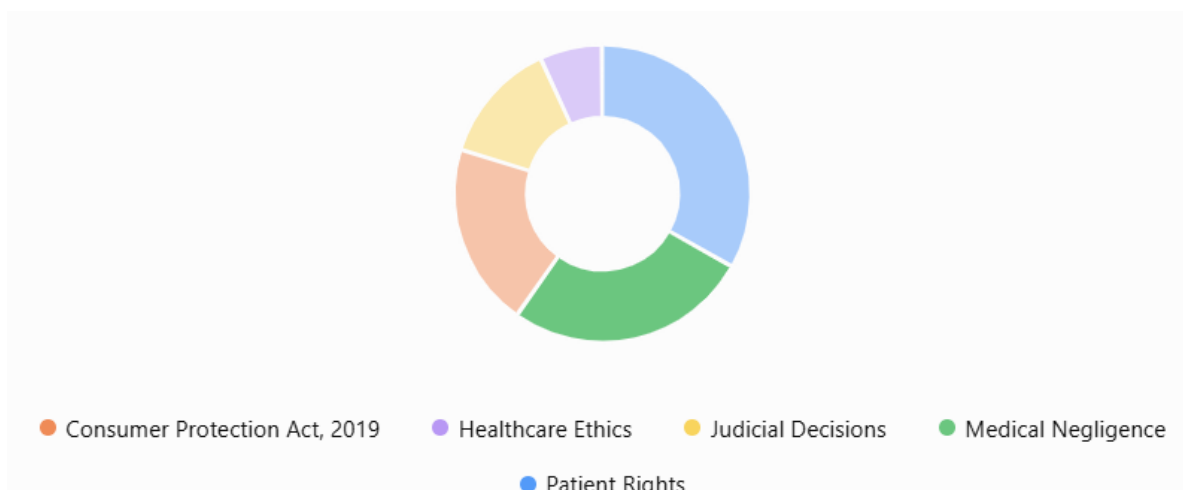


Figure 1: Distribution of Reviewed Literature

From the literature surveyed, it is observed that patient rights is the most discussed issue. About one third of the selected papers are on patient rights. The second biggest category is medical

negligence and this shows the growing concern about professional accountability in health care. Studies explicitly focused on the Consumer Protection Act, 2019 demonstrate the growing importance of this law in the resolution of healthcare disputes. There are relatively few research on healthcare ethics, which suggests that this issue needs more academic study. Overall, the research shows an increasing integration of legal and ethical approaches in the protection of patients.

Table 2: Common Patient Rights Discussed in the Literature

Patient Right	Frequency
Right to Informed Consent	12
Right to Information	10
Right to Confidentiality	8
Right to Emergency Treatment	7
Right to Medical Records	6
Right to Safe Healthcare	9

Most Frequently Discussed Patient Rights

Frequency of patient rights identified across the reviewed literature.

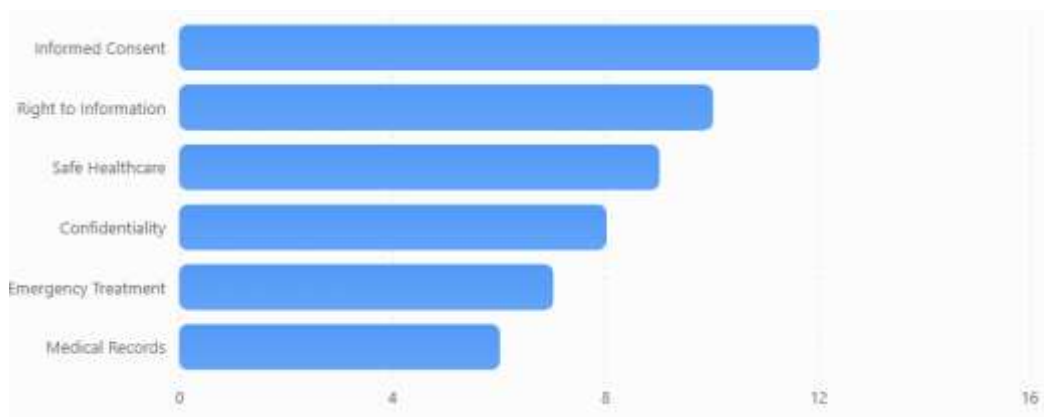


Figure 2: Patient Rights Covered in the Literature

The review indicates that the most commonly mentioned patient right is the right to informed consent, highlighting the fundamental relevance of this right in supporting patient autonomy and in the ethical practice of medicine. There are also many studies that emphasize the right to information and the right to safe health treatment. Patient rights to privacy, emergency care, and access to medical information are given limited emphasis, but are nonetheless important aspects of patient protection. Taken together, these data imply that protecting patient rights is not only about medical care but also about transparency, communication and respect for the dignity of the patient.

Table 3: Major Challenges Identified in the Literature

Challenge	Percentage (%)
Delay in Dispute Resolution	30
Lack of Patient Awareness	25
Difficulty in Proving Negligence	20
Poor Medical Documentation	15
Fear of Defensive Medicine	10

Major Challenges Identified in the Literature

Illustrative distribution of key challenges affecting patient rights and medical negligence disputes.



Figure 3: Challenges in Protecting Patient Rights

As noted in the research, the most serious danger to the effectiveness of legal remedies for patients is delay in the resolution of consumer disputes. One additional major concern is the lack of public awareness of legal rights that inhibits access to justice. Many studies also point out that the proof of medical negligence rests primarily on expert evidence, which makes the litigation complicated and lengthy. Poor medical recordkeeping and rising use of defensive medication make it increasingly difficult to reconcile preservation of patient rights and assistance to healthcare providers. The findings emphasize the need for process reforms, increased documentation standards and legal awareness.

DISCUSSION

The Consumer Protection Act, 2019, has made patient rights protection an essential feature of the Indian healthcare system, according to this review. The examined literature shows that patients are more aware of their legal rights and more likely to sue healthcare providers for medical service faults. The right to informed consent, complete medical information, and safe and quality healthcare were the most frequently discussed patient rights, reflecting their importance in ethical and patient-centered medical practice. The study also shows that the Consumer Protection Act, 2019 has reinforced consumer protection by introducing e-filing complaints, mediation, amended consumer commission pecuniary jurisdiction, and improved consumer dispute redressal processes. Legal remedies are more available and hospitals and doctors are more accountable because to these developments. However, the report also finds significant ongoing obstacles to patient rights enforcement. Delays in consumer disputes,

limited awareness among rural and economically disadvantaged patients, lack of good medical recordkeeping, and the difficulty of proving medical negligence through expert evidence are key impediments to prompt justice. Defensive medicine, where doctors order unnecessary diagnostic tests or avoid complex procedures to reduce litigation risks, has increased treatment costs and may compromise patient care. The review also stresses that consumer protection should be seen as a legal framework that promotes transparency, ethics, professional accountability, and healthcare service improvement, not just as a way to hold doctors accountable. Healthcare facilities, regulatory agencies, legal professionals, and lawmakers must collaborate to defend patient rights. Reducing patient-provider conflicts requires strengthening hospital grievance redressal systems, improving medico-legal education for healthcare professionals, raising patient rights awareness, encouraging medical record maintenance, and using evidence-based dispute resolution. The study found that the Consumer Protection Act, 2019 has advanced patient rights and strengthened consumer justice in healthcare, but its long-term success depends on consistent implementation, balanced judicial interpretation, institutional accountability, and sustained legal and policy reforms that protect patient welfare and medical professionalism.

CONCLUSION

In this review, the Consumer Protection Act, 2019 has significantly strengthened patient legal protection by recognizing their rights as healthcare consumers and providing an effective mechanism for redressing grievances arising from medical negligence and service deficiencies. Electronic complaint filing, mediation, updated consumer commission pecuniary authority, and improved consumer rights have increased healthcare transparency, accountability, and accessibility under the Act. The review shows that patient rights—including informed consent, access to medical records, confidentiality, quality healthcare, emergency treatment, and diagnosis and treatment information—are central to modern healthcare governance and ethical medical practice. The study also notes that healthcare institutions and medical professionals must adhere to accepted standards of care, proper documentation, effective communication, and ethical conduct to implement these rights. The Consumer Protection Act, 2019, is progressive, but delays in dispute resolution, difficulties in establishing medical negligence through expert evidence, inconsistent application of legal principles, inadequate patient awareness, and concerns about defensive medical practice continue to hinder its effectiveness. The government, judiciary, medical councils, hospitals, and educational institutions must work

together to improve regulatory oversight, medico-legal education, alternative dispute resolution, and patient rights and responsibilities. To prevent disagreements and boost patient confidence, hospitals should have strong internal grievance redressal systems, standardize treatment methods, and maintain correct medical records. To reduce negligence and sustain public faith in medicine, continuous professional training, ethical decision-making, and evidence-based clinical practice are essential. The Consumer Protection Act, 2019 is a major step toward patient rights and healthcare accountability. Its effective implementation, supported by balanced judicial interpretation and institutional reforms, can create a fair, transparent, patient-centric healthcare system that provides quality medical care while protecting healthcare professionals' legitimate interests.

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