



# The Indian Journal for Research in Law and Management

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Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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## LEGAL, SOCIAL AND LIABILITY ISSUES IN FREE HEALTHCARE CAMPS IN INDIA: A STUDY OF DOCTORS, HOSPITALS AND PATIENT PROTECTION

~ Anoushka Narayana Phanswal

### Abstract

Free healthcare camps organized by hospitals, non-governmental organizations and charitable institutions form an important part of community outreach in India. These camps provide consultations, basic investigations and preventive care to economically weaker and underserved populations. However, the absence of direct payment for medical services often creates uncertainty regarding the legal responsibilities of doctors, hospitals and diagnostic laboratories, as well as the remedies available to patients in cases of negligence or error. This paper examines the legal position relating to medical negligence in free healthcare camps, with specific reference to treatment provided completely free of cost and services offered against a nominal registration fee. It analyses the concept of vicarious liability, responsibility for incorrect diagnostic reports and recent judicial trends in India. Written from the perspective of a school student, the paper argues that free medical treatment does not reduce the standard of care owed to patients and highlights the need for legal and administrative safeguards to protect patient rights while supporting community health initiatives.

Keywords: free healthcare camps, medical negligence, vicarious liability, diagnostic errors, patient rights, India

### 1. Introduction

Free healthcare camps are widely used in India as a means of extending medical services to populations that may otherwise have limited access to healthcare. Hospitals often organize such

camps as part of community outreach or corporate social responsibility programmes, while charitable organizations conduct them with the support of volunteer doctors and diagnostic services. These camps usually provide free consultations, screening tests and medical advice, and in some cases charge a nominal registration fee or cost for investigations.

While the social value of free healthcare camps is significant, questions frequently arise regarding legal liability when something goes wrong. There is a common belief that because treatment is provided free of cost, doctors and hospitals are not legally responsible for adverse outcomes. This paper examines whether this belief is supported by law and explores how Indian courts have approached issues of negligence, liability and patient protection in the context of free medical camps.

## **2. Medical Negligence and Standard of Care**

Medical negligence in India is assessed using principles of tort law and consumer protection law, and in rare cases, criminal law. A doctor is expected to exercise reasonable care, skill and judgment consistent with accepted medical practice. The law does not require doctors to guarantee a cure, but it does require them to act in a manner that a reasonably competent medical professional would adopt in similar circumstances.

Importantly, the standard of care does not depend on whether the service is paid or unpaid. Once a doctor undertakes to examine or treat a patient, a duty of care is established. This principle applies equally to private hospitals, government institutions and free healthcare camps. Therefore, the absence of fees does not dilute professional responsibility or legal accountability.

## **3. Free Treatment and Nominal Fees: Legal Implications**

In healthcare camps where treatment is provided entirely free of cost, the legal duty of care remains unchanged. Indian courts have consistently held that professional negligence is determined by the quality of care and not by the amount charged. In camps where a nominal registration fee is collected or charges are levied for diagnostic tests, the interaction may fall within the scope of consumer protection law, enabling patients to seek remedies before consumer forums.

The Supreme Court in *Indian Medical Association v. V.P. Shantha* clarified that where medical services are not rendered entirely free to all patients, consumer protection remedies remain

applicable. This principle is particularly relevant to healthcare camps that charge for tests or registration, even if consultations are free.

#### **4. Responsibility of Doctors and Hospitals**

Doctors conducting examinations or advising patients in healthcare camps are personally responsible for adhering to accepted medical standards. If harm results from negligent diagnosis, incorrect medication or failure to refer a patient for further treatment, the doctor may be held liable.

Hospitals and organizing institutions may also be held responsible under the doctrine of vicarious liability. Courts have recognised that patients often rely on the reputation and infrastructure of the hospital rather than on individual doctors. In *Kamineni Hospitals v. Harshita* (2025), the Supreme Court held a hospital vicariously liable for negligence committed by a doctor associated with it, emphasizing that institutional responsibility cannot be avoided by describing doctors as independent consultants. This reasoning applies to free healthcare camps organized under a hospital's name or supervision.

#### **5. Liability for Incorrect Diagnostic Reports**

Diagnostic tests form a crucial part of many healthcare camps, and errors in test reports can have serious consequences. Liability for incorrect diagnostic reports depends on the source of the error. Where the mistake arises due to negligence in sample collection, analysis or reporting by a diagnostic laboratory, the laboratory may be held directly liable.

Consumer courts in India have, in several cases, held pathology laboratories liable for issuing incorrect reports that resulted in wrong treatment or mental agony to patients. Even when tests are conducted as part of a free healthcare camp, laboratories owe an independent duty of care to patients. If an external laboratory is engaged by the camp organizer or hospital, both the laboratory and the organizing institution may be held responsible depending on the level of control and disclosure to patients.

#### **6. Vicarious Liability and Institutional Responsibility**

Vicarious liability refers to the legal responsibility of an institution for the acts of its employees or agents performed in the course of their duties. In healthcare, this doctrine has been increasingly applied to hospitals and institutions that organize medical services. Courts have

recognised that modern healthcare delivery is institution-based, and patients reasonably expect hospitals to ensure quality and safety.

Recent judicial trends indicate a stronger emphasis on institutional accountability. Hospitals organizing free healthcare camps are expected to ensure that qualified doctors are engaged, diagnostic services are reliable and appropriate safeguards are in place. Failure to do so may expose the institution to liability even if individual doctors acted independently.

### **7. Criminal Liability in Free Healthcare Camps**

Criminal liability for medical negligence is limited to cases involving gross negligence or recklessness. In *Jacob Mathew v. State of Punjab*, the Supreme Court held that criminal prosecution of doctors should be initiated only after obtaining expert medical opinion and only in cases of serious negligence. This protection applies equally to doctors participating in free healthcare camps. Ordinary errors of judgment or unsuccessful treatment outcomes do not attract criminal liability.

### **8. Social Dimensions and Patient Vulnerability**

Free healthcare camps generally cater to economically weaker sections of society, many of whom have limited health literacy. Patients may not fully understand the nature of tests or treatment offered, which increases the responsibility of doctors and organizers to ensure informed consent and clear communication. Language barriers, fear of costs and lack of follow-up options further add to patient vulnerability.

From a social perspective, ensuring dignity, transparency and fairness in free healthcare camps is essential. Legal accountability plays an important role in preventing exploitation and maintaining public trust in such initiatives.

### **9. Conclusion**

Free healthcare camps play a vital role in expanding access to medical services in India. However, the law clearly establishes that free or subsidized treatment does not reduce the duty of care owed to patients. Doctors, hospitals and diagnostic laboratories may all be held liable for negligence depending on their role and level of responsibility. Recent judicial decisions on vicarious liability and diagnostic errors highlight the need for stronger institutional safeguards. A balanced approach that supports community outreach while ensuring patient protection is necessary for the sustainable functioning of free healthcare camps.

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