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MEDICAL NEGLIGENCE AND LEGAL REMEDIES IN INDIA

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Introduction

The medical profession is regarded as one of the noblest professions because doctors are entrusted with the responsibility of protecting human life and health. Patients place immense trust in medical practitioners and expect them to provide proper treatment with reasonable care and skill. However, there are situations where a doctor, hospital, or healthcare institution fails to meet the required standard of care, resulting in injury, suffering, or even death of a patient. Such situations may amount to medical negligence.

With the growth of healthcare services in India, cases relating to medical negligence have also increased. While not every unsuccessful treatment amounts to negligence, medical professionals can be held legally responsible when harm occurs due to careless conduct, lack of skill, or failure to follow accepted medical standards. Therefore, legal remedies play an important role in protecting the rights of patients and ensuring accountability within the healthcare system.

Meaning of Medical Negligence

Medical negligence refers to a breach of duty by a medical professional that causes injury or damage to a patient. A doctor is expected to exercise reasonable care, competence, and skill while providing treatment. When a medical practitioner fails to act according to accepted professional standards and such failure causes harm, negligence may arise.

For a successful claim of medical negligence, three essential elements must generally be established. First, the doctor or hospital must owe a duty of care to the patient. Second, there must be a breach of that duty through negligent conduct. Third, the breach must directly result in injury or damage to the patient.

Medical negligence may occur due to incorrect diagnosis, surgical errors, administration of wrong medication, delay in treatment, failure to obtain informed consent, or inadequate post-

operative care.

Legal Framework Governing Medical Negligence

India does not have a separate legislation exclusively dealing with medical negligence. Instead, the issue is governed through various legal principles and statutory provisions.

Medical negligence may give rise to civil liability under the law of torts. A patient who suffers harm due to negligent treatment may seek compensation for physical injury, mental suffering, medical expenses, and financial losses.

The Consumer Protection Act, 2019 also provides an important remedy. Medical services have been recognised as services under consumer protection law. Consequently, patients can approach consumer commissions for compensation where deficiency in medical service is established.

In certain circumstances, medical negligence may also attract criminal liability. If a doctor's grossly negligent conduct causes death, criminal proceedings may be initiated under the Bharatiya Nyaya Sanhita, 2023. However, courts generally distinguish between ordinary negligence and gross negligence before imposing criminal liability.

Professional disciplinary action may also be taken by medical regulatory authorities against doctors who violate ethical standards and professional duties.

Landmark Judicial Decisions

The Supreme Court of India has delivered several important judgments relating to medical negligence. One of the most significant decisions is *Indian Medical Association v. V.P. Shantha*, where the Court held that medical services fall within the scope of consumer protection legislation. This judgment strengthened the rights of patients by providing an accessible mechanism for seeking compensation.

Another important case is *Jacob Mathew v. State of Punjab*. In this case, the Supreme Court clarified that criminal liability should not be imposed merely because a treatment was unsuccessful. Criminal prosecution requires proof of gross negligence that goes beyond an ordinary error of judgment.

These judgments have helped establish a balance between patient rights and the protection of medical professionals from unnecessary litigation.

Rights of Patients and Available Remedies

Patients have the right to receive proper medical care, information regarding treatment, and

informed consent before major medical procedures. They also have the right to maintain the confidentiality of their medical records and receive treatment with dignity and respect.

When negligence occurs, patients may seek various legal remedies. They may file complaints before consumer commissions under the Consumer Protection Act, initiate civil suits for compensation, or pursue criminal proceedings in appropriate cases. Complaints may also be submitted to medical councils or regulatory authorities for disciplinary action against the concerned medical practitioner.

The availability of multiple remedies ensures that victims of medical negligence have access to justice and compensation.

Challenges in Medical Negligence Cases

Despite the availability of legal remedies, proving medical negligence often remains difficult. Medical science is highly technical, and courts usually rely upon expert medical evidence to determine whether accepted standards of care were violated.

Patients may also face challenges in obtaining medical records, securing expert opinions, and bearing litigation costs. In some cases, lengthy legal proceedings discourage victims from pursuing claims.

At the same time, doctors frequently argue that excessive litigation may lead to defensive medicine, where practitioners prescribe unnecessary tests and procedures merely to avoid legal liability. Therefore, a careful balance must be maintained between protecting patient rights and ensuring that medical professionals can perform their duties without unreasonable fear.

Conclusion

Medical negligence is a serious issue that directly affects the health, safety, and rights of patients. While medical professionals perform an essential role in society, they are also expected to exercise reasonable care, competence, and diligence in the treatment of patients. When such standards are not maintained and harm results, the law provides remedies through consumer protection mechanisms, civil liability, criminal law, and professional disciplinary proceedings.

The Indian legal system has gradually strengthened patient protection through legislation and judicial decisions. However, greater awareness, efficient dispute resolution, and improved healthcare standards are necessary to reduce incidents of negligence and enhance public confidence in the medical profession. A balanced approach that protects both patients and medical practitioners is essential for an effective and trustworthy healthcare system.

Footnotes

- 2 Indian Medical Association v. V.P. Shantha, (1995) 6 SCC 651.
- 3 Jacob Mathew v. State of Punjab, (2005) 6 SCC 1.
- 4 Consumer Protection Act, 2019, No. 35, Acts of Parliament, 2019 (India).
- 5 Bharatiya Nyaya Sanhita, 2023, No. 45, Acts of Parliament, 2023 (India).
- 6 Dr. Laxman Balkrishna Joshi v. Dr. Trimbak Bapu Godbole, AIR 1969 SC 128.
- 7 Samira Kohli v. Dr. Prabha Manchanda, (2008) 2 SCC 1.
- 8 Code of Medical Ethics Regulations, Medical Council of India, 2002.