



Medical Ethics and Consumer Rights in India

For Prelims: Principles of Medical Ethics, [NCDRC](#), [Central Consumer Protection Authority \(CCPA\)](#)

For Mains: Ethical implications of medical negligence, Determinants and Consequences of Ethics in Human Action

[Source: IE](#)

Why in News?

Recently, the [National Consumer Disputes Redressal Commission \(NCDRC\)](#) has fined **Johnson & Johnson** Rs 35 lakh for supplying **defective medical devices**, following a case filed by a consumer who suffered complications from a **faulty hip replacement**.

- This highlights the critical need for strict adherence to medical ethics and protocols.

Note:

- Hip replacement surgery (hip **arthroplasty**) aims to relieve pain, improve hip joint function, and help patients move better.
- Hip implants are used to **alleviate pain and stiffness** in the hip due to conditions like **arthritis or avascular necrosis**.
 - These implants are made from various materials, including **metal, ceramic, and plastic**, with the ball often made from cobalt-chromium alloy or ceramic and the stem typically from titanium or cobalt-chromium alloy.

How Ethics Guide Medical Practices?

- **About Medical Ethics:** Medical ethics deals with the **right choices of conduct in the field of human health**, addressing the distinction between what is considered right or wrong at a given time in a given culture.
 - It is concerned with the **obligations of doctors, hospitals, other health professionals, and society towards patients**.
 - Ethical principles are fundamental in medical practice and often take precedence over legal obligations in guiding healthcare professionals' actions.
- **Principles of Medical Ethics:**
 - **Respect for Autonomy:** Acknowledging the **patient's right to make informed choices** regarding their treatment by ensuring proper informed consent is obtained.
 - **Beneficence:** It involves **prioritising the patient's health and well-being** during the entire surgical procedure, **acting in their best interests**.
 - **Non-Maleficence:** A medical practitioner/medical equipment supplying company

must **avoid harming patients** and ensure they **receive necessary medical care**, refraining from any **negligent acts** that could **deprive patients of essential healthcare**.

- **Justice:** It involves **treating all patients impartially and equitably**, regardless of their religion, nationality, race, or social status.
- **Hippocratic Oath:** The Hippocratic Oath is a **fundamental tenet for newly graduated medical professionals**, recited during convocation ceremonies to bind them to a code of ethics.
 - It encompasses the principles set forth in the **Indian Medical Council (Professional Conduct, Etiquette, and Ethics) Regulations 2002**, committing them to **serve humanity, comply with medical laws, respect life, prioritise patient welfare, maintain confidentiality, express gratitude to teachers, and foster collegial respect**.
 - This oath acts as a **moral compass**, guiding physicians in upholding the esteemed traditions and **ethical standards of the medical profession**.

What is the National Consumer Disputes Redressal Commission (NCDRC)?

- **About:**
 - The National Consumer Disputes Redressal Commission (NCDRC) is a **quasi-judicial body** that was **set up in 1988** under the **Consumer Protection Act (CPA), 1986**.
 - NCDRC aims to ensure **inexpensive, prompt, and summary resolution of consumer disputes**.
 - The NCDRC is headed by a **sitting or a retired Judge** of the **Supreme Court** of India or a **sitting or retired Chief Justice of the High Court**.
- **Provisions of the CPA, 1986:**
 - **Jurisdiction: Section 21** of the CPA, 1986 provides the NCDRC authority to entertain **complaints valued over Rs 2 crore**.
 - Additionally, it possesses **appellate and revisional jurisdiction** over orders issued by **State Commissions and District Forums**.
 - **Appellate Authority:** If a consumer is dissatisfied with a decision made by a District Forum, they can appeal to the **State Commission**.
 - Subsequently, if the consumer is **still unsatisfied with the State Commission's ruling**, they can escalate the matter to the NCDRC.
 - According to **Section 23** of the Act, any individual aggrieved by a decision of the NCDRC may file an **appeal to the Supreme Court of India within 30 days**.
 - **Scope of Coverage:** The provisions of this Act encompass **both 'goods' and 'services.'**
- **Consumer Forums:**
 - The **Consumer Protection Act (CPA), 2019** provides that complaints can be filed into District, State, and National levels based on the **value of the claim**.
 - **District Consumer Disputes Redressal Commission (DCDR):** For claims up to Rs 50 lakh.
 - **State Consumer Disputes Redressal Commission (SCDR):** For claims between Rs 50 lakh and Rs 2 crore
 - **National Consumer Disputes Redressal Commission (NCDRC):** For claims above Rs 2 crore.

Central Consumer Protection Authority (CCPA):

- CCPA is the **regulatory body** established under **Section 10** of the **Consumer Protection Act (CPA), 2019**, it regulates matters related to **consumer rights violations** and unfair trade practices.
- It operates under the **Ministry of Consumer Affairs, Food and Public Distribution**.
- **Powers of CCPA:**
 - **Consumer Rights:** Protects and enforces the rights of consumers as a group.
 - **Unfair Trade Practices:** Prevents individuals from engaging in unfair trade practices.
 - **Advertisement Regulation: Section 21 of CPA, 2019** grants the CCPA the power to **issue directions and penalties** against **false or misleading advertisements**.

What are the Issues of Medical Ethics in India?

- **Informed Consent:** There is often inadequate or no informed consent obtained from patients, particularly in clinical trials involving vulnerable populations.
 - Example: Controversy surrounding the [Covid-19](#) vaccine trials conducted in various parts of the world.
- **Patient Privacy:** There is a significant lack of robust measures to safeguard patient data and ensure confidentiality.
 - Example: In 2023, a significant **data breach of the ESIC database** exposed the personal health information of millions of patients, including sensitive data such as Aadhaar numbers, medical histories, and contact details.
- **Conflicts of Interest:** Instances arise where medical professionals have **financial stakes in the treatments or procedures** they recommend.
 - In 2023, a prominent cardiologist in Delhi, was found to have financial ties to a stent manufacturing company, receiving substantial payments for consulting and holding equity stakes.
- **Doctor-Patient Trust:** The **commercialization of healthcare and a lack of transparency** have led to an erosion of trust between doctors and patients.
 - Example: Doctors employed in government hospitals engaging in private practice and charging exorbitant fees from patients.
- **Regulatory Oversight:** Weak enforcement and compliance with ethical guidelines result in abuses within clinical trials and patient care.

What are the Initiatives for Consumer Protection?

- [Consumer Welfare Fund](#)
- [Central Consumer Protection Council](#)
- [Consumer Protection Rules, 2021](#)
- [Consumer Protection \(E-Commerce\) Rules, 2020](#)
- [National Consumer Day](#)

Way Forward

- **Cultivating Ethical Awareness in Healthcare:** Implement extensive training programs and workshops to educate healthcare professionals on ethical principles and their practical applications.
 - Encourage a **culture of open dialogue and transparency** within healthcare institutions to facilitate discussions on ethical dilemmas and share best practices.
- **Structured Communication Protocols:** Implementing structured communication protocols, such as the **SBAR (Situation-Background-Assessment-Recommendation)** technique, can improve clarity and reduce errors.
 - Ensuring informed consent involves a detailed explanation of the procedure, risks, benefits, and alternatives, along with verification of understanding.
- **Strengthening Redressal Mechanisms:** The government can **enhance consumer complaint resolution** by utilising existing infrastructures of [Alternative Dispute Resolution \(ADR\)](#) and [Online Dispute Resolution \(ODR\)](#) through a [Public-Private Partnership \(PPP\)](#) model.
- **Creating a National Consumer Lok Adalat Helpline:** A tech-enabled National Consumer Lok Adalat helpline can **facilitate communication between complainants, companies, and legal authorities**, ensuring faster resolutions.

Drishti Mains Question:

What is medical ethics? Discuss its significance, particularly in light of the deteriorating patient-physician relationship in India.

UPSC Civil Services Examination Previous Year Question

Prelims

Q.1 With reference to 'consumers' rights/privileges under the provisions of law in India, which of the following statements is/are correct ? (2012)

1. Consumers are empowered to take samples for food testing.
2. When a consumer files a complaint in any consumer forum, no fee is required to be paid.
3. In case of death of consumer, his/her legal heir can file a complaint in the consumer forum on his/her behalf.

Select the correct answer using the codes given below:

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Ans: c

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