

Addapedia Editorial Analysis 24 May 2024

Should doctors be kept out of the Consumer Protection Act?

The Supreme Court ruled that advocates cannot be held liable under the Consumer Protection Act, 1986, for deficiency in service.

It suggested revisiting the 1995 decision in *Indian Medical Association v. V.P. Shantha case* that held medical professionals and hospitals do come under the Consumer Protection Act.

Are there arguments for keeping doctors under the Consumer Protection Act?

- The CPA ensures patients have **legal recourse** if they experience negligence or malpractice. This can include situations like unnecessary surgeries, missed diagnoses, or improper treatment.
- It provides patients with a quicker and easier way to **seek compensation** for medical negligence compared to civil courts
- The Act can encourage doctors to provide clearer explanations of procedures, risks, and alternative treatments. This empowers patients to make **informed decisions** about their care.
- The CPA **discourages unfair practices** like charging exorbitant fees or exploiting vulnerable patients.

What are the concerns about doctors being included under the Act?

- Doctors worry about **frivolous lawsuits** from patients unhappy with the outcome of treatment, even if the doctor acted appropriately. Additionally, frivolous lawsuits can waste time and resources
- Doctors argue medical judgments **involve uncertainties** and sometimes the best course of treatment may not always lead to a positive outcome. This complexity is often overlooked by patients when filing cases.
- Consumer **courts might not have the medical expertise** to properly assess complaints, potentially leading to unfair judgments against doctors

What are some possible alternative mechanisms for handling medical complaints?

- An **independent medical ombudsman** could handle complaints as a first step before resorting to courts.
- Additionally, **mediation** could be made more accessible for medical negligence cases.
- Physicians can protect themselves by **maintaining diligent service delivery**, keeping thorough medical records, obtaining proper patient consent, and clearly communicating treatment risks and outcomes.
- Following **checklist protocols** and timely referrals in case of complications are also crucial.

Can you answer the following question?

The Supreme Court is considering whether to exclude medical professionals from the ambit of the Consumer Protection Act. Examine the arguments for and against this proposition.

A message on the Model Code of Conduct for leaders

What is Model Code of Conduct?

- The MCC is a set of guidelines issued by the Election Commission of India (ECI) to regulate the conduct of political parties and candidates during elections.
- Its primary objective is to ensure free and fair elections (mandated by Constitution in Article 324 for ECI) by promoting ethical and responsible behavior.
- It is a **consensus document** that the political parties have themselves agreed to keep their conduct during elections in check and to work within the Code.
- Some of the key provisions include:
 - Prohibition of bribery, intimidation, and impersonation of voters.
 - Restriction on the use of government resources for campaigning.
 - Government cannot announce any financial grants, lay foundation stones of projects or schemes (except civil servants), promise construction of roads or other facilities, and make any ad hoc appointments
 - Regulation of campaign rallies, meetings, and processions.
 - Guidelines for the content of **election manifestos** (rationale for the promises & means to meet the financial requirements of it) and advertisements.
 - Restrictions on the use of religious places for campaigning.
- **MCC does not have any statutory backing.** Despite that, it has come to acquire strength in the past decade because of its strict enforcement by the EC.
 - Certain provisions of the MCC may be enforced by invoking corresponding provisions in other statutes such as the IPC, CrPC and Representation of People's Act (RPA) 1951.

What are the challenges in enforcing the MCC?

The MCC is difficult to enforce because:

- Morality is **subjective**, making it hard to judge intent behind actions.
- **Legal loopholes** allow politicians to use inflammatory language without explicitly appealing to vote or abstain.
- The burden of proof lies in establishing a "connection to election" for violations.
- The MCC **relies heavily on voluntary compliance** from political parties and candidates. Its effectiveness depends on their willingness to play by the rules, which can be inconsistent
- The ECI has a vast mandate and **limited resources** to monitor every political activity across the country. This can make it challenging to detect and address violations effectively.
- The growing **influence of social media** creates new challenges for the ECI. Monitoring online content and ensuring a level playing field is an ongoing effort

How does the author use the story of Yudhisthira to illustrate the limitations of the MCC?

- Yudhisthira technically didn't lie by announcing Ashwathama's death, but withholding the full truth had severe consequences.
 - Bhima's killing **Ashwathama the elephant** and Yudhistra's confirming that Ashwathama was killed - were true. Dronacharya thought that his son Ashwathama was killed and withdrew into meditation because the "whole truth" was not spoken in a manner he could comprehend. In the process Dhristadyumna killed Dronacharya.
- Similarly, politicians can exploit loopholes in the MCC to achieve their goals while skirting legal repercussions.

Can you attempt the following questions?

Discuss the ethical dimension of political campaigning beyond legal enforceability

Discuss the challenges in implementing the MCC and suggest possible solutions to make it more effective.



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