
Patients As Consumers: Analyzing Their Legal Rights

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DOI : <https://doi.org/10.5281/zenodo.15685175>

Introduction:

In 1971, Stanford University professor Philip Zimbardo conducted an unprecedented experiment that would shake the very foundations of our understanding of human nature. The Stanford Prison Experiment (SPE), as it came to be known, was a ground breaking study that delved into the darker recesses of human behaviour, exposing the sinister dynamics of power, control, and submission. For six days, 24 healthy male college students were randomly assigned roles as prisoners or guards in a simulated prison environment, with devastating consequences that would challenge our assumptions about the inherent goodness of human beings.

The SPE's findings were nothing short of alarming. As the experiment progressed, the "guards" began to exhibit sadistic tendencies, subjecting the "prisoners" to physical and psychological abuse, while the "prisoners" became increasingly submissive and depressed. The experiment was terminated prematurely due to the extreme behaviour of the participants, leaving Zimbardo and his team to grapple with the disturbing implications of their research. The SPE's findings suggested that, under certain conditions, ordinary individuals are capable of perpetrating atrocities, highlighting the darker aspects of human nature that lie beneath the surface of civilized society.

In stark contrast to the SPE's bleak portrayal of human nature, the teachings of Om Swami offer a profoundly different perspective. As a spiritual teacher and author, Om Swami's writings and lectures emphasize the transformative power of love, care, and compassion in overcoming the limitations and flaws of human nature. His teachings suggest that, through self-reflection, mindfulness, and a deepening sense of empathy and compassion, individuals can transcend their egoistic tendencies and cultivate a more expansive, loving, and harmonious relationship with themselves and others.



This paper argues that Om Swami's teachings offer a transformative approach to overcoming the darker aspects of human nature, as revealed by the SPE. By examining the SPE's findings through the lens of Om Swami's teachings, this research aims to illuminate a path towards personal and collective

Introduction

Consumer Protection in the medical sector is a fundamental component of healthcare governance. It ensures that patient receive ethical, fair, and high-quality medical services while safeguarding their rights. The inherent disproportion in knowledge and power between healthcare providers and patients, consumer protection laws serves as essential mechanisms to uphold patient rights, legal frameworks, ethical considerations, and emerging challenges in consumer protection within the medical sector.

Healthcare is an essential service that directly impacts human lives, making consumer protection a critical aspect of medical governance. Patient often lack the technical knowledge to access medical procedures, diagnosis and treatment effectiveness. This information gap creates a dependency on medical professional, necessitating legal protections to ensure that patients are not mislead, overcharged, or subjected to unnecessary medical interventions.¹

Consumer protection laws in the healthcare sector also play a pivotal role in addressing issues such as medical negligence, unethical practices, and financial exploitation. With the increasing commercialization of healthcare, there have been growing concerns regarding excessive billing, lack of transparency in treatment plans, and instances of malpractices.² Regulatory frameworks aim to bridge these gaps by setting standards for medical conduct, ensuring accountability and providing patients with avenues to redress their grievances.

In addition to legal safeguards, ethical considerations are integral part of consumer protection in healthcare. An ethical principle such as beneficence, non-maleficence and justice ensures that medical practitioners prioritize patient welfare.³ Medical ethics dictate that patients must be treated with respect, provided with adequate information regarding their health and given the autonomy to make informed

¹ World Health Organization, *Patient Safety Rights Charter*, WHO, Geneva, 2021, <https://www.who.int/publications/i/item/9789240093249>. World Health Organization

² Consumer Protection Act, 2019, No. 35 of 2019, § 2(42), *The Gazette of India*, https://ncdr.nic.in/bare_acts/CPA2019.pdf

³ Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics*, 8th edn., Oxford University Press, New York, 2019.



decisions about their treatment. Violations of these ethical principles can lead to loss of trust in the healthcare system and compromise patient safety.

One of the major challenges in ensuring consumer protection in the medical sector is the enforcement of existing regulations. While many countries have established legal frameworks to protect patient rights, implementation remains a significant hurdle. Patients often face bureaucratic challenges in filing complaints and legal proceedings related to medical malpractice can be lengthy and costly.⁴ Strengthening enforcement mechanisms and simplifying legal process are essential to making consumer protection more effective.

Moreover, healthcare disparities among different socio-economic groups further complicate consumer protection. Low –income individuals may lack access to quality healthcare due to financial constraints, limited health literacy, or geographic barriers.⁵ Governments and regulatory bodies must work towards making healthcare services equitable and accessible to all, ensuring that economic factors do not hinder a patient’s right to quality medical treatment.

Another key aspect of consumer protection in healthcare is the role of insurance companies. Health insurance policies are designed to provide financial security to patients, yet many insurance providers impose hidden costs, exclusions, and complex claim processes that often leave patients in distress.⁶ Transparent and patient-friendly health insurance policies are necessary to ensure that individuals receive the benefits they are entitled to without unnecessary legal or administrative hurdles.

Additionally, the rapid advancements in medical technology and digital healthcare services bring new challenges in consumer protection. Telemedicine, artificial intelligence in diagnostics and digital health records have revolutionized healthcare delivery. However, these advancements also raise concerns about data security, privacy and the ethical use of technology in medical decision-making.⁷ Policymaker must establish robust regulations to address these emerging challenges while ensuring that technology enhances rather than compromising patient rights.

⁴ Gupta, P., 'Challenges in Enforcing Medical Consumer Rights' (2020) 5(3) *Journal of Medical Law* 45.

⁵ Marmot, M., 'Social Determinants of Health Inequalities' (2005) 365 *The Lancet* 1099.

⁶ Singh, R., 'Health Insurance and Consumer Protection' (2022) 12(2) *Indian Journal of Consumer Rights* 67.

⁷ **European Commission**, *Ethical Guidelines on Artificial Intelligence in Healthcare*, EC, 2020.



Ultimately consumer protection in the medical sector is a multidimensional issue that requires a collaborative approach. Governments, healthcare providers, legal institutions and patient advocacy groups must work together to strengthen patient rights, enhance transparency and ensure that healthcare remains a fundamental human rights. By addressing the legal, ethical, financial and technological challenges associated with consumer protection in healthcare, we can build a more patient-centric medical system that prioritize safety, fairness and accountability.

History of Consumer Protection in Medical Sector

The concept of consumer protection in healthcare has evolved over centuries, driven by medical advancements, ethical considerations and legal reforms. In ancient civilizations, medical practice was largely governed by unwritten social norms and ethical principles. The Hippocratic Oath, dating back to ancient Greece, was one of the earliest attempts to establish ethical standards for medical practitioners, emphasizing patient welfare and confidentiality.⁸ During the medieval period, religious institutions played a significant role in healthcare, providing medical services while maintaining moral accountability. However, there were limited legal mechanisms to protect patients from malpractices or unethical practices.⁹

The modern era of consumer protection in healthcare began to take shape in the 19th and 20th centuries with the rise of formal medical councils and professional regulatory bodies ensured that doctors adhere to standardized medical practices.¹⁰ In the mid-20th century, international declarations such as the Universal declaration of Human Rights (1948) and the Declaration of Helsinki (1964) emphasized patient rights, informed consent, and ethical medical research.¹¹

Consumer protection laws specifically addressing healthcare emerged in response to growing concerns about medical negligence, patient safety and unethical commercialization of Medical services. Landmark Legal cases and patient advocacy movements led to the introduction of comprehensive healthcare laws, such as the Consumer Protection Act in India, the Health Insurance Portability and Accountability Act (HIPAA) in the United States, and the General Data Protection Regulation (GDPR)

⁸ **Edelstein, Ludwig**, *The Hippocratic Oath: Text, Translation and Interpretation*, John Hopkins Press, 1943.

⁹ **Porter, Roy**, *The Greatest Benefit to Mankind: A Medical History of Humanity*, HarperCollins, 1997.

¹⁰ **Starr, Paul**, *The Social Transformation of American Medicine*, Basic Books, 1982.

¹¹ **United Nations**, "Universal Declaration of Human Rights" (1948), Article 25.



in Europe.¹² These frameworks established legal precedents for medical accountability, patient confidentiality and the right to seek Legal Recourse against medical malpractice.¹³

In recent decades, technological advancements and the digitalization of healthcare services have introduced new dimensions to consumer protection. The rise of telemedicine, artificial intelligence in diagnostics and electronic health records necessitated updated regulations to safeguard patient privacy and data security.¹⁴ Global organizations such as the World Health Organization (WHO) continue to advocate for stronger consumer protection measures, ensuring that healthcare remains a fundamental right rather than a commercial privilege.¹⁵

Legal Framework

Several national and international legal instruments protect patient's rights. These include the Consumer Protection Act, the Medical Council guidelines and World Health Organization (WHO) ethical standards. The Consumer Protection Act recognizes healthcare services under its purview, thereby allowing patients to seek legal recourse against medical negligence and unethical practices.¹⁶

Right to Informed Consent

This right is a foundational principle in medical ethics and legal jurisprudence. Patients have the right to be fully informed about their diagnosis, treatment options, associated risks, and potential alternatives. This empowers them to make autonomous decisions regarding their healthcare, reducing the risk of malpractice.¹⁷

¹² **Beauchamp, T. & Childress, J.**, *Principles of Biomedical Ethics*, 8th edn, Oxford University Press, 2019.

¹³ **Gostin, Lawrence O.**, *Global Health Law*, Harvard University Press, 2014.

¹⁴ **European Commission**, *Ethical Guidelines on Artificial Intelligence in Healthcare*, EC, 2020.

¹⁵ **World Health Organization**, *Global Strategy on Digital Health*, WHO, 2020.

¹⁶ Consumer Protection Act, 2019 (India), Section 2(42).

¹⁷ *Montgomery v. Lanarkshire Health Board* [2015] UKSC 11.



Right to Access Medical Records

This is another important legal provision that the patient should be able to review their medical history, ensuring the accuracy of diagnoses and treatment plans. Access to records also facilitates second opinions and enhances patient engagement in healthcare decision-making.¹⁸

Patient Confidentiality

The cornerstone of medical ethics, Healthcare providers are legally and ethically obligated to maintain patient information privacy. Unauthorized disclosure can result in legal repercussions and erode trust in healthcare institutions.¹⁹

Internationally, legal frameworks such as the United Nations Universal Declaration of Human Rights (UDHR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) emphasize the right to health, which encompasses safe and effective healthcare services. Various national laws align with these principles, ensuring that patients receive adequate medical treatment without discrimination.²⁰

The Health Insurance Portability and Accountability Act (HIPAA) in the United States serve as a benchmark in regulating medical information privacy. It mandates that healthcare providers safeguard patient data and limits the disclosure of medical records without consent. Similar laws exist globally, reinforcing the principle of confidentiality in healthcare.²¹

In India the Clinical Establishment (Regulation and Registration) Act, 2010, sets standards for medical institutions, ensuring that hospitals and clinics provide quality healthcare services. The Act also mandates transparency in pricing, preventing medical establishments from overcharging patients. Further, the National Consumer Disputes Redressal Commission (NCDRC) serves as an adjudicating body for healthcare-related grievances, offering patients legal avenues for compensation in cases of medical malpractice.²²

¹⁸ Health Information Technology for Economic and Clinical Health (HITECH) Act, 2009.

¹⁹ General Data Protection Regulation (GDPR), Article 9.

²⁰ United Nations, 'Universal Declaration of Human Rights' (1948), Article 25.

²¹ Health Insurance Portability and Accountability Act (HIPAA), 1996.

²² Clinical Establishments (Registration and Regulation) Act, 2010 (India).



Legal precedents have also shaped patient rights. Landmark cases, such as *Indian Medical Association v. V.P. Shantha*²³, established that medical services fall within the scope of the Consumer Protection Act, allowing patients to seek legal recourse for negligence. Additionally, the Bolam test, originating from English law, is widely used to determine medical negligence, assessing whether a healthcare provider's actions align with accepted professional standards.²⁴

As healthcare continues to evolve, legal frameworks must adapt to emerging challenges, including telemedicine regulations, artificial intelligence in diagnostics and cross-border medicine treatments. Strengthening legal protections, streamlining grievances redressal mechanisms and enhancing patient awareness are crucial for ensuring robust consumer protection in healthcare.

Ethical Consideration in Consumer protection

Ethics plays a vital role in ensuring consumer protection within healthcare systems. Central to this is the adherence to the following four (4) principles:-

- Autonomy
- Beneficence
- Non-maleficence
- Justice

These principles are designed to guide healthcare professionals in making decisions that prioritize the well-being and rights of patients. Autonomy ensures that patients have the right to make informed decisions about their treatment options, while beneficence encourages healthcare providers to act in the best interest of patients, promoting their health care and well-being.²⁵ Non-maleficence emphasizes the importance of “doing no harm” ensuring that medical interventions do not result in unnecessary harm to

²³ AIR 1995 SC 550.

²⁴ Bolam v. Friern Hospital Management Committee [1957] 1 WLR 582.

²⁵ **Beauchamp, Tom L. & Childress, James F.**, *Principles of Biomedical Ethics*, 7th edn, Oxford University Press, 2012.



the patients.²⁶ Lastly, justice promotes fairness in healthcare services, regardless of their socioeconomic status, ethnicity, or background.²⁷

The Nuremberg Code, established in 1947 and the declaration of Helsinki, introduced in 1964, provides essential frameworks for ensuring ethical standards in medical research and patient treatment. The Nuremberg Code was a direct response to the unethical medical experimentation practices conducted during World War II, emphasizing the necessity of voluntary consent from patients in research studies. The Declaration of Helsinki built on the Nuremberg Code, further refined guidelines on medical ethics in research, especially concerning vulnerable populations.²⁸ These foundational documents lay the groundwork for ethical practices that not only protect patients but also ensures that medical practitioners and researchers to maintain the highest standards of integrity and professionalism.²⁹

An ethical concern extends beyond direct patient care to include areas such as pharmaceutical marketing, conflicts of interests and experimental treatments. For instance, pharmaceutical marketing practices, such as over-promoting drugs, can sometimes lead to patients being prescribed medications that are not in their best interest.³⁰ Misleading advertisement can downplay potential risks or exaggerate benefits, thereby compromising patient safety.³¹ Conflicts of interest can also arise when healthcare professionals or researchers have financial ties with pharmaceutical companies, potentially influencing treatment recommendations or research outcomes in ways that do not prioritize patient welfare.³² Furthermore, the use of experimental treatment, especially in clinical trials, raises questions about

²⁶ **Gillon, Raanan**, "Ethics Needs Principles—Four Can Encompass the Rest—and Respect for Autonomy Should be ‘First Among Equals’" (2003) 29(5) *Journal of Medical Ethics* 307..

²⁷ **World Health Organization (WHO)**, *Health Ethics and Policy*, WHO Press, 2021.

²⁸ **Annas, George J. & Grodin, Michael A.**, *The Nazi Doctors and the Nuremberg Code: Human Rights in Human Experimentation*, Oxford University Press, 1992.

²⁹ **World Medical Association**, *Declaration of Helsinki - Ethical Principles for Medical Research Involving Human Subjects*, 1964.

³⁰ **European Network of Research Ethics Committees (EUREC)**, *Ethics Review in Research*, EUREC Report, 2019.

³¹ **Lexchin, Joel**, *The Pharmaceutical Industry and the Regulation of Medicine*, James Lorimer & Co., 2017.

³² **Fugh-Berman, Adriane**, "The Haunting of Medical Journals: How Ghostwriting Sold ‘HRT’" (2010) 7(5) *PLOS Medicine* 1.



informed consent and patient safety.³³ In these areas, it is crucial to have robust regulatory frameworks and ethical oversight to prevent harm and ensures that consumer interests are protected.³⁴

Regulatory agencies such as Food and Drugs Administration (FDA) and European Medicine Agency (EMA) plays a crucial role in monitoring the pharmaceutical industry and ensuring that drugs approval and marketing practices adhere to strict ethical guidelines. These agencies not only review new medications for safety and efficacy but also oversee the post-market surveillance of drugs to detect any adverse effects that may emerge once the drug is widely used. Their oversight helps ensure that consumer interests are safeguarded and that drugs reaching the market are both safe and effective for the general population. Furthermore, these regulatory bodies also address unethical practices in the pharmaceutical industry by holding companies accountable for misleading advertisement or inappropriate marketing strategies, which can ultimately harm consumers.

Challenges in Enforcing Consumer Protection in Healthcare

While legal and ethical frameworks for consumer protection in healthcare are well-established, enforcing these protections remains a significant challenge, particularly in low-income countries. Many patients, especially in underserved regions, often lack awareness of their legal rights and the avenues available for seeking redress when their rights are violated. This lack of awareness can prevent individuals from pursuing justice even when they have been subjected to unethical medical practices or unsafe treatments.³⁵ Additionally, bureaucratic inefficiencies and lengthy litigation processes make it difficult for patients to access legal recourse. In many cases, the costs associated with legal proceedings can be prohibitively high further, deterring the individuals from seeking justice for medical negligence or malpractice.

Furthermore, the rapid expansion of digital health services introduces new challenges in consumer protection. As more healthcare services are delivered online, concerns regarding data privacy and cyber

³³ **Rodwin, Marc A.**, *Conflicts of Interest and the Future of Medicine: The United States, France, and Japan*, Oxford University Press, 2011.

³⁴ **Emanuel, Ezekiel J. et al.**, *Ethical and Regulatory Aspects of Clinical Research: Readings and Commentary*, Johns Hopkins University Press, 2003.



security have become increasingly prominent. Patients may be unaware of how their sensitive medical information is being used, shared, or stored, leading to potential breaches of privacy. Unauthorized access to medical records can result in identity theft, discrimination, or misuse of health data for malicious purposes. As healthcare systems embrace new technologies, it is essential to implement stringent regulations and standards for data protection, ensuring that consumers' personal and health-related information remains secure.

Governments and healthcare institutions must work collaboratively to strengthen enforcement mechanisms and enhance the protection of consumers. This includes investing in public education campaigns to raise awareness about patient rights and the legal avenues available for seeking redress. Governments should also focus on simplifying grievance redressal mechanisms, making them more accessible and efficient for patients, particularly in countries where access to legal representation is limited. Moreover, leveraging technology can help improve the transparency of healthcare delivery, allowing consumers to track the quality of services, report grievances and receive timely updates on the status of their complaints.³⁶

Conclusion

Consumer protection within healthcare is a dynamic and evolving field that requires continuous attention to legal, ethical and technological advancements. Governments, medical professionals and policymakers must work in tandem to create healthcare systems that prioritize the safety, accessibility, and justice for all patients. This collaboration is necessary not only to address existing challenges but also to anticipate emerging risks and respond proactively to ensure that the healthcare system remains fair, transparent, and patient-centered.

With the growing complexities of modern healthcare, it is essential to maintain a patient-focused approach that emphasizes informed consent, transparency in treatment options, and accountability in medical practices. Additionally, as digital health technologies continue to reshape the healthcare landscape, the need for strong data protection laws and cyber security measures will become even more critical. The future of consumer protection in healthcare hinges on the ability of stakeholders to adapt to

³⁶ McGee, Glenn, *Bioethics for Beginners: 60 Cases and Cautions from the Moral Frontier of Healthcare* (Wiley-Blackwell, 2011).



these changes while upholding the core values of medical ethics, ensuring that patient safety and rights remain at the forefront of healthcare delivery.

In conclusion, consumer protection in the medical sector is indispensable for ensuring equitable, transparent, and patient-centric healthcare services. While existing legal frameworks provide a strong foundation for safeguarding patient rights, continuous reforms and uncompromised enforcement mechanism are necessary to address emerging challenges. The collaborative efforts of government, healthcare professionals and consumer advocacy groups are essential to strengthening patient rights are fostering a healthcare ecosystem that prioritize patient welfare above all.