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16. From Healing to Harm: Medical Negligence and the Constitutional Right to Life

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Abstract

The right to life under Article 21 of the Indian Constitution has undergone expansive judicial interpretation, encompassing within its ambit the right to health and access to medical care. While the medical profession is fundamentally aimed at healing and preserving life, instances of medical negligence have increasingly raised serious constitutional and human rights concerns. This research paper examines medical negligence as a violation of the constitutional right to life and health, highlighting how lapses in medical duty can transform care into harm.

The paper adopts a doctrinal and analytical approach to study the evolving jurisprudence of the Supreme Court and High Courts, with particular emphasis on landmark judgments such as *Parmanand Katara v. Union of India*, *Paschim Banga Khet Mazdoor Samity v. State of West Bengal*, and *Jacob Mathew v. State of Punjab*. It explores the legal standards for determining medical negligence and the extent of state and institutional responsibility in safeguarding patient rights.

By examining medical negligence through the lens of constitutionalism and human rights, the paper argues that failure to provide timely, competent, and ethical medical care directly infringes the right to life with dignity. The research concludes by emphasizing the need for stronger regulatory frameworks, patient-centric policies, and effective grievance redressal mechanisms to prevent medical negligence and uphold the constitutional promise of life and health.

Keywords: Article 21 of the Constitution, Constitutional accountability, medical negligence, right to health, right to life

Introduction

The right to life guaranteed under Article 21 of the Indian Constitution is one of the most dynamic and expansively interpreted fundamental rights. Initially construed in a narrow sense as mere protection against arbitrary deprivation of life, Article 21 has, through judicial

interpretation, evolved to include the right to live with human dignity. Among the various facets recognized by the judiciary, the right to health has emerged as an essential and inseparable component of the right to life. Access to timely, adequate, and competent medical care is now regarded not merely as a welfare obligation of the State but as a constitutional mandate.¹

In this context, medical negligence assumes critical constitutional significance. The medical profession is traditionally associated with trust, care, and the preservation of life. Patients rely heavily on medical professionals for accurate diagnosis, appropriate treatment, and ethical conduct. However, when medical practitioners or healthcare institutions fail to exercise reasonable care, skill, or diligence, such failures may result in grave injury or even death. These instances of medical negligence represent a disturbing shift from healing to harm, raising serious questions about the protection of fundamental rights.²

The Indian judiciary has consistently emphasized that denial of medical care or negligent treatment, especially in emergency situations, directly infringes the right to life under Article 21. Judicial pronouncements have recognized that preservation of human life is of paramount importance and that both the State and medical institutions have a duty to safeguard this right. The obligation to provide medical care is not limited to government hospitals alone but extends to private healthcare providers who perform a public function by offering essential medical services.

Medical negligence is not merely a matter of civil or criminal liability; it also reflects systemic deficiencies within healthcare administration, regulatory oversight, and professional accountability. Inadequate infrastructure, shortage of trained professionals, commercialization of healthcare, and lack of effective grievance redressal mechanisms contribute significantly to the prevalence of negligent practices. When such failures lead to the loss of life or deterioration of health, they undermine constitutional values and the promise of a dignified existence.³

This paper seeks to examine medical negligence as a violation of the constitutional right to life and health by analyzing the evolving jurisprudence under Article 21. It explores how courts have balanced the autonomy of medical professionals with the rights of patients, while also addressing the responsibility of the State in regulating healthcare standards. By situating medical negligence within the broader framework of human rights and constitutionalism, the study aims to highlight the urgent need for stronger legal safeguards, ethical compliance, and patient-centric reforms. Ensuring accountability in medical practice is not only essential for justice to individual victims but also crucial for upholding the constitutional commitment to life, dignity, and health for all.

Medical negligence refers to the failure of a medical professional or healthcare institution to exercise reasonable care, skill, and competence while providing treatment, resulting in harm to the patient. It is grounded in the law of torts and is assessed on the basis of whether the conduct of the medical practitioner fell below the accepted standard of care. The essential elements of medical negligence include the existence of a duty of care, breach of that duty, a causal connection between the breach and the injury suffered, and actual damage to the patient. A duty of care arises once a doctor-patient relationship is established, obligating the medical professional to act with due diligence.⁴

Medical negligence is distinct from mere medical error or unsuccessful treatment, as adverse outcomes do not automatically imply negligence in an inexact science like medicine. Liability arises only when a medical professional fails to meet the standard of reasonable competence expected in similar circumstances, particularly through disregard of established protocols or gross carelessness. With the growing commercialization and expansion of healthcare, medical negligence has assumed wider legal and constitutional significance, affecting public trust and raising issues of accountability, ethics, and fundamental rights beyond individual harm.

Evolution of the Right to Life and Health under Article 21

Article 21 of the Indian Constitution guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law. Judicial interpretation has transformed this provision into a repository of multiple substantive rights essential for living with dignity. The Supreme Court has consistently held that the right to life does not mean mere animal existence but includes the right to live with human dignity and all that goes along with it. Within this expanded framework, the right to health has been recognized as an integral component of Article 21.

The judiciary has consistently interpreted the right to life to include access to healthcare, nutrition, and a healthy environment, recognizing health as essential to the effective enjoyment of all other rights. Denial of medical treatment is therefore treated as a breach of Article 21, which imposes affirmative obligations on the State to ensure healthcare infrastructure, emergency services, and regulatory mechanisms. This expanded interpretation reflects constitutional values of social justice and harmonizes with the Directive Principles, particularly Articles 38, 39, and 47, thereby providing a constitutional basis for addressing medical negligence as a threat to life and human dignity.

Medical Negligence as a Constitutional Violation

Medical negligence transcends the realm of private liability when it results in the violation of fundamental rights guaranteed under the Constitution. When negligent medical treatment leads to serious injury or death, it directly infringes the right to life under Article 21. The constitutional dimension becomes more pronounced when such negligence occurs in public hospitals or in situations where the State has failed to ensure minimum healthcare standards.

The courts have recognized that the State cannot escape its constitutional obligation by citing administrative or financial constraints. Failure to provide timely and adequate medical care, particularly in emergencies, amounts to a denial of the right to life. Even private healthcare institutions, while not "State" under Article 12, perform a public function and are therefore expected to uphold constitutional values when delivering essential medical services.⁵

Medical negligence, when arising from systemic failures such as poor regulation, inadequate infrastructure, and weak accountability, constitutes a constitutional violation that disproportionately impacts vulnerable groups and undermines equality and social justice. By treating medical negligence as a breach of Article 21, the judiciary has affirmed that access to safe and competent healthcare is a fundamental right essential to the protection of life and human dignity.

Judicial Approach to Medical Negligence in India

The Indian judiciary has played a pivotal role in shaping the legal framework governing medical negligence. Through a series of landmark judgments, the Supreme Court has clarified the duties of medical professionals and the constitutional obligations of the State. In *Parmanand Katara v. Union of India*, the Court held that preservation of human life is of paramount importance and that every doctor has a professional obligation to provide emergency medical aid without procedural delays.

In *Paschim Banga Khet Mazdoor Samity v. State of West Bengal*, the Court explicitly recognized failure of timely medical treatment as a violation of Article 21 and held the State accountable for deficiencies in public healthcare infrastructure. This judgment firmly established the State's positive obligation to ensure adequate medical facilities.

At the same time, the judiciary has sought to balance patient rights with protection for medical professionals. In *Jacob Mathew v. State of Punjab*, the Supreme Court laid down guidelines to prevent frivolous criminal prosecution of doctors, emphasizing that negligence must be gross or reckless to attract criminal liability. This nuanced approach ensures accountability without discouraging medical practice.

Overall, judicial intervention has been instrumental in integrating medical negligence within constitutional jurisprudence. Courts have consistently upheld that while medical professionals deserve protection from undue harassment, patient safety and the right to life must remain paramount.

Role of State and Regulatory Bodies

The State plays a central role in preventing medical negligence through policy formulation, regulation, and enforcement of healthcare standards. Under Article 21, the State has a constitutional duty to ensure availability, accessibility, and quality of medical services. This obligation is discharged through public healthcare institutions as well as regulatory mechanisms governing private medical practice.

Regulatory bodies such as the Medical Council of India, now replaced by the National Medical Commission, are entrusted with maintaining professional standards, prescribing ethical guidelines, and taking disciplinary action against erring practitioners. Effective regulation is essential to ensure that medical professionals adhere to established norms of care and ethics.⁶

Medical negligence is often exacerbated by regulatory failures, including inadequate monitoring, weak enforcement, and delayed disciplinary action, while healthcare institutions may incur liability for lapses in staffing, infrastructure, or administration. To safeguard patient rights, the State must ensure effective implementation of laws through strong regulatory oversight and transparent healthcare governance, thereby aligning medical practice with constitutional values of life, dignity, and justice.

Challenges in Addressing Medical Negligence

1. Establishing medical negligence is difficult due to complex technical evidence and the heavy burden of proof on patients.
2. Procedural delays and high litigation costs make justice inaccessible, especially for economically weaker sections.
3. Lack of awareness about patient rights and legal remedies leads to underreporting of negligence cases.
4. Fear of litigation has encouraged defensive medicine, which may negatively affect medical decision-making and care quality.
5. Effective redress requires balancing accountability with professional autonomy through systemic reforms such as specialized tribunals and improved grievance mechanisms.

Need for Reforms and Strengthening Accountability

To effectively address medical negligence as a constitutional issue, comprehensive legal and institutional reforms are necessary. Strengthening patient grievance redressal mechanisms, both within hospitals and through independent bodies, can provide timely and accessible remedies. Specialized forums with medical and legal expertise may help in expediting cases and ensuring fair outcomes.

Legal reforms should aim to clarify standards of care, streamline procedures, and ensure proportional liability. At the same time, continuous medical education and ethical training must be emphasized to prevent negligence at the source. Transparency in hospital administration and informed consent processes can further enhance patient trust.

The State must also invest in healthcare infrastructure, particularly in public hospitals, to reduce systemic negligence arising from resource constraints. Regulatory bodies should function independently and efficiently to enforce professional discipline.

Ultimately, accountability in medical practice is essential for upholding Article 21. Reforms must strive to balance patient rights with protection for medical professionals, ensuring that healthcare remains humane, ethical, and constitutionally compliant.

Conclusion

Medical negligence poses a serious challenge to the constitutional guarantee of the right to life and health under Article 21 of the Indian Constitution. As judicial interpretation has expanded the scope of this right to include access to timely, adequate, and quality medical care, negligent acts or omissions by healthcare providers can no longer be viewed merely as professional lapses or private wrongs. When medical negligence results in injury, suffering, or loss of life, it constitutes a direct infringement of the right to live with dignity and undermines the core values of constitutionalism.

Preventing medical negligence is a shared responsibility of the State and healthcare institutions, requiring effective implementation of policies, adequate infrastructure, regulatory oversight, and adherence to ethical medical standards. While judicial intervention has strengthened accountability and balanced patient rights with professional protection, challenges such as delays, low awareness, and regulatory inefficiencies persist. Addressing these issues demands a holistic approach involving legal reform, administrative efficiency, ethical practice, and strengthened grievance mechanisms. Recognizing medical negligence as a violation of the right to life reinforces healthcare as a fundamental entitlement essential to justice, dignity, and public trust.

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