National Medical FORUM

ASSOCIATION OF HEALTHCARE PROVIDERS INDIA

Medical Dialogues
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NATIONAL MEDICAL FORUM

Presents

THE DELHI DECLARATION 2026

On Medical Negligence, Professional Accountability and Consumer Protection

BACKGROUND NOTE

Three decades after the landmark judgment of the Hon'ble Supreme Court in Indian Medical Association v. V.P. Shantha (1995), advances in medical science, evolving healthcare practices, experiences of medical litigation and subsequent judicial pronouncements call for a comprehensive reconsideration of the application of the Consumer Protection Act to medical services, while ensuring that patients' rights and access to effective redressal remain fully protected.

We recognise that medical practice involves complex clinical judgments, scientific uncertainties and ethical responsibilities that distinguish it from ordinary commercial services. Medical negligence must therefore be assessed against accepted professional standards and prevailing clinical circumstances, rather than solely on treatment outcomes.

Through the Delhi Declaration 2026, we advocate a fair, transparent and specialised framework for resolving medical negligence disputes that safeguards patients' rights, ensures professional accountability, protects medical professionals against unjustified allegations and strengthens public trust in healthcare.

OUR PRAYER TO THE HON'BLE SUPREME COURT OF INDIA

Reconsider the application of the Consumer Protection Act to medical services.

We respectfully pray that the Hon'ble Supreme Court reconsider whether medical negligence disputes should continue to fall within the jurisdiction of consumer commissions, considering the specialised nature of medical practice and the evolution of medical jurisprudence.



Dr. Alex Thomas
Founder, AHPI



Dr. Prem Aggarwal
Chairman, National Medical Forum



Meghna A. Singhania
Founder & Editor-in-Chief, Medical Dialogues



Dr. Girdhar J. Gyani
Director General, AHPI

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Accordingly, We Acknowledge the Following Principles Laid Down by the Supreme Court of India While Adjudicating Cases of Medical Negligence

1. Patient safety comes first. Every patient deserves safe, ethical and appropriate care.

2. Every patient deserves dignity and transparency. Patients have the right to understandable information, informed consent and respectful treatment.

3. Adverse outcomes require fair assessment. Death, disability or failure to recover does not, by itself, establish negligence.

4. Recognised complications must be assessed objectively. Their occurrence alone does not establish negligence when appropriate care has been provided.

5. Treatment outcomes cannot be guaranteed. Failure of treatment must be evaluated against the accepted standard of care.

6. Clinical judgment deserves fair evaluation. Reasonable decisions consistent with accepted medical practice should not be judged solely with hindsight.

7. Medical disputes require expert assessment. Complex clinical questions should be evaluated with appropriate independent medical expertise.

8. Genuine grievances deserve timely redressal. Patients must have accessible and effective mechanisms to seek justice.

9. Accountability must be proportionate. Clinical negligence, service deficiencies, professional misconduct and criminal negligence must be assessed according to the applicable legal standards.

10. Justice must protect both patients and the integrity of healthcare. Fair procedures should prevent unjustified allegations without obstructing legitimate claims.