

Judicial consumerism

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Abstract

Legal medicine is very essential for practicing dentists so as to protect against public complaints and litigation. This paper briefs about medicolegal jurisprudence and its introduction and promotion among medical professionals.

Key words: Consumer protection act, legal jurisprudence, legal medicine

Introduction

There are many topics in law that interest the medical professionals, and many topics in medicine that interest lawyers, as both professions act to deliver professional service and social justice in regards to life and security. Hence, medicolegal jurisprudence plays a vital role in bridging the gap between law and medicine. As realized in the realm of judiciary, justification and justice depend upon medicolegal exhibition, version, and evidence.

'Tort' means civil wrong or injury which in fact attracts three main constituents – mainly wrongful act committed by person, wrongful act must result in legal damage to another, and wrongful act must be such, so as to give legal remedy.

This law of tort is practiced all over the world. Law of tort is uncoded and is in a nonstatutory form. On the other hand, civil and criminal laws are codified by enacted parliament laws, depending upon civil and criminal nature in any country.

Awareness of Legal Jurisprudence

Knowledge about legal awareness of rights, duties, and obligations – moral, social, and legal – among medical professionals should be initiated and promoted.

Universities in India should introduce teaching policies and topics of legal medicine, and forensic jurisprudence.

Dental Council of India should prescribe and include legal jurisprudence and legal medicine in the teaching syllabus as this is very essential for practicing dentists

in the society, so as to protect against public complaints and litigation.

The practicing medical/dental professionals should be educated about the fundamentals of legal jurisprudence and legal medicine, so as to face medicolegal problems and public litigations.

Salient Features of Consumer Protection Act 1986

The Consumer Protection Act (CPA) 1986, is judicial social act, fundamentally, founded on the consumer rights and interest protection. The salient features of consumer protection are prescribed vis:6 of the act, which protect and promote the interest of services of any description vis:2(0), which is made available to potential users as below:

1. Protection against hazardous goods and services to life and property.
2. Right to be informed.
3. Access to be heard.
4. Right to seek redressal.
5. Right to consumer education.

The consumer redressal proceedings are judicial in nature, under enacted act. The consumer redressal proceedings are cost free (no court fee), quick, and effective within six months, and there is no need to appoint legal representative as the complainant can plead on his/her own. However, the consumer must have knowledge of filing vis:2(e), that is, allegation in writing made by the complainant about the complaint who must also prove as consumer as well as evidence *prima facie* on the fact of the case to gain the benefit of compensation on the reasonable grounds of deficient service and negligence.

"Negligence is the breach of duty caused by the omission to do something, which a reasonable man guided by the considerations, which ordinarily regulate the conduct of human affairs, would do or doing something, which prudent and reasonable would not do."

It is also submitted herein that the complaint ought to be filed within two years from the date of cause of action, within local and pecuniary jurisdiction of the court, depending upon the fact of the given case. Similarly, noted herein that the complaint must not be false, veracious, and frivolous, otherwise the court fines or punishes the complainant for harassment of opposite party for falsification of the complaint.

The CPA is basically enacted for consumerism, that is, protection of right and interest of consumer, who hires or avails services from others. Consumer compensation is basically judged and decided upon the doctrine of deficient service, unfair trade practice, and negligence in the interest of justification and justice.

References

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2. Consumer Protection Act 1986, Government of India
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Announcement

Indian Association of Forensic Odontology (IAFO)

Dear Colleagues,

The Indian Association of Forensic Odontology (IAFO) is an organization composed of practicing dentists and those experts interested in the discipline for the purpose of promoting and developing forensic odontology in India. Through its annual meetings, the IAFO provides a forum for the exchange of information and ideas among dental professionals, dental students, forensic scientists, police and judiciary for a common goal.

Purposes and goals of IAFO

- Provide an organization of forensic odontologists whose services may be sought by the government during calamities or for expert opinion in deliverance of justice.
- Help the Dental Council of India and institutions in India to provide uniform qualifications and requirements for the certification of forensic odontologists.
- To promote establishment of Forensic Odontology as a career in private as well as governmental institutions.
- Stimulate research and development in the field of forensic odontology.
- Provide a forum for the discussion and exchange of professional experiences between members and among others engaged in the administration of justice, police, governmental tasks, and allied fields.
- Promote continuing education and training in forensic odontology through the conduct of conferences, seminars, symposiums, workshops etc.
- To disseminate knowledge of the science through newsletters and appropriate methods.
- When appropriate and upon request, to provide impartial boards of review for cases involving differences of professional opinion in the field of forensic odontology.
- When appropriate, review and make recommendations on pending or existing legislation that appears to relate to the field of forensic odontology.
- Promote forensic odontology services to government and private organizations and to individuals in need.

Membership qualifications

Membership in IAFO is available to all individuals who have interest and ability to function as forensic odontologists. The requirements for Ordinary Membership are the following

1. A minimum of graduate degree in dental surgery recognized by the Dental Council of India.
2. Registration in the DCI
3. Sponsorship by one regular member acquainted with the applicant.

Applicants who do not qualify for regular membership as outlined above, but who demonstrate an interest in forensic odontology are invited to apply for Associate Membership. Associate members do not have voting privileges.

S. Balagopal.

Secretary, Indian Association of Forensic Odontology