

Research Article

Cross Sectional Survey Study on Knowledge and Awareness of Consumer Protection Act, 2019 (COPRA) in Post Graduate Students of Ayurveda

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ABSTRACT:

Introduction:

Considerable change has been observed in medical practice during last decade affecting healthcare service in both positive and negative aspects. Awareness regarding rights and compensation has increased in patients. For better service providing and prevention of consumer disputes *Ayurveda* postgraduates must have adequate knowledge and awareness about updates in CPA.

Materials and methods:

A questionnaire comprising of 18 questions regarding medico-legal aspects of medical practice and CPA was designed. It was validated. Pilot study was conducted in 23 students. After analysis and inputs from 5 experts from the field of Law, statistics, Research and *Agadtantra* questionnaire was revised. Questions were allotted points. According to the score, awareness level grading was decided prior to conducting survey.

Results:

Total of 110 postgraduate students of *Ayurveda* from various faculty participated in the survey. Responses were received from various *Ayurvedic* teaching institutions all over India. All participants were aware that CPA is applicable to healthcare professionals. 31% participants had good awareness regarding CPA, whereas 64% had moderate awareness. Awareness regarding process of filing, punishment and appeal was lacking among the participants. Only 36% participants were aware about the concept of frivolous complaint. Other participants were unaware about the concept of frivolous complaints.

Conclusions:

It was observed in our study that many participants were aware about Medico legal aspects relevant to clinical practice, but awareness regarding updates in CPA was lacking. To cope up with upcoming changes in global scenario and consumer awareness regarding their rights, Ayurved practitioners should update their knowledge through continuing education like workshops, seminars or CME on medico-legal aspect of practice.

**KEY WORDS:** Awareness, Consumer Protection Act, Medico Legal, Questionnaire

INTRODUCTION:

To protect Consumer's interest Consumer Protection Act (CPA) was introduced in 1986 as a Social Legislation for the first time in India. <sup>[1,2]</sup> Healthcare services were not mentioned directly in the definition. <sup>[3,4]</sup> In case of medical negligence action on negligent persons were

taken under various relevant sections of Indian Penal Code (IPC) for compensation or punishment. <sup>[3]</sup> These claims proved to be lengthy as well as expensive. <sup>[5,6]</sup> In landmark judgment by Hon. Supreme Court in the case of Indian Medical Association V/s V.P. Shantha in 1996

brought Healthcare Services within the scope of CPA.<sup>[7]</sup> Three tier consumer dispute redressal mechanism i.e. district , state and national level for time bound justice delivery was introduced by this act .<sup>[8,9]</sup> Existing CPA was repealed and new act was passed which received the presidential assent on 9 August 2019. New CPA, 2019 came into effect from 20<sup>th</sup> July, 2020.<sup>[10]</sup> In last few years, medicine practice has changed considerably, affecting healthcare sector in both positive and negative aspects. In these few years; investors from varied backgrounds are attracted to healthcare system as a profitable business sector.<sup>[11]</sup> The traditional perception of doctor - patient relationship has experienced a radical transformation due to advancements in medical technology, imaging techniques and emerging new diseases along with availability of information on disease and treatment on internet. This increased awareness is responsible for increasing number of complaints regarding facilities provided by hospitals, standard of professional skills and appropriateness of therapeutic and diagnostic method. Any aspect of professional practice can be responsible for negligence cases. In addition, the expanding patient population is becoming more knowledgeable and aware of their rights, As a result, large number of consumers and organization started approaching CPA commission for compensation of grievances.<sup>[12]</sup> Act provides for establishment of consumer council to educate the public and creation of authorities for settlement of consumer disputes. Now Consumer awareness is developing in the country, perceptions are changing, laws are getting simplified and consumers are getting more and more demanding. So, it is crucial on the part of medical professionals to have updated and sufficient knowledge and awareness about CPA to give better services and avoid consumer disputes.

Studies on awareness in particular of Ayurvedic students, seem to be rarely reported. According to gazette, dated 19<sup>th</sup> November 2020 Indian Medicine Central council (Postgraduate *Ayurveda* Education) amendment regulations, 2020; *Ayurvedic* postgraduate in *Shalyatantra* and *Shalakyatantra* can perform many procedures independently.<sup>[13]</sup> As a consequence, *Ayurveda* postgraduates should have updated and adequate knowledge and awareness about

CPA to give better services and prevent consumer disputes.

Hence the present study was carried out to study on knowledge and Awareness of Consumer Protection Act, 2019 (COPRA) in post graduate students of *Ayurveda*.

### Aims and Objectives:

To study the knowledge and awareness of CPA, 2019 in post graduate students of *Ayurveda*.

### MATERIALS AND METHODS:

#### Literary research

Through literary research was done from

- Consumer Protection Bare Act,
- Various articles published on this subject on internet,
- Various landmark judgments on CPA and medical negligence in India.
- Blogs of advocates on CPA 2019,
- Articles in newspapers, law journals regarding new amendments in Consumer Protection Act, 2019.
- Previous work done on same theme in other pathies.

#### Questionnaire formation

Many questions regarding CPA and medical fraternity were formed.<sup>[14]</sup>

Then they were grouped in six different domains namely-

1. Consumer forum location
2. Provisions in CPA
3. Time period
4. Complaint filing methods
5. Knowledge regarding mechanism of compensation and appeal
6. Safe guard from litigations.

These questions were sieved and only 18 closed ended questions on 6 different domains were selected.

#### Validation of questionnaire

Questionnaire validation was done by lawyer and Agadtantra subject experts. After analysis and inputs from 5 experts from the field of Law, statistics, Research and Agadtantra questionnaire was revised.

### Sample size calculation:

Sample size- 100 PG Ayurveda students' response minimum was considered for statistical analysis (during survey 110 responses were received) <sup>[15]</sup>

### Survey study

A cross sectional survey study was conducted in December 2022 and January 2023.

### Pilot study

A pilot study was conducted among 23 post graduate students of Ayurveda to test the reliability of questionnaire. These participants were excluded from main study. Few changes made in couple of questions to make them simple and understandable.

### Main study

Revised questionnaire was sent in the form of "Google forms" on "WhatsApp" to various HODs of teaching institutes all over India and requested them to circulate it on their college post graduate students' groups and encourage them to participate in this study. Anonymity of all the participants was maintained during this survey.

All the collected data was recorded in MS-excel and was represented graphically.

Each correct answer was allotted 1 mark and wrong answers were marked as 0.

3 levels of awareness were designated before conducting study based on the marks obtained out of 18. The responses were further grouped into poor (marks <6), moderate (marks 7-12) and good (marks 13- 18).

### Results:

Total 110 post graduate students were participated in study all over India.

**State wise participation:** Response rate was good in Maharashtra state than other states. Postgraduate students from 4 states participated in this study. Distribution of participants from various states is namely, Maharashtra 87%, Karnataka 7%, Rajasthan 5% and Gujarat 1%. (Graph no. 1)

### Scoring pattern:

- Overall, 70 students out of 110, almost 64% students scored points between 7-12 and having moderate awareness.
- Almost 31% students i.e., 34 students scored marks more than 12 and have good awareness and knowledge of CPA.
- 6 students i.e., 5% scored points less than 6 and have poor awareness about CPA. (Graph no. 2 & Table no 1).

Graph No. 1: State wise responses

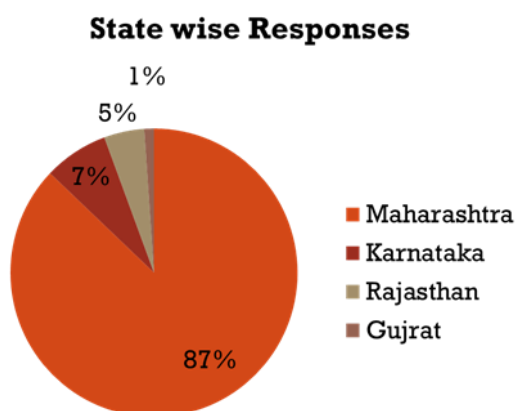
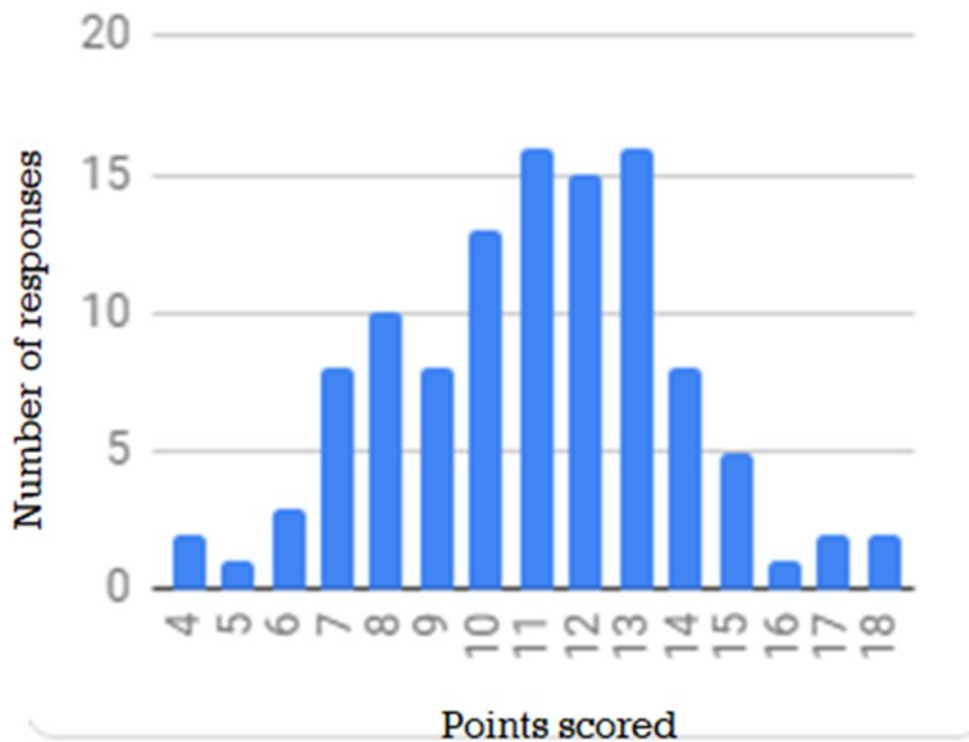


Table No. 1: Awareness Grades and Scores

Sr. no.	Awareness score	Grade	Frequency	Percentage
1	<30% (0-6)	Poor	6	5.45%
2	31%–59% (7-12)	Moderate	70	63.63%
3	≥60% (13-18)	Good	34	30.90%

Graph No. 2: Distribution of points scored



Each question wise response analysis

Table No. 2: Response and Awareness regarding CPA for each question

Sr No.	Question	Options and Correct Answer	% of Responses	% of Awareness
1	Are you aware that the Consumer Protection Act provides for a three tier Consumer Disputes Redressal commission?	Yes	74.5	74.5
		No	25.5	
2	Whether the doctors working in private hospitals, nursing homes, polyclinics, government hospitals / institutes, or clinics come under CPA?	Yes	87.3	87.3
		No	12.7	
3	Following is included under CPA except	Defective goods, unfair trade practice	18.2	45.5
		Deficiency in service	10.9	
		<b>Total free of charge medical services</b>	45.5	
		Commercial transactions	25.5	
4	Essential ingredients to prove negligence are	The doctor owes duty of care to plaintiff	4.5	89.2
		Breach in duty of care	1.8	
		Injury due to the breach	4.5	
		<b>All of above</b>	89.2	

Sr No.	Question	Options and Correct Answer	% of Responses	% of Awareness
5	Who can file a complaint for compensation under CPA?	Patient or his legal heirs	18.2	<b>70.9</b>
		any registered voluntary consumer association	8.2%	
		State or central government	2.7%	
		<b>All above</b>	70.9%	
6	What is the maximum time period in which a patient can file a complaint in consumer commission after Occurrence of the incidence has been identified or discovery of alleged negligence?	1 year	25.5	<b>25.5</b>
		<b>2 years</b>	25.5	
		3 years	19.1	
		Anytime	30	
7	What is the time limit described by CPA to dispose of a consumer complaint?	<b>90 days</b>	47.3	<b>47.3</b>
		120 days	35.5	
		200 days	4.5	
		100 days	12.7	
8	What is the time limit for filing an appeal in various levels is?	30 days	32.7	<b>36.4</b>
		<b>45 days</b>	36.4	
		60 days	12.7	
		90 days	18.2	
9	In which language complainant can file complaint?	English only	0.9	<b>68.2</b>
		English and Hindi	10.9	
		Hindi and state language	20	
		<b>English and state language</b>	68.2	
10	A patient from Pune is operated in Chennai, by a doctor residing in Delhi. Patient wants to file a complaint against a doctor where he can file it?	Pune	11.8	<b>57.3</b>
		Delhi	9.1	
		Chennai	21.8	
		<b>From any of the above</b>	57.3	
11	In CPA for frivolous (false) complaints the complainant has to pay penalty to opposite party not exceeding the amount	<b>10000 Rupees</b>	36.4	<b>36.4</b>
		25000 Rupees	31.8	
		50000 Rupees	15.5	
		100000 Rupees	16.4	
12	In which of the following commission a complaint can apply if his damages are up to 1crore?	District forum	10.9	<b>25.5</b>
		<b>State Commission</b>	25.5	
		National Commission	35.3	
		Do not know	28.2	
13	How much amount should appellant need to deposit in higher commission for appeal	<b>50% of compensation amount</b>	15.5	<b>46.4</b>
		Rs. 25000/- only	9.1	
		A or B whichever is lower	46.4	
		Do not know	29.1	
14	Is this possible to apply for review petition in same commission?	<b>Yes</b>	80	
		No	20	

Sr. No.	Question	Options and Correct Answer	% of Responses	% of Awareness
15	In a non compliance in cases of Compensation in CPA litigations, doctor is liable for punishment in the form of..	Imprisonment one month to three years	3.6	
		Fine up to Rs. 10,000/-	10.9	
		<b>Both or A or B</b>	81.8	
		No punishment	3.6	
16	Do you know there is medical indemnity insurance as a safe guard for litigations	<b>Yes</b>	76.4	<b>76.4</b>
		No	23.6	
17	Antidote to potential medico legal challenge is	Diligent record keeping	4.5	<b>83.6</b>
		Precautions on informed consent	8.2	
		Acquiring effective communication skills	3.6	
		<b>All above</b>	83.6	
18	Whether doctors should be compensated for frivolous complaints?	Yes	36%	
		no	64%	

**Domain wise response analysis (Table No. 3 and 4):**

Domain wise responses were also analyzed and showed participants have good awareness in categories Location of consumer forum,

Provisions of CPA, Method of filing of complaint and Safe guard from litigations.

moderate awareness was observed in questions related to domain of Time period and Knowledge about compensation and appeal

**Table No. 3: Knowledge and awareness of CPA according to domains**

Sr. No.	categories	% of correct responses
1	Location of consumer forum	74.5%
2	Provisions of CPA	73.9%
3	Time period	36.4%
4	Method of filing of complaint	65.4%
5	Knowledge about compensation and appeal	54.2%
6	Safe guard from litigations	74.8%

**Table No. 4: Level of Knowledge and Awareness According to Question No. and % of Correct Responses**

Sr. No.	Categories	Question's No.	No. and % of correct Responses		Awareness
			No.	%	
1	Location of consumer forum	1	82	74.5%	Good
2	Provisions of CPA	2	96	87.3%	Good
		3	50	45.5%	
		4	98	89.1%	
3	Time period	6	28	25.5%	Moderate
		7	52	47.3%	
		8	40	36.4%	
4	Method of filing of complaint	5	78	70.9%	Good
		9	75	68.2%	
		10	63	57.3%	
5	Knowledge about compensation and appeal	11	40	36.4%	Moderate
		12	28	25.5%	
		13	51	46.4%	
		14	88	80%	
		15	90	81.8%	
6	Safe guard from litigations	16	84	76.4%	Good
		17	92	83.6%	
		18	71	64.5%	

## DISCUSSION:

From the standpoint of medical profession, it is worthwhile to inquire that their new law has excluded the Healthcare system.<sup>[16]</sup> The provision legislation has been targeted to appease the medical fraternity in a bid to use the medical field has expressed apprehensions over its detrimental application. The medical profession is unnecessarily feeling excited about this change in the euphemistic tone of the Consumer Protection Act, 2019. On the contrary careful the perusal reveals that there is ample scope of filing case against the deficiency of Healthcare services by the aggrieved persons for a medical negligence and redressal.<sup>[16]</sup>

The Act covers all the medical practitioners including allopathic and AYUSH systems of medicine with the aim to make certain liability and keep a check on dishonest practices by any doctor.<sup>[17]</sup>

In new CPA, 2019, financial jurisdiction is revised. The cut-offs for compensation amount in consumer complaints for District Commissions, shall be upto – Rs.50 lakhs, for State Commissions it shall be more than Rs.50 lakhs to Rs. 2 Crores and, for National Commission it shall be more than Rs.2 Crores.<sup>[18]</sup> Any medical or dental services which are provided free of charge does not come under CPA for e.g. services provided in charitable or government hospitals.<sup>[19]</sup> A doctor is obliged for certain duties towards patient who consults him for disease. A deficit in duty results in negligence. According to the Supreme Court of India to prove negligence 4 D's should be fulfilled namely, **Duty, Dereliction of Duty, Direct Cause and Damage.**<sup>[20]</sup> For redressal, consumers can file complaints where the complainant resides or personally works for gain. The difficulties faced by the patients will be less during the process of filing complaint against a hospital from another state or district due to this amendment.<sup>[21]</sup> Modification has been done for the condition of appeal. Any person can appeal in immediate higher court within 45 days after depositing 50% of the amount of decree.<sup>[22]</sup> provision of mediation cell is mentioned in new act which are attached to the district, state and national commissions.<sup>[3]</sup>

certain criteria are followed by the court for awarding compensation.<sup>[23]</sup> As per expert lawyer's opinion, provision of compensation for filing of frivolous complaints should be asked by the doctors. Also while deciding medico-legal cases expert opinion should be mandatory, since requisite knowledge may be lacking by the judges.<sup>[3,24]</sup> To avoid any medico-legal suits doctors should practice good communication, documentation of communication, documentation and communication of documentation. Informed Consent, record keeping and good communication skills plays important role. Professional indemnity insurance for doctor's acts as a shield by providing cover against professional risks like in cases of negligent misdiagnosis, medication errors, surgery-related issues or wrong course of treatment etc. Coverage is provided in case of patient or any third-party claims like injury, harm, death or financial loss rendered by insured doctor's services and can also protect the doctors from any defamation.<sup>[25,26]</sup>

The Consumer Protection Act, 1986 is a part of syllabus of Agadtantra in second /Third professional BAMS and MD *Agadtantra evum Vidhi Vaidyak.*<sup>[27,28]</sup> The Act was repealed in 2019.<sup>[10]</sup> The present study observed that, as CPA is a part of syllabus of Agadtantra, overall moderate and good knowledge & awareness was observed in participants about CPA. Participants were aware that CPA is applicable to healthcare professionals (64% moderate and 31% good awareness) but there was lacking of knowledge and awareness about changes made in new law or amended law. So, awareness regarding the process of filing a case, punishment and appeal was lacking among the participants. As the CPA delivers time bound consumer justice, practitioner should be aware about these changes in new act. Concept of frivolous or false complaint was unknown to many participants (only 36% correct responses).

In a study conducted among dentists, same findings were observed.<sup>[29,30,31]</sup> Implementation of the act has significantly improved the quality of medical services to ordinary people.<sup>[32]</sup>

## CONCLUSION:

The post graduate Ayurveda Students are aware that CPA is applicable to healthcare but it is evident from the study findings that students lack awareness on changes in new Consumer Protection Act, 2019

There is a need to have a comprehensive education program on legal aspects of medical practice and preventive measures, to avoid litigations under consumer protection act.

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