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Medical Negligence in India: A Legal Perspective through the Lens of the Film Ankur Arora Murder Case

Payal Kumari^a

^aVijaybhoomi University, Maharashtra, India

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“An ounce of prevention is better than a pound of cure.”

- Benjamin Franklin

The article is about Ankur Arora, an 8-year-old child who died due to medical negligence. This article examines the legal doctrines such as medical negligence, criminal negligence under Section 304A IPC, vicarious liability, and patient rights under the Consumer Protection Act. It demonstrates the significance of informed consent, adherence to medical regulations, and accountability in medical practice. This article also shows the larger consequences of healthcare carelessness by analysing cases such as Jacob Mathew v State of Punjab and Samira Kohli v Dr Prabha Manchanda.¹ It also talks about the importance of implications of the judgement, which encourages Medical Accountability & Legal Precedent, Stricter Hospital Regulations and Empowering Patients & Families. This paper aims to give a new perspective to the readers by connecting the dots between the movie and the real-life cases for learning purposes. To prevent similar incidents in the future, the article emphasises the need for better hospital regulations, improved pre-surgical risk assessment, and ethical medical procedures.

Keywords: *medical negligence, criminal negligence, vicarious liability, informed consent, consumer protection.*

¹ Jacob Mathew v State of Punjab & Anr AIR 2005 SC 3180

INTRODUCTION

In 2013, Ankur, an 8-year-old child, was admitted for a minor, non-life-threatening operation (appendicitis). The surgery was supposed to be uncomplicated, but issues arose. The child suffered problems during surgery as a result of alleged negligence on the part of the doctors and medical staff. The anesthesiologist left the operating room, and a senior doctor allegedly disregarded standard procedure. Ankur choked on his vomit during the operation, resulting in hypoxia (a lack of oxygen) and brain damage. He slipped into a coma (brain death) and died after that, which was later proved to be murder. The FIR was filed by Ankur's mother, Nandita Arora and Dr Romesh after he discovered the reason behind this death. The police began an investigation after Dr Romesh and Ankur's mother filed a formal complaint (FIR), trying to gather CCTV footage, witness statements from hospital employees, and medical records. After conducting an autopsy, forensic specialists concluded that Ankur's death was the result of preventable medical negligence rather than natural complications. Under the direction of Dr Asthana, the hospital made an effort to mislead the evidence by creating false evidence that Ankur's adverse drug reaction was an inevitable consequence, changing medical records to cover up surgical errors, and pressuring nurses and junior physicians into remaining silent. The prosecution, however, challenged these defences by presenting forensic evidence that demonstrated negligence, such as proof that anaesthesia was given incorrectly and that surgery was performed despite earlier risk warnings. Independent medical experts' testimony indicated that Ankur's death was directly caused by the major mistake of providing pre-operative care. The intentional dishonesty was also made public by documents of illegal alteration of patient records (changing the timing of NBM (Nil by Mouth)² from 1 hour to 9 hours). But in the end, Ankur and his family got justice.

Section 300 of the Indian Penal Code (IPC)³ defines murder and the conditions like intent to cause death, the intent to cause bodily injury and the act which is done with the knowledge that it is so dangerous that it will likely cause death are considered murder.

Section 302 of the Indian Penal Code (IPC)⁴ deals with the punishment for murder. The punishment for murder can be:

² It means a patient should not eat or drink anything before surgery or a medical procedure

³ Indian Penal Code 1860, s 300

⁴ Indian Penal Code 1860, s 302

- Death,
- Imprisonment for life,
- A fine.

FIR (First Information Report) under **Section 154 CrPC**⁵ is a crucial document as it sets the foundation for further legal proceedings against the accused.

The purpose of the paper is to elucidate the legal implications of medical malpractice through the Ankur Arora Murder Case movie, linking it to other real-life cases. According to Research from the National Library of Medicine, published in 2022, there have been 5.2 million medical malpractice cases registered annually in India.⁶

LEGAL ISSUES

Several key legal doctrines and statutory provisions played a role in Ankur Arora's murder case:

Medical Negligence: Negligence means when a person breaches their duty and lacks proper care towards the other person, which they are obliged to is causing negligence. Section 106 of BNS states the provisions for causing the death of a person by Negligence.⁷

Medical negligence is an act of commission or an act of omission which a prudent doctor of average skill, knowledge and experience would not do. The essentials of negligence are four "D" s:

- (i) there is a duty towards patients;
- (ii) there is a deficiency in duty towards patients;
- (iii) this directly results in; and

⁵ Code of Criminal Procedure 1973, s 154

⁶ Surbhi Gloria Singh, 'Over 5.2 mn medical malpractice cases filed in India annually, shows data' *Business Standard* (29 April 2024) <https://www.business-standard.com/finance/personal-finance/over-5-2-mn-medical-malpractice-cases-filed-in-india-annually-shows-data-124042900073_1.html> accessed 11 October 2025

⁷ 'Medical Negligence Under BNS' (*Drishti Judiciary*, 25 September 2024) <<https://www.drishtijudiciary.com/to-the-point/bharatiya-nyaya-sanhita-&-indian-penal-code/medical-negligence-under-bns>> accessed 13 October 2025

iv) damage, which may be physical, mental or financial loss to the patient or relatives.⁸

How is it related to the case?

Before the surgery, the main doctor and one of the staff also learned that Ankur had eaten biscuits, and the surgery could not be done in this situation. But the doctor chose to do it because he considered it a business. He said he would empty the stomach by Gastric Decompression or the Stomach Cleaning process, but he forgot to do it before the surgery. Parents consented to surgery, not negligence.

Another case related to Medical Negligence - Jacob Mathew v State of Punjab (2005) –

The main issue in Jacob Mathew v State of Punjab (2005) was whether Dr Jacob Mathew was responsible for a patient's death due to negligence after an oxygen cylinder provided at the hospital was empty. The Bolam Test states that a doctor is not guilty provided they adhere to accepted medical practices. It also mandated that before filing a criminal case against a doctor, an expert medical board must investigate the issue. While providing oxygen, the hospital was responsible for ensuring equipment availability. Because there was no proof that Dr Mathew personally failed in his duty or deliberately ignored a major risk, the court emphasised that mistakes or system failures do not automatically make a doctor criminally accountable unless they behave with a clear disregard for a patient's welfare. The principle of *res ipsa loquitur* (the thing speaks for itself) was applicable as the surgery was routine.⁹

Volenti Non-Fit Injuria (to a willing person, no injury is done): It means that a person who consents to a risk cannot claim damages for harm resulting from it. *Volenti non fit injuria* is a Latin phrase that means 'to a willing person, injury is not done' or 'Leave and Licence' or harm suffered by consent or informed consent is not an injury. Informed consent means: A person agrees to something after carefully knowing the facts, potential risks, and benefits. It is commonly used in the legal, medical, and research fields.

The essence of *volenti non fit injuria* –

- Consent Must be Free,

⁸ Satish Kamtaprasad Tiwari & Mahesh Baldwa, 'Medical Negligence' (*Indian Pediatrics*, 2001) <<https://www.indianpediatrics.net/may2001/may-488-495.htm>> accessed 15 October 2025

⁹ *Jacob Mathew v State of Punjab & Anr* AIR 2005 SC 3180

- Mere Knowledge doesn't Imply Consent,
- Act Must be Lawful.

How is it related to the case?

Ankur's case challenges this principle. While patients and guardians' consent to procedures, they do not consent to reckless mistakes or gross incompetence. The consent was for a safe surgery, not for negligence. Ankur's mother had to consent to the surgery for which she signed an agreement where it was written NBM (Nil by Mouth) for 6-8 hours of surgery, which she was not told, and it was in medical terminology; she had no idea of it. So, it was not informed consent.

Another Case related to volenti non fit injuria: Samira Kohli v Dr Prabha Manchanda & Ors. (2008) –

In *Samira Kohli v Dr Prabha Manchanda & Ors. (2008)*, the patient, Samira Kohli, went to the doctor for medical treatment and surgery as she was complaining about prolonged menstrual bleeding, but while she was under anaesthesia, the doctor conducted a hysterectomy (the uterus removal) without her explicit consent. The Supreme Court concluded that this violated her right to informed consent. The court emphasised that doctors cannot presume consent for additional procedures unless there is a life-threatening emergency.¹⁰

Vicarious Liability of the Hospital: It means that if the servant does work for his master, it is deemed that the master was doing the act by himself. It is also called 'the principle of master-servant liability.'

The liability of the master is based on two legal maxims -

Qui Facit Per Alium Facit Per Se (He who Acts through Another Acts himself): If someone tells another person to do something, they are still responsible for it.

Respondeat Superior (Let the Master Answer): This means employers are legally responsible for the actions of their employees if they work within the scope of their job.

¹⁰ *Samira Kohli v Dr Prabha Manchanda & Anr (2008) 2 SCC 1*

How is it related to the Case?

The doctors carelessly administered anaesthesia without confirming that the patient followed pre-surgery fasting (NBM - Nil by Mouth). Their failure to follow standard medical protocols represented medical negligence. As a result, based on vicarious liability, the hospital was held liable for the doctors' carelessness because they were employees.

Another Case related to Vicarious Liability: Savita Garg v National Heart Institute (2004)

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In this case, *Savita Garg v National Heart Institute (2004)*, the question was whether the hospital was accountable for the petitioner's husband's death as a result of inadequate post-surgery care. This case involves vicarious liability because the hospital was held liable for the carelessness of its doctors and staff members while they were doing their job duties. The Supreme Court concluded that the hospital had to prove that it was not negligent. But the hospital could not explain the cause of death. So, the hospital was held liable for the actions of its employees.¹¹

Criminal Negligence (Section 304A IPC): It applies when a person's careless or reckless act, without the intention to kill, results in someone's death. Section 304A IPC ¹²deals with causing death by negligence.

How is it related to the case?

The failure to monitor Ankur's vitals post-surgery and the dismissive attitude of the doctors pushed this case into criminal territory.

Another Case related to Criminal Negligence- Dr Suresh Gupta v Govt. of NCT of Delhi (2004) —

The issue in *Dr Suresh Gupta v Govt. of NCT of Delhi (2004)*¹³ was whether Dr Suresh Gupta was criminally liable under Section 304A IPC (causing death by negligence) after a patient died as a result of complications from a cosmetic surgery for removing nasal deformity. The

¹¹ *Smt Savita Garg v The Director, National Heart Institute (2004)* 8 SCC 56

¹² Indian Penal Code 1860, s 304A

¹³ *Dr Suresh Gupta v Govt of NCT of Delhi & Anr* AIR 2004 SC 4091

death was caused by improper intubation (placing a tube in the airway). The Supreme Court found that, for a doctor to be held criminally liable, the carelessness must be marked by a high level of recklessness. So, the judge dismissed the allegations against him, ruling that ordinary medical carelessness should be dealt with under civil law rather than criminal law.

Consumer Protection Act, 1986 (Now CPA, 2019): The Consumer Protection Act, 1986,¹⁴ was replaced by the Consumer Protection Act, 2019.¹⁵ The 2019 Act aims to better protect consumers from unfair practices, misleading advertisements, and other issues.

How is it related to the case?

The parents of Ankur Arora did not file a case under the Consumer Protection Act, 1986, but they could have, as medical services fall under the definition of 'Service.' However, they chose a criminal case under Section 304A of the IPC¹⁶ (causing death by negligence) against the doctors and the hospital.

Another case related to the Consumer Protection Act, 1986: Indian Medical Association v V.P. Shantha (1995) –

The question in *Indian Medical Association v V.P. Shantha* (1995) was whether medical services fall under the Consumer Protection Act of 1986, which allows patients to submit complaints against doctors and hospitals for negligence. V.P. Shantha filed a case claiming medical negligence and seeking compensation under the Consumer Protection Act of 1986¹⁷. The Indian Medical Association (IMA) opposed this, claiming that medical services should not be subject to consumer protection rules because doctors give treatment rather than goods or services like businesses. The Supreme Court held that medical services are protected by the Consumer Protection Act, except when they are provided free of charge or through a government program.¹⁸

Judgment in the Ankur Arora Murder Case: The court convicts Dr Asthana of medical negligence under Section 304A of the Indian Penal Code and evidence tampering. He was also held guilty of ignoring warnings, creating fake reports, and failing to follow up on

¹⁴ Consumer Protection Act 1986

¹⁵ Consumer Protection Act 2019

¹⁶ Indian Penal Code 1860, s 304A

¹⁷ Consumer Protection Act 1986

¹⁸ *Indian Medical Association v VP Shantha & Ors* (1995) 6 SCC 651

medical protocols, which resulted in Ankur's avoidable death. He has been sentenced to 2 years of imprisonment and has also lost his medical license. And the hospital was directed to compensate the victim's family.

Implications of the Judgment –

Medical Accountability & Legal Precedent: The court said doctors are not above the law and can face criminal prosecution for negligence. They have to follow medical ethics and prioritise patient safety over reputation.

Stricter Hospital Regulations: It encourages hospitals to implement stronger internal monitoring, ensuring proper procedures are followed up.

Empowering Patients & Families: It encourages people to know their rights and demands transparency and accountability from healthcare providers.

Last but not least, it also shows how ethical doctors like Dr Romesh play a crucial role in exposing malpractice.

RECOMMENDATIONS

In the Ankur Arora Murder Case, several preventive measures could have been taken to avoid the tragedy –

Pre-Surgery Risk Assessment: The medical team should have performed a thorough pre-operative review of Ankur's condition before the operation to determine whether there was a risk, and if there was, they should have postponed the procedure rather than proceeding despite warnings raised by junior doctors, which they did not do. They took him right to surgery, which worsened the problem.

Adhering to Medical Ethics and Protocols: Dr Asthana did not follow medical ethics or protocols. He disregarded warnings about potential risks and rushed into surgery without taking adequate safeguards. Instead of prioritising the patient's safety, he was more concerned about maintaining his reputation. This mistake had serious consequences, emphasising the significance of adhering to medical norms and prioritising patient care. He

could have saved the life if he hadn't been so careless and followed the medical ethics and protocols.

Proper Anaesthesia Administration & Monitoring: Ankur faced difficulties because the anaesthesia wasn't given in the correct dosage and was not properly monitored. A more experienced anaesthetist should have handled the situation. Keeping an eye on him during the surgery was critical for his safety and could have prevented his death.

Transparency in Medical Procedures: The hospital should have been transparent with the family about the risks and complications. Proper informed consent should have been obtained, explaining all possible dangers and the term NBM (Nil by Mouth) in simple language.

Immediate Response to Emergency Situations: In an emergency, doctors must act fast and accurately to rescue the patient. In Ankur's case, there was a delay in responding to complications, which worsened the situation. Hospitals should have adequate emergency plans in place, as well as trained staff to deal with such circumstances as they arise. This would help to prevent such occurrences and improve patient safety.

Stronger Internal Hospital Audits & Oversight: Hospitals should constantly examine medical practices to ensure they are correct and safe. In Ankur's situation, improved supervision could have detected errors earlier and avoided the incident. Internal audits and oversight would assist hospitals in maintaining high standards, eliminating errors, and providing better patient care.

CONCLUSION

The Ankur Arora Murder Case is not just a normal case. It did not directly influence legal precedents or result in landmark judgments. However, it did contribute to a broader conversation about medical ethics and the legal responsibilities of healthcare professionals.

This paper helps the reader to imagine a situation where the individual can imagine a little boy who went to the hospital to get cured but lost his life due to a doctor's negligence. A doctor who thinks of himself as God, believing he is above mistakes, just because he saves lives. But he doesn't just stop there- he also sees his profession as a business, where reputation and money matter more than human life. This was visible when he lied about the

Operation Theatre (OT) being unavailable, even though it was available. His only intention was to make the patient wait and earn more money. This scene is also shown in the movie *Ankur Arora Murder Case* (2013), which is based on this case.

Overall, the article focuses on demonstrating the situation of an 8-year-old child who didn't know how cruel the world could be. Yet, he understood his mother's pain. He wanted to grow up, earn money, and take care of her so that she wouldn't have to suffer anymore. But he never got that chance - his life was taken away before he could even see his tomorrow.