

**APPLICABILITY OF THE DEFENCE OF INFORMED  
CONSENT AGAINST MEDICAL NEGLIGENCE IN  
THE SCOPE OF A PATIENT'S AUTONOMY:  
A SRI LANKAN PERSPECTIVE**

*Udapadie S. Liyanage* \*

ABSTRACT

*Informed consent is a concept that evolved in the developed countries in the west where they have allegedly better medical facilities for medical treatment from which medico-legal consequences arise and now it is spreading to the other parts of the world. Recently, the UK signalled a green light for the adoption of informed consent in which they are the creators of prudent doctor's test. The position of the patient's autonomy has changed and now questions the validity of information and risk communication from the original concept of the 'doctor knows best'. Therefore, failure to disclose risks is considered to be medical negligence in the law of delict/tort. However, it is unclear whether informed consent as practised in Sri Lanka, requires full disclosure of risks related to any treatment in order to adopt the developments in other common law countries. This article discusses the standard of disclosure for the application of informed consent together with the patient's rights as required by the law of delict/tort and its legal impact on clinical practices in Sri Lanka.*

---

\*LL.B., Attorney-at-Law; Lecturer, Faculty of Law, University of Colombo.