

**GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
DEPARTMENT OF HEALTH AND FAMILY WELFARE**

**LOK SABHA
STARRED QUESTION NO. 279
TO BE ANSWERED ON THE 5TH JANUARY, 2018
MEDICAL NEGLIGENCE**

***279. SHRI RAVINDRA KUMAR PANDEY:
SHRIMATI KOTHAPALLI GEETHA:**

Will the Minister of **HEALTH AND FAMILY WELFARE** be pleased to state:

- (a) whether a number of cases of medical negligence in Central Government and private hospitals have been reported across the country during the last two years;
- (b) if so, the details thereof, year and State/UT-wise including Andhra Pradesh along with the response of the Government in this regard and the action taken against such hospitals;
- (c) the number of complaints received by the Grievance Redressal Committees in these hospitals during the said period, hospital-wise and the action taken thereon;
- (d) whether the Government has framed any rules to curb loot and criminal negligence by private hospitals in the country and if so, the details thereof; and
- (e) the other corrective measures taken by the Government to stop such incidents of loot and criminal negligence?

**ANSWER
THE MINISTER OF HEALTH AND FAMILY WELFARE
(SHRI JAGAT PRAKASH NADDA)**

(a) to (e) : A Statement is laid on the Table of the House.

**STATEMENT REFERRED TO IN REPLY TO LOK SABHA
STARRED QUESTION NO. 279* FOR 5TH JANUARY, 2018**

(a) to (c) The Government is aware of the reports appearing in the media from time to time about some such cases of medical negligence. However since health is a State subject, it is the responsibility of the respective State Government to take action to prevent and control such practices. Therefore, such complaints, as and when these are received, are forwarded to the concerned States. Details of such complaints are, however, not maintained centrally.

(d) Health is a State subject. The Government of India has, however, enacted the Clinical Establishments (Registration and Regulation) Act, 2010 and notified Clinical Establishments (Central Government) Rules, 2012. These provide for registration and regulation of Clinical Establishments including those in the private sector. The Act is currently applicable in ten States and all Union Territories except Delhi. In the States/Union Territories where the said Act is in force, the clinical establishments are required to meet the norms such as minimum standards of facilities and services, minimum requirement of personnel, maintenance of records and reports and displaying of rates at a conspicuous place. The clinical establishments are also required to follow Standard Treatment Guidelines issued by the Central/State Governments and charge rates for each type of procedure and service within the range of rates determined from time to time in consultation with the State Governments. The implementation and enforcement of the said Act falls within the ambit of the States/Union territories.

(e) The Clinical Establishments (Registration and Regulation) Act, 2010 provides sufficient scope for the States and Union Territories for effectively redressing public grievances and curb unethical medical practices. Further, the MCI and State Medical Councils are empowered to take action against a doctor for violation of the provisions of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulation, 2002. The complaints related to overcharging, deficiency in medical care, etc. can also be filed in District/State/National Consumer Disputes Redressal Forums under the Consumer Protection Act. Further, depending upon the nature of carelessness and criminal act, the relevant sections of Indian Penal Code/Criminal Procedure Code are also applicable.
