

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

**RAJYA SABHA
UNSTARRED QUESTION NO. 3457
TO BE ANSWERED ON 1ST APRIL, 2025**

OVERSIGHT OF TREATMENT PROTOCOLS IN GOVERNMENT HOSPITALS

3457. DR. AJEET MADHAVRAO GOPCHADE:

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

- (a) the steps taken by the Central Government in collaboration with State Governments to enhance oversight of treatment protocols in Government hospitals ensuring that underprivileged individuals receive adequate and quality care;
- (b) whether Government is aware of the increasing instances of alleged medical negligence in both Government and private hospitals;
- (c) if so, the measures implemented to address this issue; and
- (d) whether Government is not contemplating the establishment of a special tribunal for the impartial and scientific resolution of alleged medical negligence cases in the interest of natural justice?

**ANSWER
THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY
WELFARE
(SMT. ANUPRIYA PATEL)**

(a) to (d): '*Health*' being a State subject, it is the primary responsibility of the States / UTs to enhance oversight of treatment protocols in Government hospitals for ensuring underprivileged individuals to receive adequate and quality healthcare. The States / UTs are also responsible for taking cognizance of the instances of alleged medical negligence in both Government and private hospitals as well as for taking appropriate measures to address the issue. The complaints regarding medical negligence, as and when received by the Central Government, are forwarded to the concerned State/ UT for taking necessary action. The details of such cases are not maintained by the Central Government.

The Government of India enacted the Clinical Establishments (Registration and Regulation) Act, 2010 (CE Act) and notified the Clinical Establishments (Central Government) Rules, 2012 (CE Rules) to provide for registration and regulation of Government (except those

of Armed Forces) as well as private clinical establishments belonging to recognized systems of medicine. As per CE Act, the clinical establishments are required to fulfill the conditions of minimum standards of services provided for each type of service provided. The CE Rules also mandate all clinical establishments to comply with Standard Treatment Guidelines (STGs) issued by the Central / State Government. The States / UTs which have adopted the CE Act are primarily responsible for regulating their hospitals including private hospitals as per provisions of the CE Act and CE Rules to ensure the provision of affordable and quality healthcare to patients. CE Act also provides for cancellation of registration of hospitals, if the provisions of the Act are not complied with. The clinical establishments in the States/UTs, which have not adopted and implemented the CE Act, are registered and regulated by the State Acts.

At present, there is no proposal under the Central Government for establishment of special tribunal for dealing with the cases of alleged medical negligence. However, the Medical Council of India (Professional Conduct, Etiquette and Ethics) Regulations, 2002 stipulates that any complaint with regard to professional misconduct of a medical practitioner can be brought before the appropriate Medical Council for disciplinary action. If a medical practitioner is found to be guilty of such misconduct, the Medical Council of the concerned State/UT may award such punishment as deemed necessary or may direct removal of the name of the delinquent medical practitioner from the register altogether or for a specified period. Further, the Ethics and Medical Registration Board (EMRB) constituted under the National Medical Commission Act, 2019, exercises appellate jurisdiction on appeals filed by medical practitioners against actions of State Medical Councils.
