

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

**LOK SABHA
STARRED QUESTION NO. 176
TO BE ANSWERED ON THE 29TH DECEMBER, 2017
PROFESSIONAL MISCONDUCT BY MEDICAL PRACTITIONERS**

***176. KUMARI SHOBHA KARANDLAJE:
SHRI PRATHAP SIMHA:**

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

- (a) whether professional misconduct by medical practitioners is governed by the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 and if so, the details thereof;
- (b) whether the Government proposes a strong framework to address malpractices and implement self-regulation in medical profession and if so, the details thereof;
- (c) whether the Government has set up a Committee of medical professionals to look into ethical and legal challenges facing the healthcare sector and if so, the details thereof;
- (d) whether the Government and private hospitals are being urged to have a Patient Grievance Redressal Cell and an Arbitration and Negotiation Unit, if so, the details thereof; and
- (e) whether doctors have approached the Government seeking a cap on patient compensation to prevent adding to a stressed healthcare system and if so, the details thereof along with the steps taken by the Government to ensure safety of patients and protect the medical fraternity from frivolous case?

**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. 176* FOR 29TH DECEMBER, 2017**

(a) & (b) Yes. The Medical Council of India (MCI) with the prior approval of the Central Government, has notified Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 to prescribe standards of professional conduct, etiquette and a code of ethics for medical practitioners. These regulations also address the issue of malpractices in medical profession. MCI or appropriate State Medical Councils have been empowered to take disciplinary action against a doctor for violation of provisions of the said regulations.

(c) No.

(d) Health being a State subject, the primary responsibility to put an effective mechanism to handle patient grievance lies with the State Governments. The Hospitals under the administrative control of Central Government have Patient Grievance Redressal Cells to settle grievances of the patients.

(e) Yes. A demand has been made by Indian Medical Association (IMA) that suitable amendments should be made in the Consumer Protection Act for capping the compensation amount. An inter-ministerial committee was constituted to look into the demands. The Department of Consumer Affairs has viewed that award of compensation for proven medical negligence is a matter of adjudication which is done by a Consumer Forum. It is not feasible for executive authority to suggest a cap on compensation in the case of medical negligence.
