

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

**LOK SABHA
UNSTARRED QUESTION NO. 148
TO BE ANSWERED ON 2ND FEBRUARY, 2018**

IMPLEMENTATION OF CLINICAL ESTABLISHMENT ACT

148. SHRI OM BIRLA:

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

- (a) whether the Government has received complaints regarding overcharging and fraudulent practices being followed in hospitals in various States of the country during the last three years and if so, the details thereof, State-wise;
- (b) the current status of the adoption and implementation of the Clinical Establishment (Registration and Regulation) Act, 2010 by the various States in the country;
- (c) whether the Government has directed all the State Governments which had not implemented the Clinical Establishment (Registration and Regulation) Act, 2010 to fast-track the implementation of the same, if so, the details thereof;
- (d) whether the Government has also established a supervisory mechanism to overview the implementation status of the Clinical Establishment (Registration and Regulation) Act, 2010; and
- (e) if so, the details thereof along with the steps taken by the Government to put in place grievance redressal mechanism for patients facing such problems?

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

(a): Health is a State subject. It is the responsibility of the respective State Governments to take cognizance of such instances and 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.

(b): The Clinical Establishments (Registration and Regulation) Act, 2010 is applicable in 10 States who have adopted the said Act viz. Sikkim, Mizoram, Arunachal Pradesh, Himachal Pradesh, Uttar Pradesh, Bihar, Jharkhand, Rajasthan, Uttarakhand and Assam and all Union Territories except Delhi. All other States and Union Territory of Delhi have not adopted the Act as yet. Health is a State subject. The Act has to be adopted by other States under Article 252 of the Constitution of India. The provisions of the Act shall become applicable in the States only after adoption.

(c): Health is a State subject. The enforcement and implementation of the Clinical Establishments Act, 2010 is with the States/Union Territories. However, they are being continuously persuaded to ensure its strict implementation from time to time.

(d): Health being a State Subject, establishing a supervisory mechanism to overview the implementation status of the Clinical Establishment (Registration and Regulation) Act, 2010 in their State/Union Territory is the responsibility of the State/UT Governments. As per the provisions of the Clinical Establishments Act, the State Government authorities namely District registering Authority at District level and State Council for Clinical Establishments at the State level are responsible for implementation and monitoring of the Act.

(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 Medical Council of India (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.