

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

**LOK SABHA
UNSTARRED QUESTION NO. 99
TO BE ANSWERED ON 2ND FEBRUARY, 2018**

NEGLIGENCE BY HOSPITALS

99. SHRI MALLIKARJUN KHARGE:

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

(a) whether the Government takes *suo moto* cognizance of the negligence and unethical conduct against patients by five star private hospitals in the country;

(b) if so, the action taken by Government and if not, the reasons therefor; and

(c) whether the Government is going to make strict rules to stop such incidents and if so, the details thereof?

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

(a) & (b): Health being a State subject, it is the responsibility of the respective State Government to take action to prevent and control such practices.

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. Other States may adopt the Act under clause (1) of Article 252 of the Constitution.

(c): In accordance with the Clinical Establishments (Central Government) Rules, 2012 under the aforementioned Act, 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.