

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

**LOK SABHA
UNSTARRED QUESTION NO. 4938
TO BE ANSWERED ON 31ST MARCH, 2023**

CASES OF MEDICAL NEGLIGENCE

**4938. SHRIMATI SARMISTHA SETHI:
SHRI DUSHYANT SINGH:**

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

- (a) whether the National Consumer Disputes Redressal Commission has reported that poor skills or substandard care provided by doctors or healthcare facilities accounted for a third of instances of medical negligence and if so, the details thereof
- (b) the number of cases of medical negligence filed *vis-à-vis* compensation and / or penalties doled out in the last five years, categorised in terms of private / Government hospitals and in terms of different specialties;
- (c) whether the Government proposes to introduce statutory guidelines on determining medical cases and / or establish a separate medical tribunal in this regard; and
- (d) if so, the details thereof and if not, the reasons therefor?

**ANSWER
THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY
WELFARE
(DR. BHARATI PRAVIN PAWAR)**

(a) to (d) Health is a State subject, such complaints, as and when received, are forwarded to the concerned States for necessary follow up action. The details of such cases are not maintained centrally. National Consumer Disputes Redressal Commission has not sent any such report to this Ministry.

Further, as per the provisions of INDIAN MEDICAL COUNCIL (Professional Conduct, Etiquette and Ethics) Regulations 2002, issued under Indian Medical Council Act 1956, cases/complaints related to medical negligence are dealt by the Directorate of Health and Family Welfare in the State/UTs or concerned State Medical Council. If the complainant or respondent is not satisfied with the decision taken by the State Medical Council, he/she can file an appeal at Ethics and Medical Registration Board, National Medical Commission.

The complaints related to deficiency in medical services in any respect can also be filed in District/State/National Consumer Dispute Redressal Forums under the Consumer Protection Act 1986 (Amended 2019).
