

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

**LOK SABHA
STARRED QUESTION NO. 235
TO BE ANSWERED ON THE 6TH MARCH, 2020
MEDICAL NEGLIGENCE IN PRIVATE HOSPITALS AND
NURSING HOMES**

***235. SHRI SADASHIV KISAN LOKHANDE:
SHRIMATI RAMA DEVI:**

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

(a) whether the Government is aware that a large number of people have been given wrong treatment due to negligence on the part of many Private Hospitals and Nursing Homes and there have been cases of death as a result thereof;

(b) if so, the State-wise details thereof for the last three years along with the reaction of the Government thereto; and

(c) the details of the provisions under the law to address the issue and the manner in which such incidents are being checked?

**ANSWER
THE MINISTER OF HEALTH AND FAMILY WELFARE
(DR. HARSH VARDHAN)**

(a) to (c) A Statement is laid on the Table of the House.

**STATEMENT REFERRED TO IN REPLY TO LOK SABHA
STARRED QUESTION NO.235* FOR 6TH MARCH, 2020**

(a) & (b) Health and Hospitals are state subjects. It is the responsibility of the concerned State Governments to deal with the cases of wrong treatment and death due to negligence by Private Hospitals and Nursing Homes as per the applicable laws in the State. The details of such cases are not maintained centrally.

(c) The following legal provisions are available to address the issue and the manner in which such incidents are checked.

1. Under Clinical Establishments Act, 2010, Ministry of Health and Family Welfare has notified Central Government (Rules), 2012. As per Rule 9(iii) for registration and continuation, the Clinical Establishments are required to comply to Standard Treatment Guidelines as may be issued by Central Government or State Government in the States/Union Territories (UTs) where the said Act is applicable. As on date the Clinical Establishments Act is applicable in 11 States and 5 UTs namely Arunachal Pradesh, Assam, Bihar, Himachal Pradesh, Jharkhand, Mizoram, Rajasthan, Sikkim, Uttar Pradesh, Uttarakhand, Haryana, Andaman & Nicobar Islands, Chandigarh, Dadra and Nagar Haveli and Daman and Diu, Lakshadweep and Puducherry. Another 17 States and UTs have their own legislation for regulating clinical establishments. The implementation and monitoring of Clinical Establishments Act, 2010 is under the remit of respective State/UT Governments.

2. As per the provisions of INDIAN MEDICAL COUNCIL (Professional Conduct, Etiquette and Ethics) Regulations, issued under Indian Medical Council Act 1956, complaints with regard to professional misconduct by Registered Medical Practitioners can be brought before the Medical Council of India or the concerned State Medical Council, as the case may be. Similarly, such complaints can be brought before other State/Central regulatory councils like Dental Council, Councils for Indian Systems of Medicine.

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