

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

**LOK SABHA
UNSTARRED QUESTION NO. 3287
TO BE ANSWERED ON 13TH MARCH, 2020**

BRIBING OF DOCTORS

3287. SHRI M. BADRUDDIN AJMAL:

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

- (a) whether the Government has information about ongoing practice of bribes for referrals in private health care sector all over the country;
- (b) if so, the steps taken/being taken to stop such commissions to doctors by private hospitals;
- (c) whether the Government will consider to constitute a body to investigate and take actions against such practice at State and district level;
- (d) if so, the details thereof; and
- (e) if not, the reasons therefor?

**ANSWER
THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND
FAMILY WELFARE
(SHRI ASHWINI KUMAR CHOUBEY)**

(a) & (b): Health being a State subject, such information if received, is referred to the respective State/Union Territory (UT) Government. It is the responsibility of the State/UT Government to take necessary steps to curb such practice of bribes for referrals in private care sector.

Government of India has notified Clinical Establishments Act, 2010, and Clinical Establishments (central Government) Rules, 2012 thereunder. Under the Act, for registration and continuation, every clinical establishment is required to display the rates charged for each type of service provided and facilities available at a conspicuous place, charge the rates within the range of rates determined and issued by the Central Government, in consultation with the State Governments and ensure compliance of the Standard Treatment Guidelines as may be issued by Central Government or State Government, with view to bring in greater transparency.

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As on date 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 & Nagar Haveli & Daman & Diu, Lakshadweep and Puducherry. However, the implementation of the Act is within the remit of respective State/UT Government.

(c) to (e): Health being a State subject, it is for respective State/UT Government to constitute a body to investigate and take action against such practice at State and district level. However, following mechanisms already exist:-

- The Medical personnel working in private hospitals like Doctors, Nurses, and Pharmacists are required to comply to ethical guidelines as issued by their respective regulatory councils at the National and State level, as applicable. The regulatory councils are responsible for monitoring compliance of ethical guidelines and if required, to take action as per the applicable law.
- Under Clinical Establishments Act, 2010, there is provision of State Council for Clinical Establishments at State level under Chairperson-ship of Secretary (Health) of respective State and District Registering Authority under Chairperson-ship of District Collector, which are empowered under the Act to investigate & take action against private hospitals for violation of any of the provisions of the Act.

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