

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

**LOK SABHA
UNSTARRED QUESTION No. 5659
TO BE ANSWERED ON 4th APRIL, 2025**

LEGAL FRAMEWORK FOR MEDICAL NEGLIGENCE CASES

5659. SHRI G KUMAR NAIK:

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

- (a) whether the Government has any plans to introduce a clear legal framework to differentiate between medical negligence and unintended medical errors to prevent undue legal action against doctors, if so, the details thereof and if not, the reasons therefor;
- (b) the measures taken/proposed to be taken by the Government to ensure that genuine and ethical medical practitioners are protected from unwarranted litigation while still holding negligent doctors accountable;
- (c) the manner in which the Government is likely to balance patient rights and safety with protecting doctors from legal fear and ensuring that litigation does not discourage competent medical professionals from practicing;
- (d) whether the Government intends to establish uniform national guidelines to assess medical negligence cases, ensuring that decisions are based on medical expertise rather than just consumer law interpretations; and
- (e) if so, the details thereof and if not, the reasons therefor?

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

(a) to (e): Any complaint with regard to professional misconduct by Registered Medical Practitioner (RMP) can be brought before the appropriate Medical Council for disciplinary action as per provisions made under Professional Conduct, Etiquette and Ethics Regulations 2002 framed under National Medical Commission (NMC), 2019.

Section 30 of the NMC Act, 2019 empowers State Medical Council/Ethics and Medical Registration Board (EMRB) to take disciplinary action in respect of any professional of ethical misconduct by a registered medical practitioner in accordance with the regulations/guidelines framed under the Act. The act provides for an opportunity of hearing to the RMP before taking any action against him. Provision for an appeal against the decision of SMC/EMRB has also been made.
