

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

**LOK SABHA
STARRED QUESTION NO. 48
TO BE ANSWERED ON THE 26TH FEBRUARY, 2016
MEDICAL NEGLIGENCE**

***48. SHRI A.P. JITHENDER REDDY:**

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

(a) whether a number of cases of medical negligence causing loss of lives and other physical disorders in various hospitals including Government hospitals, have come to the notice of the Government;

(b) if so, the details thereof indicating the number of such cases reported during each of the last three years and the current year, hospital and State/UT-wise;

(c) the rules and guidelines governing the procedure for insurance claims in cases of medical negligence along with the number of claims/cases settled during each of the last three years and the current year, insurer company-wise;

(d) whether the Government proposes to enact any law to rein in the medical negligence; and

(e) if so, the details thereof along with the details of proposals/representations, if any, received from various stakeholder regarding the need for reforms in the medical liability insurance framework in the country?

**ANSWER
THE MINISTER OF HEALTH AND FAMILY WELFARE
(SHRI JAGAT PRAKASH NADDA)**

(a) to (e): A statement is laid on the Table of the House

STATEMENT REFERRED TO IN REPLY TO LOK SABHA
STARRED QUESTION NO. 48* FOR 26TH FEBRUARY, 2016

(a) & (b): Since Health is a State subject, no such information is maintained centrally in respect of State Government Hospitals. However, the details of complaints of medical negligence received and action taken thereon by the AIIMS, New Delhi, PGIMER, Chandigarh, JIPMER, Puducherry and three Central Government Hospitals in Delhi viz. Safdarjung Hospital, Dr. RML Hospital and Lady Hardinge Medical College (LHMC) & Associated Hospitals, Regional Institute of Medical Sciences (RIMS), Imphal, North Eastern Indira Gandhi Regional Institute of Health and Medical Sciences (NEIGRIHMS), Shillong and AIIMS like Institutes at Jodhpur, Rishikesh, Bhubaneswar, Bhopal, Raipur and Patna, under this Ministry, are given at **Annexure I**.

(c) to (e): As per information provided by Department of Financial Services, Ministry of Finance, the rules and the guidelines governing the procedure for insurance claims in cases of medical negligence are part of the policy contract. However, no centralized data in respect of number of claims made and settled is maintained by the Department of Financial Services. Medical Council of India (MCI) or the appropriate State Medical Councils have been empowered to take disciplinary action against a doctor for violation of the provisions of Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations 2002. As and when complaints are received against the violation of code of ethics for doctors (including allegation of medical negligence), such complaints are referred by MCI to the concerned State Medical Councils where the doctors/medical practitioners are registered for appropriate action. The Consumer Protection Act also covers medical negligence on the part of medical practitioners, and complaints related to medical negligence can be filed in the District/State/National Consumer Disputes Redressal Forum under the Consumer Protection Act.

Annexure I

S. No.	Name of the Hospital	No. of Complaints received in 2013	No. of Complaints received in 2014	No. of Complaints received in 2015	No. of Complaints received in 2016	Action taken
1.	Safdarjung Hospital	8	6	1	Nil	No case of negligence against doctors has been established except one case in 2014. In this case, Delhi Medical Council (DMC) has recommended removal of names of 2 doctors from the Indian Medical Register for three months.
2.	Dr. RML Hospital	Nil	Nil	4	Nil	In all four cases, enquiry has been completed and no doctor has been found guilty of medical negligence.
3.	LHMC and associated Hospitals	1	Nil	2	Nil	In 2 cases, no doctor has been found guilty of medical negligence; one is under investigation.
4.	AIIMS, New Delhi	6	4	5	Nil	Negligence could be established in two cases.
5.	PGIMER, Chandigarh	2	2	2	Nil	No case of negligence against doctors has been established.
6.	JIPMER, Puducherry	Nil	1	Nil	Nil	Case settled, compensation was allowed in favour of

						the complainant.
7.	RIMS, Imphal	NII	Nil	2	Nil	Both cases are under investigation.
8.	6 AIIMS like Institutes at Jodhpur, Rishikesh, Bhubaneswar, Bhopal, Raipur and Patna	No such case has been received in these Institutes.				
9.	NEIGRIHMS, Shillong					
