

**GOVERNMENT OF INDIA  
HEALTH AND FAMILY WELFARE  
LOK SABHA**

STARRED QUESTION NO:387

ANSWERED ON:07.09.2012

UNETHICAL MEDICAL PRACTICES

Aaron Rashid Shri J.M.;Kalmadi Shri Suresh

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

(a) whether the Government has taken note of unethical professional misconduct on the part of medical professionals such as payment of commission on drugs/diagnostic services and procedures, over/exorbitant pricing of medical services and surgical items, growing incidents of medical negligence, sex determination services on payment, undesirable surgical procedures, unnecessary clinical tests, thereby denting the health delivery;

(b) if so, the reaction of the Government thereto;

(c) the concrete corrective steps taken/proposed to be taken by the Government in this regard including opening of affordable medical shops on the pattern of AIIMS in the other Central Government hospitals in the country;

(d) whether the Government proposes to set up a regulator to monitor and regulate the medical profession system in India since the present statutes including Indian Medical Council have failed to rise to the occasion; and

(e) if so, the details thereof and if not, the reasons therefor?

**Answer**

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD)

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

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO.387 FOR 7TH SEPTEMBER, 2012

(a) Yes.

(b) &(c) The professional conduct of doctors in India is regulated by the Medical Council of India (MCI) and the respective State Medical Councils. The Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, prescribes a Code of Medical Ethics and empowers the MCI and respective State Medical Councils to award punishment to a doctor against any act in violation of the Code. These are statutory regulations and are binding in character, which require to be followed by all the doctors in the country. In addition, the following legal provisions are also in place to check unethical practice by medical practitioners:

i. Under the Clinical Establishment (Registration and Regulation) Act, 2010 and Rules framed thereunder, Clinical Establishments are mandated to charge the rates for each type of procedures and services within the range of rates determined by the Central Government from time to time in consultation with the State Governments.

ii. The Pre Conception & Pre-Natal Diagnostic Techniques (PC & PNDT) Act, 1994, prohibits and regulates the use of pre-conception and pre-natal diagnostic techniques for sex determination and stipulates penal provisions for violation.

iii. 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 Act.

iv. The Department of Pharmaceuticals is finalising a "Uniform Code of Pharmaceutical Marketing Practices" (UCPMP) with a view to check unethical marketing practices by some of the pharmaceutical companies by incurring promotional expenses being extended to doctors.

As regards opening of affordable medical shops, the Department of Pharmaceuticals has launched the 'Jan Aushadhi Campaign' to make available less priced quality unbranded generic medicines through Jan Aushadhi Stores at affordable prices for all, especially the poor and the disadvantaged. The Government also proposes to start a new initiative for free supply of Essential Medicines in Public Health Facilities with the aim to provide affordable health care by reducing out of pocket expenses of medicines. This initiative will promote rational use of medicines and reduce the consumption of unessential, unscientific and hazardous medicines.

(d) &(e) In order to strengthen the existing regulatory framework and enhance the supply of skilled manpower in the health sector, the Central Government has proposed to set up a National Commission for Human Resources for Health (NCHRH) as an overarching regulatory body for medical education and allied health sciences. The NCHRH Bill has already been introduced in the Rajya Sabha on

22nd December 2011, which has referred the Bill to the Department-related Parliamentary Standing Committee on Health & Family Welfare for examination.