

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

**LOK SABHA
STARRED QUESTION NO.77
TO BE ANSWERED ON THE 23RD JULY, 2021**

CASES OF MEDICAL NEGLIGENCE

***77. SHRI M. SELVARAJ:
DR. A. CHALLAKUMAR:**

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 disability/disorders have come to the notice of Government from various hospitals including government hospitals;

(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, insurance company-wise;

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

(e) if so, the details thereof along with the details of proposals/representations, if any, received from various stakeholders regarding the need for reforms in medical liability insurance framework in the country along with necessary steps/action taken or proposed to be taken thereon?

**ANSWER
THE MINISTER OF HEALTH AND FAMILY WELFARE
(SHRI MANSUKH MANDAVIYA)**

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

**STATEMENT REFERRED TO IN REPLY TO LOK SABHA
STARRED QUESTION NO. 77 FOR 23RD JULY, 2021**

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(a) and (b): There have been reports in media of some instances of medical negligence and the Ministry has also received complaints regarding medical negligence from time to time. Since Health is a State subject, such complaints, as and when received, are forwarded to the concerned States for necessary follow up action.

(c) As per Insurance Regulatory and Development Authority of India (IRDAI), death claims attributable to medical negligence, if any, are not excluded under Life Insurance policy contracts and such death claims are settled in accordance with the Terms and Conditions of the policy contract and the extant Regulations governing the settlement of claims. Further, as per IRDAI, medical negligence per se on a standalone basis is not an exclusion under health insurance policy contracts. The claims of hospitalization attributable to medical negligence, if any, are settled as per the terms of the health insurance policy contract.

Since such claims are not processed or settled at the level of the Ministry of Health and Family Welfare therefore it is not feasible for the Ministry to maintain the details of company-wise number of claims/cases settled in a centralized manner.

(d) and (e): The extant legal provisions which can help prevent medical negligence include provisions of the Clinical Establishments (Registration and Regulation) Act, 2010 and Clinical Establishments (Central Government) Rules, 2012 notified by the Government of India, as per which clinical establishments in a State /Union Territory where the Act is applicable, are required to register in order to operate. For grant of registration and its continuation, the clinical establishments are required to fulfill conditions such as minimum standards of facilities and services, minimum requirement of personnel, maintenance of records and reports and are also required to follow Standard Treatment Guidelines issued by the Central/State Governments. As such, there is sufficient scope for the States and Union Territories for effectively

redressing public grievances and to curb unethical medical practices in order to prevent and control medical negligence.

Further, as per the provisions of INDIAN MEDICAL COUNCIL (Professional Conduct, Etiquette and Ethics) Regulations 2002, issued under Indian Medical Council Act 1956, cases/complaints related to medical negligence are dealt by the Directorate of Health and Family Welfare in the State/UTs or concerned State Medical Council. If the complainant or respondent is not satisfied with the decision taken by the State Medical Council, he/she can file an appeal at Ethics and Medical Registration Board, National Medical Commission.

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

Presently there is no specific proposal to enact any new law in the matter.
