

**Denial of treatment in emergency conditions by hospitals**

4414. SHRI JAGAT PRAKASH NADDA: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that after the enactment of the Clinical Establishment Act, no hospital can turn away a patient brought to it in emergency conditions;

(b) if so, whether it is a fact that the victim of the recent Delhi gang rape case was turned away without medical treatment from the Jai Prakash Narayan Apex (JPNA) Trauma Centre; and

(c) if so, whether Government will take any action against the Director of AIIMS for this flagrant violation of law?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD): (a) Under Section 12 (2) of the Clinical Establishments (Registration & Regulation) Act, 2010, the Clinical establishment shall undertake to provide within the staff and facilities available, such medical examination and treatment required to stabilize the emergency medical condition of any individual who comes or is brought to such Clinical establishment. The Act also makes provision for minimum standards of facilities, services and minimum requirement of personnel for registration and regulation of the Clinical establishments.

However, 'Health' is a State subject and it is primarily the responsibility of the State Government to monitor and regulate the hospitals. Once adopted by the State Government, the above mentioned provision of the Act shall be applicable to the State concerned.

The Act has come into force in the States of Arunachal Pradesh, Himachal Pradesh, Mizoram and Sikkim and the Union Territories with effect from 1st March, 2012. The States of Rajasthan, Uttar Pradesh, Bihar and Jharkhand have adopted this Act. Other States have also been requested to adopt the Act.

(b) As far as All India Institute of Medical Sciences (AIIMS), New Delhi is concerned, Jai Prakash Narayan Apex Trauma Center (JPNATC) at AIIMS is a specialized center for treating injured patients and is always ready (24X7) for handling any Emergencies (Individual/multiple casualty incidents/mass disasters). There is no such incidence reported from JPNATC, AIIMS.

(c) Does not arise.