

# The Clinical Establishment Act, 2010: laws must be implemented in the right spirit

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In the great tradition of the biggest democratic country of the world, the Clinical Establishments (Registration and Regulation) Bill, 2010, was passed by our parliament without any debate, by a voice vote. This was not surprising since health and related issues are the most neglected issues in this country.

As secretary of the Indian Medical Association, Maharashtra I had written to Gayatri Mishra, deputy secretary, department of health and family welfare, government of India, with our views and suggestions. I did not even receive an acknowledgement.

To put our views on record:

There should be a range of minimum areas (size) of clinical establishments in different settings, as premises in cities are very costly. Second, there is a severe shortage of qualified personnel as required by the bill; the shortage of nurses estimated to be 9 lakh. Third, looking at the diversity of conditions in our country, a common central law may not be practical. Fourth, yoga and naturopathy are not recognised systems since they do not have recognised qualifications, nor are there facilities for registration.

That is about the past. Let us now dwell on the present.

With the past record of the country, implementation will be suspect. At present, when Mumbai is reeling under an epidemic of malaria, quacks and professionals trained in other systems are using drugs in modern medicine, harming patients both

physically and financially. It is also causing a public health problem because of their irrational treatment.

The application of the Act may not be the same in all states at the same time.

We at the IMA feel that the onus of responsibility will be on practitioners of modern medicine and others will be spared. They practise modern medicine in spite of the Supreme Court judgement of 1996 (Poonam Verma versus Rakshit Patel) but during emergencies they are conveniently not available.

The consultative process for determining standards should be followed in spirit.

The process of and fees for registration, as well as the penalty clauses, should not create an inspector raj for which our country is famous.

Of course, if the bill is taken and implemented in the right spirit it will be a boon for public health and the overall progress of our nation.

## Reference

1. The Clinical Establishments (Registration and Regulation) Bill, 2010. Bill No 43 of 2010 [Internet]. 2010 Mar [cited 2010 Sep 27]. Available from: <http://www.prsindia.org/uploads/media/Clinical%20Establishments/Clinical%20Establishment%20bill%202010.pdf>