

L.Dis.46112/H&D/I (1) /2016

Directorate of Medical Education  
Kilpauk, Chennai – 600 010.  
Date: 19.10.2020

Sub: Hospitals & Dispensaries – Compensation – Corpus Fund created on the recommendations of Justice Maruthamuthu Committee for compensations awarded by Courts in Medical Mishap Cases against Government Doctors – Certain recommendations of the High Level Committee – Accepted in principle – Ordered – Issue of Amendment – Orders issued – communicated- Reg.

Ref: G.O.(Ms) No:301 Health and Family Welfare (H1) Department dated 18.08.2020.

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Copy of the Government Order cited, is communicated for information and necessary action.

Encl : As above.

for Director of Medical Education

To

All the Heads of Medical / Institutions under the control of this Directorate.

Copy to

1. The Administrative Officer, (H&D) Section of this Directorate.
2. The PC to Deputy Director of Medical Education (H &D) section of this Directorate.
3. Spare copy / Stock file



University of Medical Education  
Kuala Lumpur - 507 048  
Date: 10/10/2010

10/10/2010 10:10:10 AM

Dear Sir,  
I am pleased to inform you that the  
Committee for the registration of  
Medical Practitioners (MPP) has  
been established under the  
provisions of the Medical  
Practitioners Act 1983. The  
Committee is currently in the  
process of finalizing its  
constitution and will be  
appointed shortly.

Yours faithfully,  
Dr. [Name]

Copy of the document is being forwarded for your perusal  
and necessary action.

For Director of Medical Education

[Signature]

At the Health of Medical Institutions under the control of the Director

- Copy to:
1. The Administrative Officer (MPP) Section of the Director
  2. The PC to Deputy Director of Medical Education (MPP) Section of the Director
  3. Same copy / Back to



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**ABSTRACT**

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Compensation – Corpus Fund created on the recommendations of Justice Maruthamuthu Committee for compensations awarded by Courts in Medical Mishap Cases against Government Doctors– Certain recommendations of the High Level Committee- Accepted in principle- Ordered – Issue of Amendment – Orders issued.

**HEALTH AND FAMILY WELFARE (H1) DEPARTMENT**

G.O.(Ms).No.301

Dated 18.08.2020

ஸ்ரீ சார்வரி, ஆவணி – 02

திருவள்ளூர் ஆண்டு 2051

**Read:**

1. G.O.(Ms).No.81, Health and Family Welfare (E1) Department, dated: 25.04.2003.
2. Government Letter No.27315/E1/2003-1 Health and Family Welfare Department, dated: 28.08.2003.
3. G.O.(Ms).No.241, Health and Family Welfare (H1) Department, dated: 30.09.2016.
4. From the State President, Tamil Nadu Government Doctors Association, Coimbatore Government Medical College Hospital, Coimbatore, dated: 14.09.2017 and 21.11.2017.
5. Government Letter No. 36354/H1/2017-9, Health and Family Welfare (H1) Department, dated 25.07.2018.
6. From the Director of Medical and Rural Health Services Letter No.45823/IC1/2/2018, dated: 20.08.2018.
7. G.O.(Ms).No.395, Health and Family Welfare (H1) Department, dated 04.09.2018.

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**ORDER:**

In the G.O first read above, the Government have issued orders, based on the recommendations of the Justice Maruthamuthu Committee for providing compensation awarded by the courts in the cases filed against Government Doctor's for occurrence of medical mishaps.

2. Based on the request of the Doctor's Association in the representation sixth read above, the High Level Committee of the Tamil Nadu Government Doctor's corpus fund was held on 10.07.2018 and the Government accepted the minutes of the meeting to certain extent, in principle and orders have issued vide in the Government Order seventh read above, duly specifying that amendment to the rules will be issued separately.

3. The Government after careful examination hereby, proposed to issue the following amendments to the G.O first read above, in respect of all the issues dealt with, except the reiterations:-

**AMENDMENTS**

- a) For the term "Rs.10/- (Rupees Ten only)" occurring as the doctors' contribution/ monthly subscription in paras 3, 4 and 6 of the said G.O. and in para 7 of the



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draft rules appended thereto, the term "Rs.100/- (Rupees one hundred only)" may be substituted.

- b) In para 8 of the said G.O. after the words "and accord sanction of compensation" the words "the legal fee for engagement of special/private advocates" may also be read.
- c) For the existing para 6 of the draft rules of the said G.O.the following may be substituted:

**"6. Constitution of the Fund:**

There shall be constituted a fund for the purpose of:

- i. granting compensation for depositing compensation amount in the courts for filing appeal in cases of alleged Medical and Surgical Mishaps in Government Medical Institutions; and
  - ii. for engaging private advocates to defend the Government doctors in various legal cases of alleged medical negligence, where the District Committee is satisfied that there is no prima facie medical negligence."
- d) The existing para 8 of the draft rules, appended to the said G.O., under the heading 'Procedure for Assistance', may be read as "(i) For Compensation:" under para 8 and the following may be read as "(ii)" and "(iii)" respectively, under the same para 8:

**"(ii) Engagement of Special Advocates to represent the Doctors:** The concerned medical officer(s) should apply to the appropriate District committee in writing, through proper channel, marking an advance copy for seeking legal fee for the engagement of special / private advocate without precluding from selecting Government Pleader / Government Advocate. The District Committees will engage the private advocates to defend the government doctors in various legal cases of alleged medical negligence, where the District Committee is satisfied that there is no prima facie medical negligence. The Doctors against whom the medical negligence is alleged shall recommend the names of the private advocate to be engaged by the committee. In case the doctor does not offer a recommendation, the committee is free to engage any private advocate or use the services of the government advocates. The legal forum include consumer disputes redressal forums, civil and criminal proceedings and writ petitions before the Honorable High Court and Honourable Supreme Court, but does not include departmental proceedings.

In addition, the Government Advocates are to continue to appear for the Government and others in the usual way."

**"(iii) Legal Fee Structure:**

The fees for advocates engaged shall be as follows:

1.	Level of Litigation	Total admissible legal fee Rs.	Amount admissible at the start of the case Rs.	Amount admissible after final disposal of the case Rs.
	District level forums	25,000/-	5,000/-	20,000/-

State level forums	50,000/-	10,000/-	40,000/-
National level forums	1,00,000/-	25,000/-	75,000/-

2. Fee per appearance be limited to the prevailing amount, prescribed as fee for the Law Officers by the Government from time to time.
  3. The maximum limit, in each level cases, towards legal fees, to be strictly adhered to and not to exceed and any additional amount incurred to the private advocate(s) to be borne by the applicant medical officer(s).
  4. The initial amount to be released through cheque by DMRHS/Member Secretary of the High Level Committee within 15 days of recommendation by the respective committee to the advocate and similarly the final amount within 30 days of receipt of judgement on final disposal.
- e) The following may be read as para 11 of the draft rules annexed to the said G.O.:
- “11. District level committee be constituted in each district under the Chairmanship of the District Collector, comprising of Deans of Government Medical College Hospitals (wherever available), Joint Director of Health Services, Deputy Director of Health Services and two representatives from the Tamil Nadu Government Doctors Association as indicated in Annexure II of the rules.”
- f) The following may be read as para 12 of the draft rules annexed to the said G.O.:
- “12. Meeting of the Committees:**
- i. The High Level Committee shall meet every month or as and when need arises, to discuss and decide on the cases and the Legal Fee structure from time to time.
  - ii. The District Level Committee shall meet as and when need arises.”
- g) The following may be read as Annexure-II to the said G.O.:

**“Annexure II  
District Level Committee**

1	District Collector	Chairman
2	Joint Director of Health Services	Member Secretary
3	Deans of Government Medical College Hospitals (wherever available)	Member
4	Deputy Director of Health Services	Member
5	Two nominees from the Tamil Nadu Government Doctors Association	Member

**(BY ORDER OF THE GOVERNOR)**

**J.RADHAKRISHNAN  
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Director of Medical and Rural Health Services, Chennai – 600 006.

The Director of Medical Education, Chennai – 600 010.

The Director of Public Health and Preventive Medicine, Chennai – 600 006.

The Director of Family Welfare, Chennai – 600 006.  
The Director of Indian Medicine and Homeopathy, Chennai – 600 106.  
The Accountant General, Chennai – 600 018.  
The Treasuries and Accounts, Chennai.  
The Pay and Accounts Officer (South), Chennai – 600 035.  
The Pay and Accounts Officer (North), Chennai – 600 001.  
The Pay and Accounts Officer (East), Chennai – 600 005.  
The Pay and Accounts Officer, Madurai – 600 035.  
The District Treasuries Officers.  
The General Secretary, Government Doctors Association.

Copy to:-

G.O.(Ms).No.81, Health and Family Welfare (E1) Department, dated 25.04.2003.  
G.O.(Ms).No.395, Health and Family Welfare (H1) Department, dated 04.09.2018.  
The Finance Department, Chennai – 600 009.  
The Finance (BG.II) Department, Chennai – 600 009.  
Stock File/Spare Copy.

// FORWARDED BY ORDER //

*Arjun Kumar*  
21/8/2020  
SECTION OFFICER