



**ABSTRACT**

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

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

G.O. (Ms). No.395

Dated: 04.09.2018  
Vilambi, Aavani 18,  
Thiruvalluvar Aandu 2049  
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 (H1) 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, letters dated: 14.09.2017 & 21.11.2017.
5. Government Letter No. 36354/H1/2017-9, dated: 25.07.2018.
6. From the Director of Medical and Rural Health Services Lr.No.45823/IC1/2/2018, dated: 20.08.2018.

**ORDER:-**

In the Government Order first read above, based on the recommendation of the Maruthamuthu Committee, the Government have constituted a corpus fund for providing compensation awarded by the courts on the cases filed against Government Doctors for occurrence of medical mishaps. As per the orders issued in the Government Order, among others each Government Doctor will contribute a sum of Rs. 10/- per month, which was to be recovered from their salary from April 2003, to build up the corpus fund; the Commissioner of Treasuries and Accounts shall administer the fund; the Director of Medical Education / the Director of Medical and Rural Health Services / the Director of Public Health and Preventive Medicine / the Director of Family Welfare shall sanction the compensation awarded by the court in respect of the Doctors under their respective control, based on the recommendation of the High Level Committee which was also constituted in the said Government Order itself; and the rules framed for administrating the scheme were also appended to the Government Order.

2) In the letter fourth cited, the Tamil Nadu Government Doctors Association has suggested certain alterations / amendments to the said Government Order, stating that there is a surge in the number of litigations against Government Doctors

and Hospitals in Consumer Courts; the State Human Rights Forum also has awarded many compensations; legal defense of the Government Doctors / Hospitals by the Government legal system can be complemented by these private advocates and made more effective; and overall, a sense of security will prevail amongst specialists like obstetricians, pediatricians, anasthetists – where shortage already exist.

3) A meeting of the High Level Committee of the Tamil Nadu Government Doctors Corpus Fund was held on 10.07.2018 and the minutes of the meeting has also been communicated to all the Members in the letters fifth and sixth read above.

4) The Government have examined the minutes of the meeting of the High Level Committee and direct the following:

**A) District Level Committees:**

District Level Committee be constituted in each district under the chairmanship of the District Collectors, comprising of Deans of Government Medical College Hospitals (where ever available), Joint Director of Health Services, Deputy Director of Health Services and two from the Tamil Nadu Government Doctors Association.

**B) Increase in Contribution:**

The monthly subscription of Rs.10/- from each Government Doctors to be raised to Rs.100/- (Rupees One Hundred only).

**C) Engagement of Special Advocates to represent the Doctors:**

- (i) The District Committees be authorized to engage the private advocates to defend the government doctors in various legal in cases of alleged medical negligence, where the district committee is satisfied that there is no prima facie medical negligence.
- (ii) 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.
- (iii) The legal for a include consumer disputes redressal forums, civil and criminal proceedings, and writ petitions before the Honorable High Court and Honorable Supreme Court, but does not include departmental proceedings.
- (iv) In addition, the Government Advocates are to continue to appear for the Government and others in the usual way.

**D) Legal Fee Structure:**

The fees for advocates engaged shall be as follows:

i)	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/-

- ii) Fee per appearance be limited to the amount prescribed for the Law officers in G.O. Ms. No.59 Home (Courts IV) Department dated:21.01.2015
- iii) The maximum limit, in each level cases, towards legal fees, 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).
- iv) The initial amount shall 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) Procedure for Assistance:**

The concerned medical officer(s) should apply to the appropriate committee in writing, through proper channel, marking an advance copy for seeking legal fee for engagement of special/private advocate without precluding from selecting Government Pleader / Government Advocate.

**F) 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 Committees shall meet as and when need arises.

**G) Reiterations:**

- i. The extent of coverage shall apply to all cases of doctors negligence in all surgical procedural and other medical activities in the Government institutions as per the Government Order.
- ii. In all the cases claiming compensation with the treating doctors(s) as respondent(s) or in cases against institution alleging lapse by the medical officer(s) concerned /aggrieved Medical Officer(s) should apply to the appropriate committee, in writing, through proper channel, duly marking an advance copy.
- iii. Tamil Nadu Government Doctors Corpus Fund will cover litigation in all judicial forums, from the lowest to the highest, in cases against lapse of Medical Officer(s).

5) The amendment to the rules issued in G.O. (Ms) No. 81, Health and Family Welfare (E) Department, dated: 25.04.2003 will be issued separately.

**(BY ORDER OF THE GOVERNOR)**

**J. RADHAKRISHNAN**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Director of Medical and Rural Health Services, Chennai-6.

The Director of Medical Education, Chennai-10.

The Director of Public Health and Preventive Medicine, Chennai-6.

The Director of Family Welfare, Chennai-6.

The Commissioner of Indian Medicine and Homeopathy, Chennai-106.

The Accountant General , Chennai-18.

The Commissioner of Treasuries and Accounts, Chennai  
The Pay and Accounts Officer, (South) Chennai-35.  
The Pay and Accounts Officer, (North) Chennai-1.  
The Pay and Accounts Officer, (East) Chennai-5.  
The Pay and Accounts Officer, Madurai-35.  
The District Treasuries Officers.  
The General Secretary, Government Doctors Association.

**Copy to:**

G.O.(Ms).No.81, H&FW(E1) Dept. dated:25.04.2003.  
The Finance Department, Chennai-6.  
The Finance (BG.II) Department, Chennai-9.  
Stock File /Spare Copy

**//FORWARDED BY ORDER//**

  
**SECTION OFFICER**