

## OBLIGATION OF PUBLIC AUTHORITY UNDER SECTION (4) OF RTI ACT 2005

**1. Section 3 Delhi Medical Council Act, 1997 lays down the which states Constitution, functions and powers of the Council-Constitution and incorporation of the Council-**

(1) With effect from such date as the Government may, by notification in the Official Gazette notify, there shall be constituted for the purposes of this Act a Council to be called "the Delhi Medical Council"

(2) The Council shall be a body corporate, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, whether movable or immovable, and to contract and to do all things necessary for the purposes of this Act, and may by the name aforesaid sue or be sued.

(3) The Council shall consist of the following members, namely:-

(a) four members having registerable qualification as prescribed in the Indian Medical Council Act, 1956 (102 of 1956) to be nominated by the Government;

(b) one member from each medical college established by law in Delhi having a medical faculty, elected by members of the medical faculty of that college from amongst its permanent members of teaching faculty;

(c) nine members to be elected by registered practitioners from amongst themselves including one member elected by the Delhi Medical Association:

Provided that no registered practitioner shall be entitled to vote or stand as a candidate for election, unless:

(i) he is a citizen of India; and

(ii) he either resides or carries on his profession or is employed in Delhi;

(d) Dean of the Medical Faculty of the University of Delhi as *ex-officio* member; and

(e) Director of Health Services of the Government as *ex-officio* member.

(4) The President and Vice-President shall be elected by the members from amongst themselves.

(5) The election of the members, and of the President and Vice-President, shall be held at such time, and at such place, and in such manner, as may be prescribed. .

(6) If at any election, the electors fail to elect the requisite number of members, of the President or the Vice-President, the Government shall nominate members from amongst persons qualified to be elected as members of the respective category, as it deems fit to fill in the vacancy or vacancies; and the persons so nominated shall be deemed to have been elected for the period till such time the vacancies are filled in on regular basis under this section.

(7) Where any dispute arises regarding any election of a member or of the President or Vice- President, it shall be referred to the Government, and the decision of the Government shall be final.

(8) Notwithstanding anything contained in sub-section (3)-

(a) in respect of the constitution of the Council for the first time under this Act, the members thereof shall be nominated by the Government from amongst persons

(b) the members so nominated shall hold office for such period not exceeding three years in the aggregate as the Government may, by notification in the Officer Gazette specify.

**2. Section 10 Delhi Medical Council Act, 1997 lays down the Power, duties and functions of the Council** - Subject to such conditions as may be prescribed by or under the provisions of this Act, the powers, duties and functions of the Council shall be-

(a) to maintain the live register and to provide for the registration of medical practitioners;

(b) to hear and decide appeals against any decision of the Registrar;

(c) to prescribe a code of ethics for regulating the professional conduct of practitioners;

(d) to reprimand a practitioner, or to suspend or remove his name from the register, or to take such other disciplinary action against him as may, in the opinion of the Council be necessary or expedient;

(e) to exercise such other powers, perform such other duties and discharge such other functions, as are laid down in this Act, or as may be prescribed;

(f) to receive complaints from public (including patients and their relatives) against misconduct or negligence by a medical practitioner, to proceed for inquest, take a decision on the merits of the case and to

initiate disciplinary action or award compensation and similarly to take action against frivolous complaints;

(g) to provide protection to its members in discharging professional duties;

(h) to ensure that no unqualified person practices modern scientific system of medicine.

3. Complaint of Medical Negligence/Professional Misconduct against Registered Medical Practitioner of Delhi Medical Council are examined in term of minutes dated 26th July, 2007 of Council Meeting and procedure laid down under Rule 32 of DMC Rules 2003

Minutes dated 26th July, 2007

### **Rule-32**

**Complaint against medical practitioner-** (1) The Council may inquire into complaint against medical practitioner either *SIL O motu* or on the basis of any complaint made to the Council in respect of misconduct or negligence of any medical practitioner for the purposes of the Act through the Disciplinary Committee. The proceedings shall be conducted by the Registrar in the presence of the Chairman, Disciplinary Committee and at least two members thereof sitting together.

The complaint shall contain the following particulars:-

(a) the name, description and address of the complainant;

(b) the name, description and address of the opposite party or parties, as the case may be, as far as they can be ascertained;

(c) the facts relating to the complaint, when the cause of action arose and what are the grounds or causes of the complaint;

(d) the documents in support of the complaint if any;

(e) the relief which the complaint claims.

No complaint shall be entertained unless it is in writing and signed by the person making it.

The complaint shall be verified by the complainant. The complainant shall file six copies of the complaint along with such number of copies as there are opposite parties in the complaint. All anonymous and frivolous complaints shall be rejected.

**Procedure on receipt of complaint-**The Council shall on receipt of a complaint-

- (a) Refer a copy of the complaint to the opposite party mentioned in the complaint directing him to give his version of the case within a period of fifteen days of receipt of copy of the complaint.
- (b) Where the opposite party on receipt of a complaint referred to him under Clause (a) denies or disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the Council, the Council shall proceed to adjudicate the complaint-
  - (i) on the basis of evidence brought to its notice by the complainant where the opposite party omits or fails to take any action to represent his case within the time given by the Council, or
  - (ii) on the basis of evidence brought to its notice by the complainant and the opposite party, where the opposite party denies or disputes the allegations contained in the complaint.
- (c) On the date of hearing or any other date to which hearing could be adjourned, it shall be obligatory on the parties to appear before the Council. Where the complainant fails to appear before the Council on such days, the Council may in its discretion either dismiss the complaint for default or decide it on merits, where the opposite party fails to appear on the date of hearing, the Council may decide the complaint *ex-parte*.
- (d) The decision of the inquiry shall be implemented and communicated to the respective parties and to others as may be required. In case there is any difference of opinion amongst themselves, the opinion of the majority shall be the decision.

4. a. Provisions have been made for receipt of online registration/Online Renewal/NOC/ Good Standing Certificate /Additional Qualification and also to check the status of complaint/Verification of Doctors/ Search Your Doctor/Online CME.

b. Committees have been setup for examination of complaint against registered doctors and unqualified person's

c. Disciplinary Committee/Anti Quackery Committee

<http://www.delhimedicalcouncil.org/the-council.php>

5. All the function are discharged by Delhi Medical Council in accordance statutory provisions under Delhi Medical Council Act, 1997 & Delhi Medical Council Rules 2003.

6. The Delhi Medical Council maintain the database (State Medical Register) of all the doctors who are practicing allopathic system of medicine and are

registered with the Delhi Medical Council, which details the Registration No/Registration date/Expiry Date/Doctors Name/Address/Qualifications. The same can be accessed by public through “**Search Your Doctor**” link [http://www.delhimedicalcouncil.org/app/search\\_ur\\_dr.php](http://www.delhimedicalcouncil.org/app/search_ur_dr.php)

7. In terms of section 21(1)(iv) eminent public man nominated by the govt is constituent of Disciplinary Committee of Delhi Medical Council which examines complaints of medical negligence/ professional misconduct against registered doctors. Please refer to <http://www.delhimedicalcouncil.org/the-council.php>

8. The constitution of different committee setup under the Delhi Medical Council Act, 1997 is available under link about **About Us** and the minutes of the council meeting are available under link <http://www.delhimedicalcouncil.org/council-meeting.php>

#### 9. Directory of officers & Employees

S.No	Name	Designation	Phone No
1.	Dr Girish Tyagi	Registrar & Secretary	011-23237982
2.	Mr.L.D.Singh. Uppal	Asst. Secretary	011=23237962
3	Mr. Sandeep Mittal	Accounts Officer	“
4.	Mr. Kunal Tandon	C.O.	“
5.	Mr. Prem Prakash	U.D.C	“
6.	Mr. Dheeraj Chauhan	Record Keeper	“
7.	Mr. Ganesh Prasad	Record Keeper	“
8.	Mr. Gopal Ram	MTS	“
9.	Mr. Seema Bisht	MTS	“
10.	Mr. Sultan Singh	MTS	“
11.	Mr. Satish Kumar	MTS	“
12.	Mr. Sunny	MTS	“

In terms of service of the employees of the Council is laid down in Rules 39 of Delhi Medical Council Rules 2003 which state that the

*Provident fund, gratuity and other terms of service.- The Council shall establish a provident fund and provide for gratuity, in accordance with the statutory provisions. Other terms of service like leave, leave encashment, leave travel concession, etc., shall be similar to those applicable to the employees of the Government. The Council shall provide medical insurance policy for the staff members and their dependant family and will also reimburse a sum upto a maximum of fifteen days' basic pay of an employee per year for out-patient medical treatment for himself and his dependant family.*

## 10. Remuneration

S.No	Name	Designation	Phone No	Monthly Remuneration Pay Scale
1.	Dr Girish Tyagi	Registrar & Secretary	011-23237982	755000-80000
2.	Mr.L.D.Singh. Uppal	Asst. Secretary	011-23237962	15600-39100+ GP 7600
3	Mr. Sandeep Mittal	Accounts Officer	011-23237962	15600-39100+ GP 7600
4.	Mr. Kunal Tandon	C.O.	"	9300-34800+ GP 4800
5.	Mr Prem Prakash	U.D.C	"	5200-20200+GP 2800
6.	Dheeraj Chauhan	Record Keeper	"	5200-20200+GP 2800
7.	Ganesh Prasad	Record Keeper	"	5200-20200+GP 2800
8.	Gopal Ram	MTS	"	5200-20200+GP 2400
9.	Seema Bisht	MTS	"	5200-20200+GP 1900
10.	Sultan Singh	MTS	"	5200-20200+GP 1900
11.	Satish Kumar	MTS	"	5200-20200+GP 1900
12.	Sunny	MTS	"	5200-20200+GP 1900

The member of the council are paid an honorarium for attendance of meeting as per Rules 43 of Delhi Medical Council Rules 2003, the Current honorarium paid is Rs 1000 per meeting

11. The accounts of the Council are maintained in terms of Rules 40 of Delhi Medical Council Rules 2003 and the Income & Expenditure of the council is specified under Sector 13 of Delhi Medical Council Act 1997.

12. Online CME programme have been made available to doctors registered with Delhi Medical Council

13. NA

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Online Registration/Online Renewal/Additional Qualification/Certificate of Good Standing/No Objection Certificate is available for convenience of doctors registered with Delhi Medical Council. The Public can also access the Delhi Medical Council database through the Link Search Your Doctor and also know about the Status of Complaint of Medical Negligence/Professional Misconduct vide link <http://www.delhimedicalcouncil.org/cme.php>

Rule 40	Section 13
<p>Maintenance of accounts and other registers.-</p> <p>(1) The Council shall maintain the following registers:-</p> <p>(a) Cash Books</p> <p>(b) Ledger</p> <p>(c) Stock register</p> <p>(d) Receipt books</p> <p>(e) Register for grants</p> <p>(f) Voucher files</p> <p>(g) Attendance roll</p> <p>(h) Register of leave accounts</p> <p>(i) Service books and</p> <p>(j) Other registers as may be necessary.</p> <p>(2) The annual accounts shall be audited in accordance with statutory and administrative requirements as applicable.</p> <p>(3) Bank Account of the Council shall be opened in Nationalised/Scheduled Banks. The Registrar/Deputy Registrar and the Accounts Officer of the Council shall be the authorised signatory of Bank Accounts of the Council.</p> <p>(4) The Council may deposit its own funds in fixed deposits in Nationalised/Scheduled Banks or may invest its own funds in any of the securities specified by the Registrar.</p>	<p>Income and expenditure of the Council.-(1)</p> <p>The income of the Council shall consist of-</p> <p>(a) registration fees received from the practitioners;</p> <p>(b) grants received from the Government, if any; and</p> <p>(c) any other sums raised by the Council.</p> <p>(2) It shall be competent for the Council to incur expenditure for the following purposes, namely:-</p> <p>(i) salaries and allowances of the Registrar and the staff maintained by the Council;</p> <p>(ii) fees and allowances paid to the members of the Council and of the Executive committee;</p> <p>(iii) remuneration paid to the assessors; and</p> <p>(iv) such other expenses as are necessary for performing the duties and discharging the functions under this Act.</p>

Delhi Medical Council, Address Room No-308A, 3rd Floor, Administrative Block, Maulana Azad Medical College, Bahadur Shah Zafar Marg, New Delhi-110002, Ph-011-23237962. Fax-011-23234416

### Working Hours

Office Hours-9.00 AM -5.30 PM

Public Dealing Hours-9.30 AM to 4.30 PM

Lunch Break-1.30 PM to 2.00 PM

### 16. Particulars of PIOs

#### List of Public Information Officers

S.No	Name	Designation	Address	Phone No	Email Address
1.	Dr Girish Tyagi	Secretary	Room No-308A, 3rd Floor, Administrative Block, Maulana Azad Medical College, Bahadur Shah Zafar Marg, New Delhi-110002	011-23237982	delhimedicalcouncil@gmail.com

First Appellate Authority within the department S.

S.No	Name	Designation	Address	Phone No	Email Address
1.	Dr Arun Kumar Gupta	President	Room No-308A, 3rd Floor, Administrative Block, Maulana Azad Medical College, Bahadur Shah Zafar Marg, New Delhi-110002	011-23237982	delhimedicalcouncil@gmail.com

17. The entire DMC Act 1997 and DMC Rules 2003 is available on the Delhi Medical Council website. In addition to it regular Circulars/Notifications which concern the Registered Medical Practitioner are uploaded on Delhi Medical Council Website from time to time.