

**GOVERNMENT OF KERALA**

No: SSB3/323/2024-HOME
Home (SSB) Department
Thiruvananthapuram,
Dated:21-04-2025

CIRCULAR

Sub: Investigation of complaints against doctors/nurses in Government service and in private hospitals for acts of commission or omission in the medical care of patients – Revised instructions issued.

Ref: 1) Circular No.73304/SSB3/2007/Home dated 16/06/2008.
2) Order dated 21.10.2024 of the Hon'ble High Court of Kerala in Crl.MC 5401/2018, filed by Smt. Celinamol Mathew.

As per the circular read above, Government issued instructions with regard to the investigation of complaints against doctors in Government service, private medical practitioners or doctors in private hospitals for acts of commission or omission in the medical care of patients.

In the Order referred 2nd above, the Hon'ble High Court directed Government to issue a circular, adopting the principles laid down by the Apex court in Jacob Mathew's case to see that the nurses in the Government service and in private hospitals are also protected from malicious and frivolous prosecutions like doctors, as provided in Circular referred first.

Government have examined that matter in detail in the light of the Judgments of the Hon'ble High Court and Hon'ble Apex court and found that protection from malicious prosecution should also be provided to the qualified nurses of the hospitals in both Government and private sector. Therefore, the following comprehensive instructions are issued in supersession of all previous instructions issued in the matter;

1. After registration of any case against doctors/nurses in Government service or in private hospitals for criminal negligence, the investigating Deputy Superintendent of Police will immediately refer the case to an Expert panel at the District level consisting of the following members;

- i. The District Medical Officer of Health (Convener).
- ii. The District Government Pleader/Public Prosecutor.
- iii. Senior Government Doctor in the concerned specialty as nominated by the respective District Medical Officer.
- iv. District Nursing Officer (*in the absence of District Nursing Officer, Assistant Director of Nursing Service will be selected*).
- v. Forensic expert from the nearest Medical College, as detailed in the table below :

Sl. No	District	Medical College Hospital from where Forensic Expert is selected
1.	Thiruvananthapuram	Medical College, Thiruvananthapuram
2.	Kollam	Medical College, Kollam
3.	Pathanamthitta	Medical College, Konni
4.	Alappuzha	Medical College, Alappuzha
5.	Kottayam	Medical College, Kottayam
6.	Idukki	Medical College, Idukki
7.	Ernakulam	Medical College, Ernakulam
8.	Thrissur	Medical College, Thrissur
9.	Palakkad	Medical College, Thrissur
10.	Malappuram	Medical College, Manjeri
11.	Kozhikode	Medical College, Kozhikode
12.	Wayanadu	Medical College, Wayanad
13.	Kannur	Medical College, Kannur
14.	Kasaragod	Medical College, Kannur

2. In case the views of the members of the expert panel differ, they will immediately refer the issue for the opinion of the Apex Body at the State level consisting of the following members;

- i. The Director of Health Services (Convener).
- ii. The Director of Medical Education.
- iii. The Additional Director of Health Services (Vigilance).
- iv. The Additional Director of Nursing Service / Deputy Director of Nursing Service.
- v. The Director General of Prosecution.
- vi. The Joint Director of Nursing Education.

The Apex Body can, depending on circumstances, get expert opinion

from specialists in the private sector also. The affected doctors/nurses are also free to approach the Apex body with appeal.

3. The Expert Panel/Apex body shall submit its views on the incident within a specified period of 30 days. It shall be the duty of the investigating officer to consider the views expressed by the Expert panel/Apex body and he will continue further investigation in the light of the views taken by the Expert Panel/Apex body. In case the investigating officer is not satisfied with the views expressed by the Expert panel/Apex body or requires additional clarification, it would be open to him to seek additional expert opinion.

4. The Expert panel/Apex Body should not in any way interfere with or impede the smooth investigation of any case by the Police.

BISHWANATH SINHA
ADDITIONAL CHIEF SECRETARY

To:

The Advocate General, Ernakulam (with C/L).
The Director General of Police, Kerala Thiruvananthapuram.
The Director of Health Services, Thiruvananthapuram.
The Director of Medical Education, Thiruvananthapuram.
The Additional Director of Health Services (Vigilance),
Thiruvananthapuram.
The Additional Director/ Deputy Director of Nursing Service,
Thiruvananthapuram.
The Director General of Prosecution, Ernakulam.
The Joint Director of Nursing Education, Thiruvananthapuram.
All Commissioner of Police/Superintendent of Police.
The Health and Family Welfare Department.

Signed / By order,
Aswathi. K. S
Date: 22-04-2025 10:43:21
Section Officer.

Copy to :

The Private Secretary to Hon. Chief Minister

The Private Secretary to Hon. Minister for Health and Women and Child Development

The P.A. to the Addl. Chief Secretary (Home & Vigilance).

The P.A. to the Addl. Chief Secretary, Health and Family Welfare Dept.

The C.A. to the Joint Secretary, Home Department

Information Officer (Web & New Media)

Home (D, M, J) Departments.

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