

Date: 11-03-2023.

**THEME OF THE KARNATAKA MEDICAL REGISTRATION ACT, 1961.**

1. At the outset, the proceedings before the Karnataka Medical Council (hereinafter called in short as “**KMC**”) are Quasi-Judicial proceedings.
2. That in view of section 16 of the Karnataka Medical Registration Act, 1961 (hereinafter called in short as “**ACT**”), the KMC shall have the powers as are vested in Civil Courts under the provisions of Code of Civil Procedure.
3. In view of section 17 of the Act, all inquires under this Act shall be deemed to be the judicial proceedings within the meaning of section 193 and 228 of the Indian Penal Code.
4. That in view of section 18 of the Act, there shall be the Legal Assessor to KMC for the purpose of advising the Medical Council on question of law arising in inquiries before it.
5. In view of section 15 of the Act, the KMC is empowered to take action against the Medical Practitioners in case they are found guilty of the Professional Misconduct or Medical Negligence.
6. In view of section 30 of the Act, no act done in the exercise of any power conferred by or under this Act on the State Government or the Council or the Registrar shall be questioned in any Civil Court.

**THE STAGES OF THE PROCEEDINGS AS PER PROCEDURE BEING FOLLOWED IN KARNATAKA MEDICAL COUNCIL IN RESPECT OF CONDUCTING ENQUIRY**

**STANDARD OPERATING GUIDELINES:**

7. It is open to any patient or his relative being aggrieved on the ground of any Professional Misconduct (Violation of Code of Medical Ethics) or Medical Negligence of any Medical Practitioners with whom the patient is treated, the said patient or his relative may file the complaint before KMC.
8. Upon receipt of such complaint, placed before the Council for perusal and discussion. The Council will go through the allegations made in the complaint. Upon perusing the allegations, if the KMC does not find any prima-facie case against the Medical Practitioner, it will decline to issue notice to such Medical Practitioner and pragmatically, such complaint will be rejected at threshold.

9. If the KMC finds some material or evidence in such a complaint, it will issue the notice to the Medical Practitioner concerned for submission of explanation/reply on the complaint. And then the Council will issue notice to both the parties Complainant and Respondents to appear before KMC fixing a date for Preliminary Enquiry. Upon appearance of the Complainant and the Medical Practitioner before KMC, the KMC will hear by giving opportunity to both the Complainant and the Medical Practitioner to submit their say and the documentary evidences on their behalf, if any.
10. After unraveling the say and the evidences placed by both the Complainant and the Medical Practitioner, if the KMC finds the prima-facie case accentuating the allegations made in the complaint, it will register the case against such Medical Practitioner and it will call for the statement of objections to be filed by such Medical Practitioner to the complaint.
11. Thereafter the oral and documentary evidence on the side of Complainant will be recorded by giving sufficient opportunity.
12. Upon closure of the evidence on the side of the Complainant, the Medical Practitioner will be given an opportunity to put-forth the oral and the documentary evidence on his/her side by giving sufficient opportunity.
13. During the course of enquiry, if any interlocutory application is filed by either side, the opportunity will be given to the opponent to file his/her objections, if any and thereafter the arguments will be heard on such application and the same will be disposed off in accordance with law.
14. After conclusion of the trial, both the parties will be given an opportunity to place their arguments and written arguments.
15. After the arguments of both the parties are placed before KMC, the KMC will post the matter for orders and the matter will be disposed off in accordance with law and both the parties will be accordingly communicated.
16. The parties aggrieved by the orders passed by KMC on the interlocutory applications, they can approach the Hon'ble High Court under Articles 226 and 227 of the Constitution of India. The parties aggrieved by the final orders passed by KMC, they shall have to approach the Medical Council of India by filing the Appeal.

## FORMAT FOR

**FILING A COMPLAINT BEFORE THE KARNATAKA MEDICAL COUNCIL****To:**

The Registrar/President,  
Karnataka Medical Council,  
Vasanthnagar,  
BENGALURU-5600052.

**Sir/Madam,**

**Name of the Complainant/s:**

[Full postal address with pin code]  
Contact Number:  
Email address:  
[Copy of Adhar card]

**Patient's/victim's Name and Age:**

[Copy of Adhar card]

**Relationship of the Complainant/s with victim****Against whom the complaint lodges:**

1.Doctor name.  
Address: [Full postal address with pin code] .....  
Contact No.....  
Mobile No.....  
KMC Reg.No.....  
Email address:.....

**Type of Complaint:****Details of Complaint/Allegation:****Number of copies served to the Council:**

**Date:**

**signature of the Complainant/s**

**Note:**

1. The Complaint should be filed in typed format.
2. The Complainant/s/victim/s Adhar card copy should be enclosed.
3. The complaint should be filed with List of supportive documents containing page numbers - Xerox/attested/original.

**Office Receiver seal, signature and Date:**