

**National Professional Protection Scheme**  
**of**  
**INDIAN MEDICAL ASSOCIATION**  
**RULES & BYE LAWS**

**I. Preamble**

The Indian Medical Association was established to safeguard the interest of the Medical Profession and health of the public, by organising the Medical Practitioners in a systematic way, promoting the advancement of Medical and related sciences and maintaining honor, dignity and discipline.

Ultimately all the efforts of IMA are to lead the public to get the best from the Medical Practitioners whom they approach, at the apt time and with minimum cost. Unfortunately it is now found that the Medical Practitioners are drawn into litigation on death or other calamities occurring during the treatment for no fault of theirs. Moreover many members have expressed a fear that unless some measures were taken to safeguard their interests in such matters, they have to be selective in treatment, or start treatment only after various types of tests. This will ultimately cause delay in treatment and increase the cost of treatment. To avoid such calamity, in the best interests of the sick public, the IMA has decided to take the responsibility of protecting the doctors in litigations, provided they too financially contribute something for this cause, and for that purpose the National Professional Protection Scheme is established.

**II. Aims & Objectives**

1. To protect the members and help them in case of harassment, litigation etc. which may arise during the process of their professional practice.
2. To provide legal aid to the members of the Scheme.
3. To promote Social Service Activities such as to provide Medical Aid to the poor and needy, to undertake family welfare programmes, to organize blood donation campaigns, to conduct Medical Education and First Aid classes, to organize AIDS Awareness programmes etc.
4. To involve in all activities including awareness seminars, workshops etc publication of relevant materials or books both for the public and the members of the scheme and IMA so as to decrease the incidence of litigations against doctors.

### **III. Eligibility**

Only life members of the Indian Medical Association are eligible to become the members of the Scheme.

### **IV. Jurisdiction**

Any claim arising within the jurisdiction of Republic of India alone will be entertained by the scheme.

### **V. Membership**

Membership fee for the first year shall be Rs. 3000/-. The membership fee once paid will not be refunded.

Any cause of action from the date of realization of the membership fee for one full calendar year will be taken up by the Scheme. Cause of action means the treatment given by the member to the patient which lead to the litigation. Continuous membership can be obtained by prior renewal on payment availing a rebate of Rs. 100/- every year upto a period of 6 years/ if no compensation is paid on behalf of the member.

Any member can take multiple units by paying membership fee of Rs. 3000/- (Rupees Three Thousand only) per unit, as above. The claim amount shall be proportionate to the number of units.

First year membership	Rs. 3000/-
If no claims Second year membership	Rs. 2900/-
If no claims third year membership	Rs. 2800/-
If no claims Fourth membership	Rs. 2700/-
If no claims Fifth Year membership	Rs. 2600/-
If no claims Sixth year membership	Rs. 2500/-

Once a claim occurs and it is settled, the membership fee for the next year will be Rs. 3000/- as that of a new member.

### **VI. Management of the NPP scheme**

The Scheme shall be managed by a Managing committee consisting of:-

1. Chairman
2. Hon. Secretary
3. Hon. Treasurer
4. Vigilance Officer
5. Vice-Chairman
6. Joint Secretary
7. One representative from each participating State.
8. Founder Chairman and Secretary of NPP Scheme.
9. Immediate Past Chairman and Immediate Past Secretary of NPP Scheme

## **VII. Election of the office bearers of the scheme**

The Chairman and Secretary shall be elected by the Central Council of IMA. Their office shall be for a period of 3 years.

There shall be a Vigilance Officer nominated by the National President and his term will be one year. He should be a current member of the scheme. Other office bearers will be nominated by the Chairman of the scheme in consultation with National President. The term of office of nominated members shall be one year. The headquarters of the Scheme shall be located at Thiruvananthapuram.

## **VIII. Accounts**

The funds of the Scheme shall be deposited in the name of the scheme in a nationalized bank. Such accounts should be operated jointly by two among the Hon. Secretary/ or the Joint Secretary and the Treasurer.

Accounting year will be that of the Indian Medical Association. Annual Audited accounts should be presented in the Annual Central Council meeting of the IMA. The report and accounts of the scheme will be presented in every CWC meeting

## **IX. Saving clause**

- a. The benefits of this Scheme shall not be denied to anyone on the basis of caste/ creed or community.
- b. The help extended to the members shall be limited to the cost of litigation and compensation if any.
- c. The excess if any in the operation of the Scheme shall not in any way be distributed as dividend or profit among the members of the scheme.

## **X. Member's right and duties**

- i. The scheme will fight out civil and criminal cases arising out of a member's medical practice upto the level as decided by the managing Committee. Litigations arising out of other actions of the members including the administration will not be dealt with by the Scheme.
- ii. The concerned member shall inform the Hon. Secretary and state Representative of the Scheme as soon as the incident occurs. Incident includes notice from the Advocate or from any Legal Forum or from the individual patients or their relatives

or an intimation whereby the member gets an information that a case has been registered with the Police. If the member fails to inform the concerned office bearers of the scheme about such incident, the member will forfeit the right to enjoy the benefits of the Scheme for that particular case.

- iii. The concerned member shall obey any instruction given by the management of the Scheme regarding the case. The scheme should not be made a party in the case because the Scheme is not an Insurance Company. The member will get all the benefits from the Scheme provided he/she follows the instructions given by the management of the Scheme and if the incident has occurred during the period of his membership. Any member who makes the Scheme also a party in his/her case will cease to enjoy the benefits from the Scheme in that particular case.
- iv. The concerned member shall give the copies of the relevant documents of the case to the Hon. Secretary for the use of the Scheme in English. The statements and documents submitted by the members should be true and correct in all respects. If the member gives any false or misleading information to the Secretary the member shall cease to enjoy the benefits of the Scheme.
- v. Should the member be advised by the scheme to file a counter petition or suit against the party concerned for monetary damages and defamation, the member is bound to obey. In such cases, if a compensation is ordered, 50% of the amount should be remitted to the scheme after deducting all the expenses
- vi. A member of the Scheme, if called upon by the police or by the court to give evidence, he should consult the Hon. Secretary or the State Representative and act as per their direction.

## **XI. Protection & Damages payable by the Scheme**

The Scheme is liable to pay to a member, maximum of Rupees Five Lakhs as damages for a single case and for more than one case in a year upto maximum of Rupees Ten Lakhs or 50% of cash balance of the Scheme at the time of settlement, which ever is less.

The legal adviser / advocate will be selected as far as possible in consultation with the member involved in the case. But if the Chairman/Hon. Secretary feels to appoint a different advocate, he will have the right to do so.

The scheme will not give protection to the institutions or the management of the Hospital for its lapses even if the institution or the Management is headed by a member of the Scheme. Case against the individual members for their alleged professional lapses alone will be taken up by the Scheme.

## **XII. Appellate Body**

If any member is aggrieved by the decision of the chairman or the Managing committee he can prefer an appeal before the appellate body (CWC) within a period of 90 days and it shall be forwarded to the Hon. Secretary General of IMA. The matter shall be discussed and finalized in the subsequent Central Working Committee.

## **XIII. Duties of the office bearers**

**Chairman :** The Chairman shall preside over all the meetings of the Managing Committee of NPP Scheme. He will supervise the overall functioning of the Scheme. He may investigate the case by himself or in consultation with the Hon. Secretary and/or by appointing 2 or 3 IMA members whom he feels fit. The Chairman shall enjoy a casting vote in addition to his vote in case any issue comes up with equal votes in the Managing Committee. He shall nominate other offices bearers except the Hon. Secretary of the Scheme. He shall interpret the rules and byelaws whenever there is a doubt on the same.

**Hon. Secretary:** He shall carry on all the correspondence and see to the smooth functioning of the Office, arrange meetings, contact advocates and gather necessary information and data of the cases. He will carryout the duties entrusted to him by the Managing Committee of the Scheme or the Chairman from time to time. Along with the Hon. Treasurer he shall cause to present audited accounts to managing committee, CWC and central council as the case may be.

**Hon. Treasurer:** He shall maintain day to day accounts of the Scheme, and present the audited accounts to the Managing Committee, CWC and Central Council.

**Vice-Chairman:** He shall assist the chairman in all his duties, and carry out the duties of the chairman in his absence.

**Joint Secretary:** He shall assist the Hon. Secretary in carrying out his official duties and shall act as Hon. Secretary in his absence.

**Vigilance Officer :** Vigilance officer shall have constant watch on the functioning and the accounts of the Scheme. He may go through the details of any case at any time and if necessary report the matter to the Chairman or the managing committee and if necessary to the National President of IMA. He shall have access to the records of the Scheme.

**State/Territorial Representative :** He shall supervise the functioning of the Scheme in his state/Territory and shall act as a liaison officer between the State and NPP Scheme. He shall also be in charge of other duties entrusted to him by the scheme from time to time.

#### **XIV. Managing Committee Meeting**

The Managing Committee of the NFP Scheme shall meet at least two times a year. The detailed report and accounts of the NPP Scheme shall be submitted to CWC after the approval of the Managing Committee. The Hon. Secretary should ensure a minimum of 15 days notice for the meeting.

#### **XV. Emergency Extra-ordinary Managing Committee**

Hon. Secretary of the NPP Scheme may in consultation with the Chairman convene emergency meeting of the managing committee to transact any emergency business with 7 days notice.

#### **XVI. Function of the Managing Committee**

The managing committee shall receive, discuss, amend or approve the reports and accounts presented by the Hon. Secretary/ Hon. Treasurer from time to time.

The quorum of the Managing Committee shall be 10, out of which 5 should be State Representatives. In case of lack of quorum the managing committee shall be adjourned for 30 minutes and then reassemble and carryout the proceedings with available quorum. Non-attendance of 2 consecutive meetings without valid reasons will disqualify a member from the membership of the Managing Committee. In such case the Chairman will fill up the vacancy by nomination.

On issues concerned with constitutional changes and policy matters the decisions of the Central Working Committee shall be ratified by the Central Council.

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