



Delhi Medical Council

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New Delhi - 110053

DMC/DC/F.14/Misc./2021/ 301134

29th November, 2021

Dr. Md. Mozaffar Uddin
General Secretary
ESIC Medical Officers Association
D-1/1(IIInd Floor) Model Town-III
Delhi-110009

The Delhi Medical Council examined a representation of Dr. Md. Mozaffar Uddin, General Secretary, ESIC Medical Officers Association, Ministry of Labour & Employment Govt. of India D-1/1(IIInd Floor), Model Town-III, Delhi-110009, regarding issuing and signing of medical certificate of rest/fitness by doctors posted in ESIC Dispensaries.

On perusal of the representation, the Delhi Medical Council at the outset observes that any medical certificate given to a particular patient, should only be issued by the doctor who has examined/treated and advised medical rest the concerned patient; further, the following guidelines should be taken into consideration by doctors whilst issuing medical certificates:-

- (a) Medical certificates are legal documents. Medical practitioners who deliberately issue a false, misleading or inaccurate certificate could face disciplinary action under the Indian Medical Council (Professional Conduct, Etiquette and Ethics), Regulations, 2002. Medical practitioners may also expose themselves to civil or criminal legal action. Medical practitioners can assist their patients by displaying a notice to this effect in their waiting rooms.

It is, therefore, a misnomer to state that medical certificate is "not valid for legal or Court purposes", and should be avoided. Registered medical practitioners are legally responsible for their statements and signing a false certificate may result in a registered medical practitioner facing a charge of negligence or fraud.

- (a) The certificate should be legible, written on the doctor's letterhead and should not contain abbreviations or medical jargon. The certificate should be based on facts known to the doctor. The certificate may include information provided by the patient but any medical statements must be based upon the doctor's own observations or must indicate the factual basis of those statements. The Certificate should only be issued in respect of an illness or injury observed by the doctor or reported by the patient and deemed to be true by the doctor.

The certificate should:-

- (i) indicate the date on which the examination took place
- (ii) indicate the degree of incapacity of the patient as appropriate
- (iii) indicate the date on which the doctor considers the patient is likely to be able to return to work
- (iv) be addressed to the party requiring the certificate as evidence of illness e.g. employer, insurer, magistrate
- (v) indicate the date the Certificate was written and signed.
- (vi) Name, signature, qualifications and registered number of the consulting Registered Medical Practitioner.
- (vii) The nature and probable duration of the illness should also be specified. This certificate must be accompanied by a brief resume of the case giving the nature of the illness, its symptoms, causes and duration.

When issuing a sickness certificate, doctors should consider whether or not an injured or partially incapacitated patient could return to work with altered duties.

demonstrable on the day of examination and should add supplementary remarks, where appropriate, to explain the circumstances which warranted the issuances of certificate retrospective in nature.

- (c) It is further observed that under no circumstances, a medical certificate should certify period of absence from duty, for a duration of more than 15 days. In case the medical condition of the patient is of such a nature that it may require further absence from duty , then in such case a fresh medical certificate may be issued.
- (d) Record of issuing medical certificate - Documentation should include :
- i. Patient to put signature / thumb impression on the medical certificate
 - ii. Identification marks to be mentioned on medical certificate
 - iii. that a medical certificate has been issued
 - iv. the date / time range covered by the medical certificate
 - v. the level of incapacity (i.e. unfit for work, light duties, etc within scope of practice)
 - vi. signature / thumb impression of patient

An official serially numbered certificate should be utilized. The original medical certificate is given to the patient to provide the documentary evidence for the employer. The duplicate copy will remain in the Medical Certificate book for records. The records of medical certificate are to be retained with the doctor for a period of 3 years from the date of issue.



(Dr. Girish Tyagi)
Secretary