

Bye-Laws of the Tamil Nadu Medical Council

TAMILNADU

India

Bye-Laws of the Tamil Nadu Medical Council

Rule **BYE-LAWS-OF-THE-TAMIL-NADU-MEDICAL-COUNCIL** of **1916**

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Bye-Laws of the Tamil Nadu Medical Council(Government Memorandum No. 5190/4, Public, dated 29th February 1916, as amended by G. O. No. 293, Local Self-Government (Public Health), dated 22nd February 1922 and as amended by G. O. Ms. No. 853, Local Self-Government (Public Health), dated 12th April 1928; G. O. No. 728, Public Health, the dated 15th June 1936; G. O. Ms. No. 166, Public Health, dated 21st January 1937).I. For the Convening of Meeting of the Council

1.

The council shall hold two ordinary meetings every year for the transaction of business upon such days and at such times as may be fixed by the President. Each meeting shall ordinarily commence on a Monday and shall be continued from day to day until all the subjects included in the agenda have been disposed of:Provided that no meeting shall be held on a public holiday.Explanation. - The expression "public holiday" includes Sundays and any other day declared by the State Government, by notification in the [Fort St. George Gazette] [Now Tamil Nadu Government Gazette.], to be a public holiday.

2.

An extraordinary meeting of the Council, of which fifteen days notice shall be given, may be summoned by him on a written requisition signed by not less than seven members of the Council.

3.

All meetings of the Council shall be summoned by the Registrar by letter addressed to such member, stating the time and place of meeting.

4.

The summons convening any meeting, shall declare the purpose of the meeting, whether for general business or for any (named) special business, and at any meeting which is for special business, no business shall be entered on further than such as has been named in the summons, unless the Council by resolution agree to consider such business.

5.

Previously to any meeting of the Council, the Registrar shall, with the President, prepare a provisional programme of business, and shall furnish a copy thereof to each member of the Council, not less than seven days before the day of meeting; and at the same time forward to all member of the Council copies of the documents and evidence in any penal cases to be brought before the Council during that Session.

6.

Any notice of motion to be inserted in the programme of business for the first day of the Session must be sent to the Registrar at least fifteen clear days before the beginning of the Session.II. For the Conduct of Business at Such Meetings

7.

The President shall preside at the meetings of the Council, or in his absence, the Vice-President, or in the absence of both, the Council shall elect one of their own members to preside over the meeting.

8.

All motions and amendments shall be in writing, shall be signed by the mover and before they are spoken to by other members, shall be read from the Chair or by the Registrar under the authority of the Chair.

9.

Any motion standing over from the previous meeting shall take precedence of new matter unless the Council otherwise determines.

10.

No motion or amendment shall be withdrawn after having been read from the Chair or by the authority of the Chair unless by permission of the Council.

10A.

The matter of every speech must be relevant to the matter before the Council: Provided that a member may, with the permission of the President, refer to any matter relating to a previous debate for the purpose of making a personal explanation.

10B. [[Inserted by G.O. Ms. No. 2410, P.M., dated the 16th October 1934.]

No speech, except with permission of the President, shall exceed five minutes in duration: Provided that mover of a motion when moving the same may speak for ten minutes.]

11.

The seconder of a motion may reserve his speech to any period of the debates; but only the proposer has the right of final reply.

11A. [[Inserted by G.O. Ms. No. 2410, P.M., dated the 16th October 1934.]

The mover of a motion may, in reply, speak for ten minutes at the end of the debate.]

11B. [[Inserted by G.O. Ms. No. 2410, P.M., dated the 16th October 1934.]

Except in the exercise of the right of reply, no member shall speak more than once upon any motion unless it be with the permission of the President for the purpose of making an explanation.]

11C. [[Inserted by G.O. Ms. No. 2410, P.H., dated the 16th October 1934.]

A member who has spoken upon any motion may also speak upon every amendment proposed thereto.]

12.

Any amendment shall first be put to the vote; and if it be negatived, a second amendment may be moved, and shall be disposed of in the same way as the first amendment and so on, until no further amendment is proposed.

13.

Should every amendment be negatived, the original motion shall, then, be put to the vote.

14.

If any amendment be carried, the original motion so amended shall be regarded as a substantive motion, to which further amendments may be moved.

15.

In all cases where a division has taken place, any member of the Council may require that the names or the numbers or both the names and the numbers of the majority, of the minority, of those who decline to vote, and of those who are absent, be entered in the minutes.

16.

When a motion is under debate, no further proposal shall be received except one of the following: - (i) An amendment, namely, "That the motion be amended as follows....." (ii) The postponement of the question, namely, "That the consideration on the motion be postponed". (iii) The adjournment of the debate, namely, "That the debate on motion be now adjourned". (iv) The adjournment of the Council, namely, "That the Council do now adjourn." (v) The closer of the debate, namely, "That the Council do now proceed to vote on the motion."

17.

When an amendment is under debate, no further proposal shall be received, except one of the following: - (i) The adjournment of the debate on the amendment, namely, "That the debate on the amendment be now adjourned." (ii) The adjournment of the Council, namely "That the Council do now adjourn." (iii) The closure of the debate on the amendment, namely, "That the Council do now proceed to vote on the amendment".

18.

The proposal for the postponement of the question may specify a date for the further consideration of the question, or be made sine die.

19.

If the proposal for the adjournment of the debate be carried, the Council shall pass to the next item on the programme of business, and debate shall be resumed at the next meeting of the Council. The proposer of the adjournment shall, on the resumption of the debate, be entitled to speak first.

20.

If the proposal for the adjournment of the Council be carried, the question under debate shall be dropped from the programme of business.

21.

On the proposal for the adjournment of the Council being made and seconded, it shall be competent for the President or Chairman, before putting the question, to take the option of the Council as to whether it will, before rising proceed to the transaction of unopposed business.

22.

The proposal for the closure shall be made and seconded without debate, and shall, unless the President or Chairman shall rule otherwise, be put forthwith. Should the proposal be carried, the motion or amendment under debate shall be at once voted on by the Council. Minutes of the Council

23.

The proceeding of the meeting of the Council shall be preserved in the form of printed minutes, authenticated, after confirmation by the signature of the President.

24.

The minutes of each meeting shall be printed, marked confidential until confirmed, and a copy sent to each member within thirty days of the meeting.

25.

[The minutes of each meeting shall contain such motions and amendments as have been proposed and adopted or negatived, with the names of the Proposer and Seconder, but without any comment or observation of member annexed thereto. If any question arises as to interpretation of the expression "Motion", the question shall be referred to the President whose decision shall be final.]
[Amended by G. O. Ms. No. 985, P.M., dated the 8th May 1933.]

26. [[Amended by G. O. Ms. No. 2946, P.M., dated the 25th November 1920.]

The minutes shall be taken as confirmed if no objection as to their correctness is received by the Registrar from any member within thirty days of the receipt by such member of a copy of the minutes under by-law 24. If any such objection is received, confirmation of the minutes shall await the next meeting of the council.]

27.

After the close of any Session of the Council, a complete copy of the confirmed minutes of such a Session shall be sent to each member.

28.

The minutes of the Council, after final revision, shall be kept in order that, as soon as convenient after the Session, they may be made up in sheets and consecutively pagged for the insertion in the yearly volume.IIA. For the Convening of the Meeting of the Executive Committee, for the Conduct of Business and for the Preservation of the Minutes of the Executive Committee

29.

The President may summon a meeting of the Executive Committee, at any time, by giving eight days notice, and shall summon a meeting on a written requisition signed by not less than three members of the Executive Committee.

30.

The notice of the meeting shall be addressed to each member by the Registrar stating the time and place of the meeting.

31.

Previous to any meeting of the Executive Committee, the Registrar, shall, in consultation with the President, prepare a provisional programme of business, and shall furnish a copy thereof to each member of the Committee not less than five clear days before the meeting of the Committee, and shall, at same time, forward to all members copies of all papers and records (if any) on any subject to be considered at the meeting of the Committee.

32.

The President may place before the Executive Committee any urgent subject not mentioned in the programme on which he wishes to have the opinion of the Committee.

33.

The President may obtain the views of the Executive Committee on any subject or subjects by circulation after furnishing the necessary information to the members. In case of difference of opinion, the subjects shall be placed before the next meeting of the Executive Committee. In case of unanimity of opinion, the subject or subjects may be added to the minutes of the Executive Committee.

34.

Every meeting of the Executive Committee shall be presided over by the President and in his absence by the Vice-President, and in the absence of both the President and the Vice-President, the

Committee shall elect one member among themselves as the Chairman of the meeting.

35.

The proceedings of the Executive Committee shall be preserved in the form of printed minutes, copies of which shall be supplied to the members of the Executive Committee within a month after the date of such a meeting. III. For the Appointment, Control, Pay and Allowances of the Establishment Employed Under Section 10G.Os. No. 138, L. & M. (Medical), dated the 23th November 1916; Ms. No. 166, P H., dated the 21st January 1937; and Ms. No. 1763, P. H., dated the 12th May 1938; G.O. Ms. No. 594, P H., dated the 25th February 1947; and Ms. No. 2346, P H., dated the 7th July 1947; G.O. Ms. No. 2797, Health, dated the 25th July 1953; G.O. Ms. No. 1815, Health, dated the 30th June 1954; G.O. Ms. No. 3179, Health, dated the 26th November 1954; G.O. Ms. No. 836, Health, dated the 27th March 1962 and G.O. Ms. No. 1009, Health, dated the 2nd May 1964. Age and Method of Appointment

36.

No person shall be employed by the Council if he is more than 25 years of age on the date of his appointment, provided this rule shall not apply to the Registrar and employee lent to the Council by Government.

37.

Every vacancy of fresh appointment shall be advertised in two of the leading English daily newspapers.

38.

Certificates of age, health, and vaccination, from duly registered medical practitioners shall be furnished by every employee before assuming charge. Probation

39.

Every person appointed to a post shall, ordinarily, be on probation for a period of six months.

40.

If, on the completion of probation, he is found competent, he may be confirmed in the post.

41.

During the period of probation, the service of an employee may be terminated by the President, if his work and conduct are not found satisfactory. In all cases of termination of probation, the reasons

for the same shall be recorded. Retirement

42.

No employee shall, ordinarily, be in service after he has attained the age of 55 years.

43.

In special cases, an employee may be retained in service until he attains the age of 60: Provided that the Council may, in special cases, retain in service as Registrar an individual who has attained the age of sixty years, subject to the condition that the individual is found to be physically fit. Such retention should be granted by a resolution of the Council subject to the approval of the Government: Provided further that under extraordinary circumstances, the Registrar, if he is found physically fit, may be retained in service by a resolution of the Council, subject to approval of Government even after he attains 65 years of age.

44.

Applications, if any, for extension shall be made by the employee sufficiently early and the Council shall not grant extension to any employee for more than a year at a time; not more than five such extensions shall be given to an employee under any circumstances.

45.

All employees shall be whole-time servants, except the Registrar who may be a part-time servant.

46.

No employee shall directly or indirectly communicate to any person, institution, or to the press any information, or hand over any document which has come into his possession in the course of official duties.

47.

The Council shall maintain a record of the services of each of its employees recording therein his rank, emoluments, promotions, leave earned and availed of. All changes effected shall be attested by the President in the case of Registrar, and in other cases by the Registrar. Security

48.

Security shall be taken from the Registrar, Clerks and Peons for such amounts as may be fixed by the Council, from time to time.

49.

No person shall be continued in service if a moiety of his salary is constantly being attached or is continually attached for two years or if his liabilities cannot be discharged by him in two years. Suspension

50.

During suspension, an employee shall be given subsistence allowance amounting to one-half of the monthly salary for a period of three months. When an employee is under suspension, he shall leave his address with the leave of the President. He shall obey all orders to attend any enquiry into his conduct at his own cost. If he fails to do so, the enquiry shall be held in his absence. Resignation and Discharge

51.

An employee may resign after giving one month's notice in writing to the president. But, the resignation shall not be accepted if any proceedings against him are contemplated or are pending. The President may give one month's notice or its money equivalent and discharge an employee from service after recording the reasons for the same and shall report to the council about the action taken by the President. Qualification of the Registrar

52.

The Registrar shall, ordinarily, be a Registered Medical Practitioner. A graduate in Law, preferably possessing a degree or diploma in Accounts, a retired Judicial Officer or Revenue Divisional Officer may also be appointed for the post; of Registrar. Qualification of Clerks

53.

The minimum qualification for a Clerk shall be S.S.L.C with eligibility for College course of study and a working knowledge in shorthand and typewriting, preference being given to one having experience in accounts. The salary of the clerk shall be on the scale of pay as may be prescribed for a lower division clerk in the Government scale, from time to time. A graduate clerk shall be allowed three advance increments in that scale. The council may in suitable cases with the approval of the Government grant to a clerk, the Upper Division scale obtaining in Government offices from time to time. The Clerk shall also be paid any other allowances as may be fixed by the Council, from time to time, in addition to the allowances provided for in by-law 56-B. Provident Fund

54.

Every person employed in the permanent service of the council shall subscribe to the Provident Fund. Emergency Powers of the President

55.

In case of emergency, the President may waive any of the provisions of bylaws 36 to 53 (both inclusive) and the President shall record the reasons for any such action and report the same to the Council.

56. [[G.O. Ms. No. 1009, Health, dated the 2nd May 1954.]

The salary of the Registrar shall be in the scale of Rs. 200-5-240-10-270. But, it shall be competent for the council at its discretion to employ a Registrar who is not a whole time man on payment of such salary as the council may decide. The council may, with the approval of the Government in suitable cases appoint a whole time Registrar on a higher initial pay than Rs.200, but not to exceed Rs.270 the maximum prescribed.]

56A. [[G.O. Ms. No. 1009, Health, dated the 2nd May 1954.]

The pay of the peon shall be on the scale of pay as pay be prescribed for a last grade servant in the Government scale from time to time.]

56B. [[G.O. Ms. No. 1009, Health, dated the 2nd May 1954.]

The staff of the Council shall be eligible to draw all such allowances as are admissible to Government Servants holding similar appointments.]

57.

The Registrar shall keep his registers in accordance with the provisions of the Act and rules and by-laws of the State Government and the Medical Council.

58.

The Registrar shall be present at every meeting of the Council and shall take minutes of the proceedings at such meeting.

59.

The Registrar, as Secretary, shall conduct, have charge of the correspondence of the Council, and shall issue all requisite notices in the manner required under these by-laws.

60.

The Registrar shall fulfil all the duties that may be required of him by the rules and by-laws for the time being of the Council.

61.

The President or the Vice-President, when he acts as President, shall be the appointing authority in the case of the establishment other than the Registrar and the Treasurer.

62. [[G.O. Ms. No. 320, Health, dated the 4th February 1961.]

State Government holidays excepted, the Registrar shall attend the office from 10-30 a.m. to 5 p.m. and at other times when necessary, and shall not absent himself from his duties unless with permission from the President, except that in the case of a Registrar who is not a full-time officer, he shall attend office at such hours as the Council may decide.]

63.

The Registrar shall have the general control of the management of the office, authority over the clerks and servants and superintendence of buildings.

64.

The duties of the clerks shall be such as shall be assigned to them by the Registrar, under the direction of the President.

65.

State Government holidays excepted, the clerks shall attend office from 10-30 a.m. to 5 p.m. and at other times when necessary, and they shall not be absent from their duties unless by permission from the Registrar.

66.

Casual leave may be granted to the members of the office establishment in accordance with the rules for the grant of such leave to Government servants. Such leave may be granted to the Registrar by the President or Vice-President and to the clerk and peon by the Registrar.

67.

Members of the office establishment shall be eligible for regular leave in accordance with the provisions of the Tamil Nadu Leave Rules, 1933. Such leave may be granted by the President or Vice-President.

68.

The President or Vice-President may appoint substitutes in the place of those who proceed on regular leave and report, the fact to the Council at its next meeting for formal approval.

69.

The following penalties may, for good and sufficient reasons as hereinafter provided, be imposed upon members of the establishment employed under section 10 of the Act, namely:

-(i)Censure;(ii)Withholding of increments or promotion;(iii)Reduction to a lower or time-scale, or to a lower stage in a time-scale;(iv)Recovery from pay of the whole or part of the pecuniary loss caused to the Council by negligence or breach of orders;(v)Suspension;(vi)Removal from service which does not disqualify from future employment;(vii)Dismissal from service, which disqualifies from future employment.Explanation. - The discharge of a person appointed on probation during the period of probation does not amount to removal or dismissal within the meaning of this by-law.

70.

Subject to the provisions of section 10(1) of the Act, the President or Vice-President when he acts as President, may impose any of the penalties specified in by-law 69 on any member of the establishment referred to therein.

71.

No order of dismissal, removal or reduction shall be passed on a member of the establishment (other than an order based on facts which have led to his conviction in a Criminal Court) unless he has been informed in writing of the grounds on which it is proposed to take action and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges, which shall be communicated to the person charged together with a statement of the allegations on which each charge is based and of any circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required, within a reasonable time, to put in a written statement of his defence and to state whether he desires to be heard in person. If he so desires or if the authority concerned so direct, an oral inquiry shall be held. At that inquiry, oral evidence shall be heard as to such of the allegations as are not admitted, and the person charged shall be entitled to cross- examine the witness, to give evidence in person and to have such witnesses called, as he may wish, provided that the officer conducting that inquiry may, for special and sufficient reason to be recorded in writing, refuse to call a witness. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof.This by-law shall not apply where the person concerned has absconded, or where it is for other reasons impracticable to communicate with him. All or any provisions of this by-law may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived, where there is a difficulty in observing exactly the requirements of the by-law and those requirements can be waived without injustice to the person charged.

72.

An appeal from clerks and menial staff shall lie to the Executive Committee from every order imposing any of the penalties specified in by-law 69 passed by the President or Vice-President, as the case may be, and in case any such penalty was imposed on the Registrar, an appeal shall lie to the Council. An appeal in both cases shall be filed within a month after the date of the order of the President or Vice-President, as the case may be.

73.

In the case of such an appeal, the Executive Committee or the Council shall consider: -(i)whether the facts on which the order was based have been established;(ii)whether the facts established afford sufficient ground for taking action; and(iii)whether the penalty is excessive, adequate or inadequate and after such consideration shall pass such order as it thinks proper.

74.

Nothing contained in by-laws 69 to 73 shall apply to any Government servant who is employed by the Council on a part-time basis. Whenever necessity arises for taking disciplinary action in the case of such a Government servant, the facts shall be reported to the head of the Government Department concerned with a view to the taking of such action, but nothing contained herein shall be deemed to affect the power of the Council to remove the Secretary or the Treasurer under section 10 (1) of the Act.V. Information Published by the Tamil Nadu medical council for the guidance of all practitioners registered under The Tamil Nadu medical registration Act, 1914 (Tamil Nadu Act IV of 1914)

Part I – Warning Notice

In accordance with Resolution 3(1) of the meeting of the Tamil Nadu Medical Council held on the 6th March 1916 that "the resolutions and decisions of the General Medical Council of the United Kingdom upon forms of professional misconduct" should be adopted by the Tamil Nadu Medical Council, with the proviso added "subject to the laws in force in India," the following notice published in the medical register printed and published under the direction of the General Council of Medical Education and Registration of the United Kingdom is reprinted for general information and guidance : -Warning NoticeThe General Medical Council desire to bring to the notice of registered medical practitioners, the following statement which summarizes the Resolutions and Decisions of the Council upon forms of professional misconduct that have from time to time been brought before the council in exercise of the disciplinary jurisdiction over the members of the medical profession.The jurisdiction is conferred upon the council by the 29th section of the Medical Act, 1858, which is as follows : -"If any registered medical practitioner shall be convicted in England or Ireland of any felony or misdemeanour, or in Scotland of any crime or offence or shall after due inquiry be judged by the General Council to have been guilty of infamous conduct in any professional respect, the General Council may, if they see fit, direct the Registrar to erase the name

of such medical practitioner from the register". It must be clearly understood that the instances of professional misconduct, which are given below do not constitute and are not intended to constitute, a complete list of the offences which may be punished by erasure from the Medical Register; and that by issuing the notice the council are in no way precluded from considering and dealing with any form of professional misconduct (as for example, immorality involving abuse of professional relationship) which may be brought before them, although it may not appear to come within the scope or precise wording of any of the categories herein set forth. Circumstances may and do arise, from time to time, in relation which there may occur questions of professional misconduct which do not come within any of these categories. In such instances, as in all others, the Council have to consider and decide upon the facts brought before them.

1. Certificates, Notifications, Reports, Etc. - Registered medical practitioners are in certain cases bound by law to give, or may be, from time to time, called upon or requested to give certificates, notifications, reports and other documents of a kindred character, signed by them in their professional capacity, for subsequent use either in Courts of Justice or for administrative purposes.

Such documents include, among others, certificates, notifications, reports, etc. -(a)Under the Acts relating to births, deaths, or disposal of the dead;(b)Under the Acts relating to Lunacy and Mental Deficiency and the rules made thereunder;(c)Under the Vaccination Acts and the orders made thereunder;(d)Under the Factory Acts and the regulations made thereunder;(e)Under the Education Acts;(f)Under the Public Health Acts and the orders made thereunder;(g)Under the Work men's Compensation Acts;(h)Under the Acts and the orders relating to the notification of infectious diseases;(i)Under the National Insurance Acts and the regulations made thereunder;(j)Under the Old Age Pensions Acts and the regulations made thereunder;(k)Under the Merchant Shipping Acts;(l)In connection with sick benefit, insurances and friendly societies;(m)For procuring the issue of Foreign Office passports;(n)For excusing attendance in Courts of Justice, in the public services, in public offices, or in ordinary employments;(o)In connection with naval and military matters;(p)In connection with matters under the control of the Ministry of Pensions. Any registered practitioner who shall be shown to have signed or given under his name and authority any such certificate, notification, report, or document of a kindred character, which is untrue, misleading, or improper, whether relating to the several matters above specified or otherwise, is liable to have his name erased from the Medical Register.

2. Unqualified Assistants and Covering. - The employment by any registered medical practitioner in connection with his professional practice of an assistant, who is not duly qualified or registered, and the permitting of such unqualified person to attend, treat, or perform operations upon patients, in respect of matters requiring professional discretion or skill is in the opinion of the Council in its nature fraudulent, and dangerous to the public health; and any registered medical practitioner who shall be shown to have so

employed an unqualified assistant is liable to have his name erased from the Medical Register.

Any registered medical practitioners who by his presence, countenance, advice, assistance or co-operation, knowingly enables an unqualified or unregistered person, whether described as an assistance or otherwise, to attend, treat, or perform any operation upon a patient in respect of any matter requiring professional discretion or skill, to issue or procure the issue of any certificate, notification, report or other document of a kindred character (as more particularly specified in Division I hereof), or otherwise to engage in professional practices as if the said person were duly qualified and registered, is liable on proof of the facts to have his name erased from the Medical Register. The foregoing do not apply so as to restrict the proper training and instruction of bona fide students, or the legitimate employment of dressers, midwives, dispensers, surgery attendants, and skilled mechanical or technical assistants, under the immediate personal supervision of a registered medical practitioner.

3. Sale of Poisons. - The employment, for his own profit and under cover of his own qualifications, by any registered medical practitioner who keeps a medical hall, open shop, or other place in which scheduled poisons, or preparation containing scheduled poisons are sold to the public, of assistants who are left in charge, but are not legally qualified to sell scheduled poisons to the public, is in the opinion of the Council a practice professionally discreditable and fraught with danger to the public and any registered medical practitioner who is proved to have so offended will be liable to have his name erased from the Medical Register.

4. Dangerous Drugs. - The contravention by a registered medical practitioner of the provisions of the Dangerous Drugs Acts and the Regulations made thereunder may be the subject of criminal proceedings, and any conviction resulting therefrom may be dealt with as such by the Council under the powers given them by section 29 of the Medical Act, 1858. But any contravention of the Acts or the Regulations, involving an abuse of the privileges conferred thereunder upon registered medical practitioners, whether such contravention has been the subject of criminal proceedings or not, will, if proved to the satisfaction of the Council, render a registered medical practitioner liable to have his name erased from the Medical Register.

5. Association With Unqualified Persons. - Any registered medical practitioner who, either by administering anaesthetics or otherwise, assists an unqualified or unregistered person to attend, treat, or perform an operation upon any other person, in respect of matters requiring professional discretion or skill, will be liable on proof of the facts to have his name erased from the Medical Register.

6. Advertising and Canvassing. - The practices by a registered medical practitioner -

(a) of advertising, whether directly or indirectly, for the purpose of obtaining patients or promoting his own professional advantage; or for any such purpose, of procuring or sanctioning or acquiescing in the publication of notices commending or directing attention to the practitioner's professional skill, knowledge, services or qualifications, or depreciating those of others; or of being associated with or employed by those who procure or sanction such advertising or publication, and (b) of canvassing or employing any agent or canvasser for the purpose of obtaining patients; or of sanctioning, or of being associated with or employed by those who sanction, such employment; are in the opinion of the Council contrary to the public interest and discreditable to the profession of medicine, and any registered medical practitioner who resorts to any such practice renders himself liable on proof of the facts to have his name erased from the Medical Register.

7. Association With Uncertified Women Practising As Mid Wives. - Whereas it has been made to appear to the Council that certain registered medical practitioners have, from time to time by their countenance or assistance, or by issuing certificates, notifications, or other documents of a kindred character, enabled uncertified persons to attend women in child-birth otherwise than under the direction and personal supervision of a duly qualified medical practitioner contrary to law;

And whereas such conduct is in the opinion of the Council discreditable to the profession of medicine, and calculated to defeat the purpose of the Statutes made in the public interest for the protection of mothers and infants; Notice is hereby given that any registered practitioner who is proved to have so offended will be liable to have his name erased from the Medical Register.

Part II – A Code of Medical Ethics

1. The dignity of the profession of medicine should be maintained on all occasions; the following and similar practices which tend to lower its dignity should be avoided. -

(a)Soliciting private practice, either personally or by advertisement in the newspapers, by play cards, or by the distribution of circulars, cards or hand-bills.(b)Deriving pecuniary profit from the sale of any secret remedy.(c)Entering into any contract with a pharmacist to receive a share in the profits arising from the sale of medicine prescribed or medical or surgical appliances.(d)Publishing or sanctioning the publication of reports of cases or operations or letters of thanks from patients in non-professional news papers or journals.(e)Covering persons who are not registered under the Medical Acts.(f)Keeping an open shop, that is one for the sale of medicines, medical or surgical appliances, etc., other than those prescribed by himself or by another registered practitioner. This definition to hold good for ten years after the proposed Pharmacy Act for India shall have come into force.(g)Agreeing to attend any patient on the terms of "no cure, no pay."

2. No member should meet in consultation any practitioner who is not registered, but this rule does not apply to practitioners who are registered elsewhere and who are temporarily resident in or passing through this State, provided their qualification is granted by a body recognized by the Tamil Nadu Medical Council.

3. Every member should endeavour to observe punctuality in consultation and appointments. If the medical attendant has not arrived within a reasonable time (e.g., quarter of an hour after the appointed hour) the consultant shall be at liberty to see the patient alone, and should leave his conclusion in writing in a closed envelop.

4. The duty of announcing to the patient's friends the result of the consultation shall be mutually arranged between the medical attendant and consultant.

5. Differences of opinion should not be divulged unnecessarily; but when there is an irreconcilable difference of opinion, the circumstances should be frankly and impartially explained to the patient's friends. It is open to them to seek further advice, either, as is preferable, in consultation with those already in attendance, or with the medical attendant only.

6. The attendance of a consulting practitioner should cease when the consultation is concluded, unless another appointment is arranged by the medical attendant.

- 7. When it becomes the duty of a practitioner occupying an official position to see and report upon a case of illness or injury, he should, as a matter of courtesy, whenever practicable, communicate with the practitioner in attendance so as to give him the option of being present. The practitioner seeing the case officially should scrupulously avoid interference with, or remarks upon, the treatment or diagnosis that has been adopted.**
- 8. When a consultant in his room sees a patient at the request of his medical attendant, it is his duty to write the letter, stating his opinion of the case with mode of treatment he thinks should be adopted.**
- 9. A member entrusted with the care of the practice of a professional friend, during sickness or absence, should not charge either the patient or the absent practitioner for his services, except in the case of a special arrangement between the practitioners.**
- 10. A member called upon in an emergency to visit a patient, who under ordinary circumstances, would have been attended by another practitioner, should, when the emergency is provided for, retire in favour of the ordinary medical attendant, but shall be entitled to charge the patient for his services.**
- 11. When a member is called to a case of obstetric emergency during the temporary absence from any cause of the proper medical attendant, he should cease his attendance when the emergency has been provided for, or on the arrival of the proper medical attendant; but if in the meantime he has assisted at the patient's delivery or has been detained for a considerable time, he shall be entitled to receive a portion of the fee. Nevertheless the emergency practitioner shall be entitled to attend in a subsequent confinement if asked to do so; but if he has attended at the request of a practitioner, he should obtain the consent of the original attendant before doing so.**
- 12. When a member is consulted by a patient whom he has previously attended during the course of the same illness at the request of another practitioner, he may propose a consultation with the said practitioner, but should decline to take charge of the case.**

13. When a member is requested to attend a patient already under the care of another practitioner (the case not being one of emergency), he should decline to do so, except in consultation with the practitioner in attendance, or, in case the consultation be not agreed to, until the practitioner in attendance has been informed (in writing, if possible) that his services are no longer desired.

14. When a practitioner is consulted at his own residence, it is not necessary for him to inquire if the patient is under the care of another practitioner, but if that fact should transpire, the interest of the patient or courtesy may require that the medical attendant be informed of the consultation and its results.

15. No member should receive commissions from trades people in return for recommending them or their wares, or from dentists for recommending patients, nor should he pay commissions to hotel proprietors, lodging-housekeepers, monthly nurses, midwives, or others for introduction to cases.

16. Members should not permit their names to appear on any premises of which they hold no tenancy, except in widespread country districts. This does not apply to legitimate branch surgeries.

17. A scale or fees should not be publicly exhibited.

18. There are no fixed fees in the medical profession, if by that expression is meant a tariff regulated by some recognized rule to which either a patient or a practitioner can appeal; but there are customary fees which vary with the place, the status of the practitioner and other circumstances. Fees are reducible at the discretion of the practitioner.

19. There is no rule that medical practitioners should not charge one another for their services, but it should be regarded as a pleasure and privilege to give one's services freely to a professional brother, his wife and children or to a medical student.

20. The application to patient of new methods of treatment which have not been thoroughly tested is an experiment to which medical men have no right to subject them without due cause. Unless the medical man is satisfied that,

in a given case, the patient is suffering from a condition which has not been, or cannot be, relieved by the usual means, that there is reasonable prospect of the new remedy affording relief and that it is harmless, he has no right to use the new remedy.

21. Care should be taken in using or encouraging the use of patent or proprietary foods or medicines; before recommending or sanctioning them, the practitioner should acquire some general knowledge of their composition and evidence that their claim to be wholesome and serviceable is well founded.

22. It is a grave breach of professional propriety for a medical practitioner to take any part in the manufacture, or sale, of a proprietary food or medicine or to have his name in any way associated with it. Medical men should also be cautious how they lend themselves to the puffing of these articles.

23. A medical practitioner is justified in refusing to continue attendance on a case: -

(a)where he finds another practitioner is in attendance;(b)where other remedies than those prescribed by him are being used;(c)where his remedies are refused;(d)where he is convinced the illness is an imposture, and he is being made a party to a false pretence;(e)where the patient persists in the abuse of opium, alcohol, chloral, or similar poisons.He is not in any way bound to give up a case because he cannot cure it so long as the patient desires his services.

24. A medical practitioner is under an obligation to his patient to preserve his secrets, and in legal matters should, except with the patient's consent answer questions only at the express direction of the Judge or Magistrate presiding in a Court of law.

A medical practitioner is not bound to answer questions put to him by policemen, solicitors, vakils or other non-judicial persons.

25. No medical practitioner should volunteer to give evidence in the Court of law against any person who had been under his professional care. He should only appear on subpoena.

26. Medical Officers of Health should not ordinarily visit a patient under the care of a medical practitioner without notice and should not express doubt or dissent with respect to the diagnosis before the patient or his friends. A Medical Officer of Health or Sanitary Authority ought not to demand a statement of the symptoms upon which a diagnosis of a notifiable disease was based by any medical practitioner.

27. It is the duty of medical practitioners as citizens to assist cordially in carrying out the provisions of the Public Health Acts especially with regard to the notification of diseases so as to enable the Public Health Authorities to take preventive measures to check the spread of epidemics.

28. Any member of the medical profession may be called "Dr." by courtesy, but no one should assume the title by placing it on his door plate, visiting card, etc., who does not possess the Doctor's degree of a University.

29. No medical practitioner should write prescriptions in a private formula of which only a particular pharmacist has the key. Such secret prescriptions are unprofessional.

Part III – The following general advice given by Professor Saundby to medical practitioners will be found exceedingly valuable : -

The duty that a medical man owes to the profession of which he is a member is one of the highest he is called upon to fulfil, as his obligations to his country can alone be allowed to have greater claims upon him. He should cherish a proper pride in his calling, and disparage it neither by act nor word, but endeavour to increase the public esteem in which it is held by good and worthy deeds. His life should be discreet and sober, avoiding excess or extravagance of dress and demeanor.****He should regard with respect the regulation of all duly constituted professional bodies which are set in authority over him by the laws of his country, or by the rules of those medical societies of which he is voluntarily a member, and he should obey them in spirit as well as in letter. He should respect professional opinion, and not stand aloof from movements designed to promote the interest of the profession; if unable to agree with the course adopted by the majority, he should abstain from manifesting publicly his dissent by addressing letters to lay newspapers, but should confine himself to urging his opinions in those professional journals which are open to him. In all dealings with patients, the interest and advantage of their health should alone influence his conduct towards them. As their trust in the profession is great, so the obligation to be true to their interests is greater and any signal failure in this respect is wholly discreditable and inexcusable. The consequences of breach of this rule may be most serious from a professional point of view, involving even the

removal of the offender's name from the medical register, but only the grossest cases are thus brought to light. In most instances, the individual's conscience is the sole, arbiter, for no one can judge motives, hence there is urgent need to avoid those slight departures from rectitude by which the sensitiveness of this private monitor may become deadened. The medical practitioner must not only deal honestly with his fellowmen, but he is called upon to show more than usual benevolence towards them, so as to maintain the honourable tradition by which the physician is regarded as the friend of all persons, without respect to race, creed, or social position.