

SRI DEVARAJ URS ACADEMY OF HIGHER EDUCATION & RESEARCH

Tamaka, Kolar, Karnataka.

A DEEMED TO BE UNIVERSITY

Declared under Section 3 of the UGC Act, 1956

vide MHRD, Government of India Notification No.F-9-36/2006-U.3 (A) dated 25th May 2007



CODE OF CONDUCT FOR TEACHING STAFF



SRI DEVARAJ URS ACADEMY OF HIGHER EDUCATION & RESEARCH

A DEEMED TO BE UNIVERSITY, (DECLARED UNDER SECTION 3 OF THE UGC ACT, 1956)

TAMAKA, KOLAR 563101, KARNATAKA, INDIA

Name of the Policy/ Guidelines	Code of Conduct for Teaching Staff	
Short Description	Guidelines on desirable conduct of Teachers	
Scope	This code of conduct is applicable to all faculty members (teachers), including adjunct and visiting faculty of the constituent colleges and departments of SDUAHER (Deemed to be University).	
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Name of the Policy/ Guidelines		
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CODE OF CONDUCT FOR STAFF

INTRODUCTION/PREAMBLE

Teachers play a pivotal role as front liners in every educational system. Their role is not simple that of disseminating knowledge or imparting information, but it goes far beyond; as theirs is the role to create a stimulating learning environment to ensure that all students reach their full potential. They are the 'Role models' within themselves for their students who, consciously, or subconsciously emulate their behavior. They instill moral values that will influence the lives of their students. There is responsibility to understand the needs of their students to identify, nurture and to cherish.

This code, set out on the ethical foundation for the teaching profession and sets out the standards which are central to the Practice art of teaching. The code also defines what is expected of teachers and indicates their responsibilities.

The code addresses the relationship that teachers should have with various stake holders, not least students; which includes colleagues, parents, guardians, education authorities, the general community and the patients they treat.

The University strives to raise the status of teaching by maintaining and promoting the highest standards of professional practice and conduct in the interest of teachers, learners/ students, parents and the community.

The University has legal powers to investigate and hear cases of alleged unacceptable professional conduct, serious professional incompetence and criminal offences involving teachers.

This is how this document has come into existence.

PART-I

CODE OF CONDUCT FOR TEACHING STAFF

INTRODUCTION:

The University recognizes its staff as its greatest asset. The purpose of the code of conduct is to guide and enhance the conduct of staff in performing their duties in the collegial environment of the University. The code of conduct has the support of the University's governing body, Senate, and applies to all officers and employees of the University.

PURPOSE OF THE CODE:

- The code should as a guiding mechanism for teachers seeking to steer an ethical and respectful progression in their career and to uphold the honour and dignity of the teaching profession.
- The Code shall set out the standards which are central to the practice of teaching and identify teachers' professional responsibilities.
- The code shall guide the teachers to conduct themselves ethically with respect during their day to day activity and uphold honor and dignity of the teaching profession. It would set standards for the practice of teaching and teachers professional responsibility.

USING THE CODE ITS APPLICATION AND BREACH:

- The code provides a basis to investigate the cases of alleged, unacceptable conduct, professional incompetence and criminal offences involved in teachers.
- The obligations of the Code apply at all times. This includes times when a teacher is not at school or not performing work duties. It includes times when a teacher is on leave. While the Code focuses primarily on how a teacher performs their work duties.
- As public servants, teachers hold special positions of trust, especially regarding, Students and young adults in our community, and must be accountable for their actions at all times.
- If the Code has been breached, disciplinary action may be taken.
- Any disciplinary action shall be taken in accordance with the principles of natural justice and procedural fairness and in a manner that promotes the values and general principles of the conduct.
- The primary aim of disciplinary action is to maintain proper standards of conduct by teachers, to protect the regulations, to maintain public confidence in the integrity of the profession. The aim is not to punish, even if the consequences of disciplinary action for a teacher are severe.

DISCIPLINARY ACTIONS IN RESPONSE TO PROVEN BREACHES OF THE CODE:

The actions to be initiated in response to a teacher who has been indicated for breaches of the code shall include one or more of the following line of approaches, in order to maintain the desired level of discipline in the teacher and the profession.

- Counselling
- A written admonishment
- A financial penalty
- Transfer to other duties (at or below current salary)
- Reduction in incremental point
- A temporary or permanent reduction in classification/salary

Note: Disciplinary action may include a reprimand, termination of employment or other appropriate action depending upon the nature of offence.

PERSONAL VALUES AND RELATIONSHIPS:

Teachers should:

- Be caring, fair and committed to the best interests of the pupils/students entrusted to their care, and seek to motivate, inspire and celebrate effort and success.
- Acknowledge and respect the uniqueness, individuality and specific needs of pupils/ students and promote their holistic development
- Be committed to equality and inclusion and to respecting and accommodating diversity including those differences arising from gender, religion, age, disability, race, ethnicity, and socio-economic status, and any further grounds as may be referenced in equality legislation in the future.
- Maintain high standards of practice in relation to teaching and learning, classroom management, planning, monitoring, assessment and reporting Keep their professional knowledge and skills updated throughout their teaching career.
- Be open and respond positively to constructive feedback regarding their teaching practices.

PROFESSIONAL INTEGRITY:

Teachers should

- Act with honesty and integrity in all aspects of their work
- Conduct assessment- and examination-related tasks with integrity and in compliance with official regulations and procedures.
- Represent themselves, their experience, professional position and qualifications honestly

PROFESSIONAL CONDUCT:

Teachers should

- Promote equality irrespective of gender, race, religion, sexual orientation, appearance, age, language or different needs or abilities.
- Maintain professional boundaries whilst in institution and out of institution, avoid improper physical contact, avoid inappropriate communication via any form of media and avoid inappropriate relationships with students. The members of the teaching profession are duty bound and are ultimately responsible to maintain a professional distance;
- Refrain from taking advantage of professional relationships with students for their own personal benefit, including by giving private lessons to students from the classes they teach or who are under their administrative responsibility, against payment, whether monetary or in kind;
- Ensure that they do not practice while under the influence of any substance which impairs their fitness to teach. Must not be under the influence or in possession of illegal drugs, be under the influence of alcohol and consume or bring alcohol or drugs on to school premises during working hours, or while they have a duty of care for students.

CONFLICT OF INTEREST:

- An actual conflict of interest exists when the teacher's private interests interfere or are likely to interfere with the proper performance of their duties.
- Working in a second job is one situation where a conflict of interest may arise.

GIFTS:

- Teachers must not ask for or encourage the giving of gifts or benefits in connection with their work duties. Teachers must not accept a monetary gift in this regard under any circumstances.
- A teacher must not accept for private use, any gift or benefit offered by a seller of goods or services purchased for school use

IMPARTIALITY:

- A teacher must carry out their duties and treat students, other teachers, parents, members of the general public and other public employees fairly and in an unprejudiced manner

MALADMINISTRATION:

Maladministration by a teacher including a principal refers to poor administrative practices including:

- Incorrect action or failure to take any action that should reasonably have been taken
- Failure to follow correct legal procedures and compliance
- Excessive delay in process
- Failure to properly investigate or reply to concerns raised with them
- Failure to provide information that should reasonably have been provided where it does not breach privacy principles.
- Inadequate record-keeping
- Making misleading or inaccurate statements
- Failure to follow an appropriate consultative process.
- Any action that is unlawful, arbitrary, unjust, oppressive, improperly discriminatory, or taken for an improper purpose

SEXUAL MISCONDUCT:

Sexual misconduct includes a range of behaviors or a pattern of behavior suggestive of involving students in sexual acts. Some of these behaviors may include:

- Inappropriate conversations of a sexual nature
- Comments that express a desire to act in a sexual manner
- Unwarranted and inappropriate touching of students
- Sexual exhibitionism
- Personal correspondence (including electronic communication) with a student concerning the teacher's feeling for a student
- Deliberate exposure of students to sexual behavior of others including display of pornography

Teachers must discourage and reject any advances of a sexual nature initiated by a student.

STANDARDS OF DRESS:

As a general guide, the appearance and dress of teachers should be in accordance with the standards appropriate to their duties and the people with whom they are dealing. A teacher's obligation is to dress appropriately in a way that upholds the good reputation of the teaching profession.

PROFESSIONAL PRACTICE:

Teachers should:

Maintain high standards of practice in relation to pupil/student learning, planning, monitoring, assessing, reporting and providing feedback.

A) Demonstrate high standards of professional practice:

Teachers demonstrate a high standard in teaching and learning by:

- engaging students in their learning
- working to achieve high level outcomes for all students
- maintaining records to manage, monitor, assess and improve student learning
- using research and student achievement data to inform professional practice
- engaging in reflective practice and developing their professional knowledge and teaching skills
- supporting the personal and professional development of others
- providing constructive feedback to colleagues that is considered and helpful
- assisting in developing and mentoring beginning teachers
- working cooperatively and collaboratively with others to achieve school and system goals
- informing people of their rights and entitlements where appropriate
- accepting responsibility for their own professional learning and development

B) Protect students from harm:

Teachers protect students from harm by:

- Recognizing that students have a right to a safe and secure teaching and learning environment
- Reading, understanding and complying with mandatory reporting requirements
- Reporting any reasonable suspicion of harm caused to students
- Supporting students who have been harmed

- Refraining from conduct that could assault or harm a student
- Refraining from conduct that could cause psychological damage to a student.
- Refraining from sexual conduct with a student or conduct that raises an apprehension that sexual conduct has occurred or may occur with a student

C) Develop and maintain constructive professional relationships with parents and carers:

Teachers develop and maintain constructive professional relationships with parents and carers by:

- Engaging in open communication
- Reporting on student progress and learning options
- Being responsive to all reasonable requests in relation to their child's education

D) Exercise leadership in their role as supervisors:

Teachers exercise leadership in their role as supervisors by:

- Acting as positive role models
- Acknowledging the work of staff
- Encouraging initiative, responsiveness and leadership amongst staff
- Being open and accepting of differing views and perspectives that may better achieve Departmental and school goals
- Exercising their responsibilities conscientiously and prudently
- Promoting participatory decision making
- Providing learning and development opportunities for their staff
- Giving regular constructive feedback to staff on their work performance, for example through probation, contract assessment and the Professional Pathways program
- Promoting equity and diversity in the workplace
- Providing strategic educational and administrative direction
- Monitoring and enhancing educational quality through planning for teaching and learning, and implementing change management to meet the needs of students better
- Identifying and supporting colleagues who may be experiencing difficulty
- Responding appropriately to issues of inefficiency
- Managing and reporting perceived misconduct appropriately

ACCOUNTABILITY:

Teachers are accountable to the Chief Executive for the authority they exercise on the Chief Executive's behalf. Teachers are accountable for upholding the law and adhering to the policies of the government as they relate to their employment. Teachers are also accountable for the educational programs they deliver. Programs must be delivered effectively and impartially. Teachers must maintain clear records of the reasons for their decisions.

Teachers are also accountable for:

- Encouraging students to strive for high standards and to value learning.
- Placing the student's best interest over the teacher's personal interest or benefit
- Cooperating with colleagues in the best interest of students
- Accepting responsibility for developing their own professional knowledge and skills

GENERAL RULES OF THE CONDUCT FOR EMPLOYEES OF THE ACADEMY:

- It shall be the duty of every employee to conduct himself/herself with discipline both inside and outside of the academy; with dignity, humility and courtesy in his relations with the students, subordinate employees and fellow employees and with obedience to superiors, as to be worthy of the ideals set-out by the academy.
- No employee shall in the performance of his duties display negligence, interests of the Academy.
- No employee shall address any communication to or seek interview with any offer of the Academy without the prior permission of the Registrar of the Academy. No such permission shall be granted except upon request made in writing stating the purpose, and routed through the proper channel.
- No employee shall be a member of or be otherwise associated with or work for any political party or any organization which engages in political activity or shall take part in or subscribe in aid of or assist in any other manner, any political movement, demonstration, protest or other activity.
- All employees of the Institutions shall present themselves at their work spot during the working hours assigned to them. If any employee does not attend the work punctually the same will be recorded by the concerned superiors and the cumulative round of such late attendance will be forwarded to the Registrar through proper channel for necessary action.
- Provided that late attendance for shorter durations with prior permission for valid reasons on infrequent occasions may not be counted as misconduct.

- No employee shall engage or participate in any demonstration which is prejudicial to the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign states, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence or resort to, in any way instigate, incite or abet, any form of strike.
- Any form of registered or unregistered association by any class or classes of employees is totally prohibited unless and otherwise permitted by the Academy. Any form of non-cooperation, slow down of work, or strike by any employee or group of employees is totally prohibited.
- No employee shall, except with the prior permission of the Academy, engage himself, undertake, aid or participate in the editing or management of any newspaper or other periodical publication.
- No employee shall, except with prior permission from the Academy, publish a book himself or through a publisher, or contribute an article to a book, or a compilation or articles, or participate in a Radio broadcast, or Television or contribute an article or write-up or letter to a newspaper or periodical, either in his own name or anonymously or pseudonymously except such write-ups or letter made to the editor concerning civic or other problems.
- No employee shall consume alcohol beverages, addicting drugs and smoke in the college or any other Institution or Centre of Study or Research on campus nor shall present himself at the work place or in the campus in a state of intoxication. Violation of the Bye-law shall be visited with major penalty including dismissal of him / her from service.

THE CODE OF PROFESSIONAL :

- Conduct for Teachers provides an ethical foundation along with explicit standards of conduct to be observed at all times.
- To raise the status of teaching by maintaining and promoting the highest standards of professional practice and conduct in the interests of teachers, learners/students, parents and the community to keep under review and assess education and training standards of teachers.
- To monitor the fitness of each person in practicing the teaching profession.
- Given the profession of teaching is becoming even more complex and important, society and teachers themselves need to ensure that the professional practice of teaching meets the highest possible standards
- The standards in teaching requires the teacher to be committed to their own professional and acquire the depth in their knowledge expanding their teaching skill, in light of research and scholarship.

- The adoption of this *Code of Professional Conduct for Teachers* will enhance and deepen the confidence and trust that society places in teachers.

These outcomes may be in addition to any penalty imposed by a court for a breach of legislative provisions.

PROFESSIONAL COLLEGIALITY AND COLLABORATION:

Teachers should:

- Work with teaching colleagues and student teachers in the interests of sharing, developing and supporting good practice and maintaining the highest quality of educational experiences for pupils/students.
- Work in a collaborative manner with pupils/students, parents/guardians, school management, other members of staff, relevant professionals and the wider school community, as appropriate, in seeking to effectively meet the needs of pupils/students.
- Work in a collaborative manner with colleagues and other professionals Develop and maintain good relationships with parents, guardians and Careers.
- Respect, support and collaborate with colleagues both in matters concerning the education of students as well as in maintaining relations with colleagues in the highest standards of professional courtesy.
- Be prepared to help junior colleagues and those in training and induction in all possible ways.

PART-II

DUTIES AND RESPONSIBILITIES OF THE PHYSICIAN IN GENERAL:

CHARACTER OF PHYSICIAN:

A physician shall uphold the dignity and honour of his profession. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

Maintaining good medical practice:

- The Principal objective of the medical profession is to render service to humanity with full respect for the dignity of profession and man. Physicians should merit the confidence of patients entrusted to their care, rendering to each a full measure of service and devotion. Physicians should try continuously to improve medical knowledge and skills and should make available to their patients and colleagues the benefits of their professional attainments. The physician should practice methods of healing founded on scientific basis and should not associate professionally with anyone who violates this principle. The honoured ideals of the medical profession imply that the responsibilities of the physician extend not only to individuals but also to society
- Membership in Medical Society: For the advancement of his profession, a physician should affiliate with associations and societies of allopathic medical professions and involve actively in the functioning of such bodies.
- A Physician should participate in professional meetings as part of Continuing Medical Education programmes, for at least 30 hours every five years, organized by reputed professional academic bodies or any other authorized organisations. The compliance of this requirement shall be
- Use of Generic names of drugs: Every physician should, as far as possible, prescribe drugs with generic names and he / she shall ensure that there is a rational prescription and use of drugs.

DUTIES OF PHYSICIANS TO THEIR PATIENTS:

Obligations to the Sick

Though a physician is not bound to treat each and every person asking his services, he should not only be ever ready to respond to the calls of the sick and the injured, but should be mindful of the high character of his mission and the responsibility he discharges in the course of his professional duties.

Patience, Delicacy and Secrecy : Patience and delicacy should characterize the physician.

Confidences concerning individual or domestic life entrusted by patients to a physician and defects in the disposition or character of patients observed during medical attendance should never be revealed unless their revelation is required by the laws of the State.

The Patient must not be neglected: A physician is free to choose whom he will serve. He should, however, respond to any request for his assistance in an emergency. Once having undertaken a case, the physician should not neglect the patient, nor should he withdraw from the case without giving adequate notice to the patient and his family.

DUTIES OF PHYSICIAN IN CONSULTATION:

Unnecessary consultations should be avoided

Consulting pathologists /radiologists or asking for any other diagnostic Lab investigation should be done judiciously and not in a routine manner

Consultation for Patient's Benefit: In every consultation, the benefit to the patient is of foremost importance. All physicians engaged in the case should be frank with the patient and his attendants

Punctuality in Consultation: Utmost punctuality should be observed by a physician in making themselves available for consultations

DUTIES OF PHYSICIAN TO THE PUBLIC AND TO THE PARAMEDICAL PROFESSION

Physicians as Citizens: Physicians, as good citizens, possessed of special training should disseminate advice on public health issues. They should play their part in enforcing the laws of the community and in sustaining the institutions that advance the interests of humanity. They should particularly co-operate with the authorities in the administration of sanitary/public health laws and regulations.

Public and Community Health: Physicians, especially those engaged in public health work, should enlighten the public concerning quarantine regulations and measures for the prevention of epidemic and communicable diseases. At all times the physician should notify the constituted public health authorities of every case of communicable disease under his care, in accordance with the laws, rules and regulations of the

health authorities. When an epidemic occurs a physician should not abandon his duty for fear of contracting the disease himself.

Pharmacists / Nurses: Physicians should recognize and promote the practice of different paramedical services such as, pharmacy and nursing as professions and should seek their cooperation wherever required.

UNETHICAL ACTS :

A physician shall not aid or abet or commit any of the following acts which shall be construed as unethical.

Advertising: A physician shall not give to any person, whether for compensation or otherwise, any approval, recommendation, endorsement, certificate, report or statement with respect of any drug, medicine, nostrum remedy, surgical, or therapeutic article, apparatus or appliance or any commercial product or article with respect of any property, quality or use thereof or any test, demonstration or trial thereof, for use in connection with his name, signature, or photograph in any form or manner of advertising through any mode nor shall he boast of cases, operations, cures or remedies or permit the publication of report thereof through any mode

Patent and Copy rights: A physician may patent surgical instruments, appliances and medicine or Copyright applications, methods and procedures. However, it shall be unethical if the benefits of such patents or copyrights are not made available in situations where the interest of large population is involved

Running an open shop (Dispensing of Drugs and Appliances by Physicians): - A physician should not run an open shop for sale of medicine for dispensing prescriptions prescribed by doctors other than himself or for sale of medical or surgical appliances.

MISCONDUCT :

The following acts of commission or omission on the part of a physician shall constitute professional misconduct rendering him/her liable for disciplinary action.

Violation of the Regulations: If he/she commits any violation of these Regulations.

If he/she does not maintain the medical records of his/her indoor patients for a period of three years as per regulation 1.3 and refuses to provide the same within 72 hours

when the patient or his/her authorized representative makes a request for it as per the regulation 1.3.2.

If he/she does not display the registration number accorded to him/her by the State Medical Council or the Medical Council of India in his clinic, prescriptions and certificates etc. issued by him or violates the provisions of regulation 1.4.2.

Adultery or Improper Conduct: Abuse of professional position by committing adultery or improper conduct with a patient or by maintaining an improper association with a patient will render a Physician liable for disciplinary action as provided under the Indian Medical Council Act, 1956 or the concerned State Medical Council Act.

Conviction by Court of Law: Conviction by a Court of Law for offences involving moral turpitude / Criminal acts.

Sex Determination Tests: On no account sex determination test shall be undertaken with the intent to terminate the life of a female fetus developing in her mother's womb, unless there are other absolute indications for termination of pregnancy as specified in the Medical Termination of Pregnancy Act, 1971. Any act of termination of pregnancy of normal female fetus amounting to female feticide shall be regarded as professional misconduct on the part of the physician leading to penal erasure besides rendering him liable to criminal proceedings as per the provisions of this Act.

Signing Professional Certificates, Reports and other Documents:

- Registered medical practitioners are in certain cases bound by law to give, or may from time to time be called upon or requested to give certificates, notification, reports and other documents of similar character signed by them in their professional capacity for subsequent use in the courts or for administrative purposes etc. Such documents, among others, include the ones given at Appendix -4. Any registered practitioner who is shown to have signed or given under his name and authority any such certificate, notification, report or document of a similar character which is untrue, misleading or improper, is liable to have his name deleted from the Register.
- A registered medical practitioner shall not contravene the provisions of the Drugs and Cosmetics Act and regulations made there under. Accordingly,
- Prescribing steroids/ psychotropic drugs when there is no absolute medical indication selling Schedule 'H' & 'L' drugs and poisons to the public except to his patient in contravention of the above provisions shall constitute gross professional misconduct on the part of the physician.

- Performing or enabling unqualified person to perform an abortion or any illegal operation for which there is no medical, surgical or psychological indication.
- A registered medical practitioner shall not issue certificates of efficiency in modern medicine to unqualified or non-medical person.

(Note: The foregoing does not restrict the proper training and instruction of bonafide students, midwives, dispensers, surgical attendants, or skilled mechanical and technical assistants and therapy assistants under the personal supervision of physicians.)

- A physician should not contribute to the lay press articles and give interviews regarding diseases and treatments which may have the effect of advertising himself or soliciting practices; but is open to write to the lay press under his own name on matters of public health, hygienic living or to deliver public lectures, give talks on the radio/TV/internet chat for the same purpose and send announcement of the same to lay press.

- An institution run by a physician for a particular purpose such as a maternity home, nursing home, private hospital, rehabilitation center or any type of training institution etc. may be advertised in the lay press, but such advertisements should not contain anything more than the name of the institution, type of patients admitted, type of training and other facilities offered and the fees.

- It is improper for a physician to use an unusually large sign board and write on it anything other than his name, qualifications obtained from a University or a statutory body, titles and name of his specialty, registration number including the name of the State Medical Council under which registered. The same should be the contents of his prescription papers. It is improper to affix a sign-board on a chemist's shop or in places where he does not reside or work.

- The registered medical practitioner shall not disclose the secrets of a patient that have been learnt in the exercise of his / her profession except in a court of law under orders of the Presiding Judge;

1. in circumstances where there is a serious and identified risk to a specific person and / or community; and
2. Notifiable diseases.

- In case of communicable / notifiable diseases, concerned public health authorities should be informed immediately.

- The registered medical practitioner shall not refuse on religious grounds alone to give assistance in or conduct of sterility, birth control, circumcision and medical termination of Pregnancy when there is medical indication, unless the medical practitioner feels himself/herself incompetent to do so.
- Before performing an operation the physician should obtain in writing the consent from the husband or wife, parent or guardian in the case of minor, or the patient himself as the case may be. In an operation which may result in sterility the consent of both husband and wife is needed.
- A registered medical practitioner shall not publish photographs or case reports of his / her patients without their permission, in any medical or other journal in a manner by which their identity could be made out. If the identity is not to be disclosed, the consent is not needed.
- In the case of running of a nursing home by a physician and employing assistants to help him / her, the ultimate responsibility rests on the physician.
- A Physician shall not use touts or agents for procuring patients.
- A Physician shall not claim to be specialist unless he has a special qualification in that branch.
- No act of invitro fertilization or artificial insemination shall be undertaken without the informed consent of the female patient and her spouse as well as the donor. Such consent shall be obtained in writing only after the patient is provided, at her own level of comprehension, with sufficient information about the purpose, methods, risks, inconveniences, disappointments of the procedure and possible risks and hazards.
- Research: Clinical drug trials or other research involving patients or volunteers as per the guidelines of ICMR can be undertaken, provided ethical considerations are borne in mind. Violation of existing ICMR guidelines in this regard shall constitute misconduct. Consent taken from the patient for trial of drug or therapy which is not as per the guidelines shall also be construed as misconduct.

If a physician posted in a medical college/institution both as teaching faculty or otherwise shall remain in hospital/college during the assigned duty hours. If they are found absent on more than two occasions during this period, the same shall be construed as a misconduct if it is certified by the Principal/Medical Superintendent and forwarded through the State Government to Medical Council of India/State Medical Council for action under these Regulations.

PUNISHMENT AND DISCIPLINARY ACTION:

It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils have to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.

It is made clear that any complaint with regard to professional misconduct can be brought before the appropriate Medical Council for Disciplinary action. Upon receipt of any complaint of professional misconduct, the appropriate Medical Council would hold an enquiry and give opportunity to the registered medical practitioner to be heard in person or by pleader. If the medical practitioner is found to be guilty of committing professional misconduct, the appropriate Medical Council may award such punishment as deemed necessary or may direct the removal altogether or for a specified period, from the register of the name of the delinquent registered practitioner. Deletion from the Register shall be widely publicized in local press as well as in the publications of different Medical Associations/ Societies/Bodies.

In case the punishment of removal from the register is for a limited period, the appropriate Council may also direct that the name so removed shall be restored in the register after the expiry of the period for which the name was ordered to be removed.

Decision on complaint against delinquent physician shall be taken within a time limit of 6 months.

During the pendency of the complaint the appropriate Council may restrain the physician from performing the procedure or practice which is under scrutiny.

Professional incompetence shall be judged by peer group as per guidelines prescribed by Medical Council of India.