

Bill No. 96 of 2007

THE PARAMEDICAL AND PHYSIOTHERAPY CENTRAL COUNCILS
BILL, 2007

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Bill No. 96 of 2007

**THE PARAMEDICAL AND PHYSIOTHERAPY CENTRAL
COUNCILS BILL, 2007**

A

BILL

to provide for the constitution of Central Councils of the Paramedical (Medical Laboratory Technology), Paramedical (Radiology Technology) and the Physiotherapy, the coordinated development in the education of paramedical and physiotherapy with a view to regulating and maintaining standards of such education, maintenance of Register of Paramedics and Physiotherapists and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Paramedical and Physiotherapy Central Councils Act, 2007.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification, appoint; and different dates may be appointed for constitution of different Central Councils and for different provisions of this Act.

2. (1) In this Act, unless the context otherwise requires,—

Definitions.

(a) "Central Council" means the Central Council of, Paramedical (Medical Laboratory Technology) or Paramedical (Radiology Technology) or Physiotherapy, as the case may be, constituted under section 3;

(b) "education" means programmes of education, research or training or such other programmes or areas as the Central Government may, in consultation with the Paramedical (Medical Laboratory Technology) Central Council or the Paramedical (Radiology Technology) Central Council or the Physiotherapy Central Council, as the case may be, by notification, declare in the discipline of medical laboratory technology, or radio diagnosis or radiotherapy or nuclear medicine or physiotherapy;

(c) "fund" means the fund of a Central Council established under section 30;

(d) "institution" means any institution, by whatever name called, established by law for imparting education under this Act;

(e) "Medical laboratory technician" means a person whose name has been entered in the register of the Paramedical (Medical Laboratory Technology) Central Council;

(f) "medical laboratory" means a laboratory for diagnostic, therapeutic and research purposes being manned by qualified technical personnel;

(g) "member" means a member, of the Paramedical (Medical Laboratory Technology) Central Council or the Paramedical (Radiology Technology) Central Council or the Physiotherapy Central Council, as the case may be, and includes its Chairperson and the Vice-Chairperson;

(h) "notification" means a notification published in the Official Gazette;

(i) "nuclear medicine" means any kind of diagnostic and therapeutic procedure involving unsealed ionising radiation source;

(j) "occupational therapist" means a person whose name has been entered in the register of the Physiotherapy Central Council;

(k) "occupational therapy" means medically directed application of diagnosis, or treatment, or both, of persons with the aim of preventing disability and maintaining health;

(l) "paramedic" means a person whose name has been entered in the registers of the Paramedical (Medical Laboratory Technology) Central Council and Paramedical (Radiology Technology) Central Council;

(m) "Paramedical" means the medical laboratory technology and the radiology technology;

(n) "physiotherapist" means a person whose name has been entered in the register of the Physiotherapy Central Council;

(o) "physiotherapy" means medically directed therapy through physical agents including heat, cold, light, water, massage, electricity or manual exercises to persons with the aim of preventing or correcting any disability and includes occupational therapy;

(p) "prescribed" means prescribed by rules made under this Act;

(q) "radiodiagnosis" means any kind of diagnostic procedures involving ionising radiation (X-Rays);

(r) "radiology technician" means a person whose name has been entered in the register of the Paramedical (Radiology Technology) Central Council;

(s) "radiotherapy" means any kind of therapeutic procedure involving sealed ionising radiation sources;

(t) "register" means the register maintained under sub-section (1) of section 23;

(u) "regulations" means regulations made under this Act;

(v) "University" means a University defined under clause (f) of section 2 of the University Grants Commission Act, 1956 and includes an institution declared to be a deemed University under section 3 of the said Act.

(2) Any reference in this Act of a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

CHAPTER II

THE CENTRAL COUNCILS AND THEIR COMMITTEES

3. (1) The Central Government shall, by notification, constitute, for the purposes of this Act—

Constitution
of Central
Councils.

(a) the Physiotherapy Central Council,

(b) the Paramedical (Medical Laboratory Technology) Central Council, and

(c) the Paramedical (Radiology Technology) Central Council.

(2) Each Central Council shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The head office of each Central Council shall be at such place as may be determined, by notification, by the Central Government and a Central Council may, with the previous approval of the Central Government, establish regional offices at other places in India.

(4) Every Central Council shall consist of the following members, namely:—

(a) the Chairperson, to be appointed by the Central Government from amongst the members of the concerned Central Council;

(b) the Vice-Chairperson, to be appointed by the Central Government from amongst the members of the concerned Central Council;

(c) one officer not below the rank of an Assistant Director General of the Directorate General of Health Services in the Ministry of Health and Family Welfare dealing with the physiotherapy or medical laboratory technology or radiology technology, as the case may be;

(d) one officer of the Ministry or the Department of the Central Government having administrative control of health not below the rank of a Deputy Secretary to the Government of India, dealing with the physiotherapy or medical laboratory technology or radiology technology, as the case may be;

(e) one member not below the rank of a Deputy Secretary to the Government of India to be appointed by the Central Government to represent the Ministry of Finance;

(f) one member not below the rank of a Deputy Secretary to the Government of India to be appointed by the Central Government to represent the Ministry of Science and Technology;

(g) one member not below the rank of a Deputy Secretary to the Government of India to be appointed by the Director General, Armed Forces Medical Services to represent the Ministry of Defence;

(h) four members not below the rank of a Deputy Secretary to the Government of India to be appointed by the Central Government to represent,—

(i) the Central Board of Secondary Education;

(ii) the University Grants Commission;

(iii) All India Council of Technical Education; and

(iv) the Medical Council of India;

(i) four members to be appointed by the Central Government from amongst the teachers of the recognised institutions imparting education in physiotherapy or medical laboratory technology or radiology technology, as the case may be;

(j) not less than three members to be appointed by the Central Government by rotation in the alphabetical order to represent the States and one member to represent the Union territories:

Provided that an appointment under this clause shall be made on the recommendation of the Government of the State, or as the case may be, the Union territory concerned;

(k) four members to be appointed by the Central Government, respectively, from amongst the practitioners in physiotherapy, occupational therapy, medical laboratory technology and radiology technology;

(l) four members to be appointed by the Central Government to represent such organisations which can represent the interest of physiotherapy, occupational therapy, medical laboratory technology and radiology technology.

Term of office and casual vacancy.

4. (1) A member of a Central Council shall hold office for a term of five years from the date of his appointment.

(2) A member shall be deemed to have vacated his office if, in the opinion of the Central Council, he is absent without sufficient excuse, from three consecutive ordinary meetings of the Central Council, or he ceases to be a member under section 5.

(3) A casual vacancy in the Central Council shall be filled by fresh appointment and the person so appointed to fill the vacancy shall hold office only for the remainder of the term of the member in whose place he has been appointed.

(4) A member of the Central Council shall be eligible for reappointment.

Cessation of membership.

5. (1) A member appointed by the Central Government under clauses (c) to (i) of sub-section (4) of section 3 shall cease to be a member of the Central Council on his cessation to the service by virtue of which he was appointed as a member of the Central Council.

(2) A member appointed by the Central Government under clause (k) of sub-section (4) of section 3 shall cease to be a member of the Central Council on removal of his name from the register of said Council.

Resignation by member.

6. A member appointed by the Central Government under clauses (a), (b) and (h) to (l) of sub-section (4) of section 3 may at any time resign his membership by writing under his hand addressed to the Central Government:

Provided that a member who has submitted his registration under this section shall continue to hold office of the Central Council until his resignation has been accepted by the Central Government.

Removal and vacation of membership.

7. (1) A Central Council may, without prejudice to the provisions of sub-section (2), by a majority of its total membership and a majority of not less than two-thirds of its members present and voting, at any time recommend removal of a member to the Central Government, if it is satisfied that for any reason the continuance of that member in that Council is not in the public interest or is prejudicial to the interest of said Council and the decision of the Central Government in this regard shall be final.

(2) The Central Government shall remove a member of the Central Council, if he—

(a) has been convicted for an offence involving moral turpitude; or

(b) is declared an undischarged insolvent by the competent court; or

(c) becomes of unsound mind and is declared so by the competent court; or

(d) refuses to act or becomes incapable of acting as a member; or

(e) has absented without intimation for three consecutive meetings of said Council; or

(f) has abused the position of the Chairperson, the Vice-Chairperson or a member, as the case may be, as to render his or her continuance in the office detrimental to the public interest:

Provided that no person shall be removed under clauses (a), (d), (e) and (f) unless he has been given an opportunity of being heard.

8. (1) Each Central Council shall meet at such time and place, and shall observe such rules of procedure in regard to the transaction of business at its meetings, including the quorum at such meetings, as may be determined by regulations:

Meetings of Central Council.

Provided that the Central Council shall meet at least once every year.

(2) The Chairperson and in his absence the Vice-Chairperson shall preside at the meetings of the Central Council.

(3) If for any reason the Chairperson and the Vice-Chairperson both are unable to attend any meeting of the Central Council, any other member chosen by the members present at the meeting shall preside over the sittings of that meeting.

(4) All questions which come up before any meeting of the Central Council shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes, the person presiding shall have and exercise a second or casting vote.

9. No act or proceeding of the Central Council shall be invalidated merely by reason of—

Vacancy, etc., not to invalidate proceedings of Central Council.

(a) any vacancy in, or any defect in the constitution of, said Council; or

(b) any defect in the appointment of a person acting as a member of said Council;

or

(c) any irregularity in the procedure of that Central Council not affecting the merits of the case.

10. (1) Each Central Council may associate with itself, in such manner and for such purposes as may be determined by regulations, any person whose assistance or advice it may require in carrying out any of the provisions of this Act.

Power to associate persons with Central Council for particular purposes.

(2) A person associated with the Central Council under sub-section (1) for any purpose shall have a right to take part in the discussion relevant to that purpose, but shall have no right to vote at a meeting of said Council, and shall not be a member for any other purpose.

11. (1) Each Central Council shall, as soon as may be, constitute from among its members an Executive Committee, Disciplinary Committee, or any other Committee as may be determined by regulations, for such general or specific purposes as it consider necessary, for carrying out its functions under this Act.

Committees of Central Council.

(2) The composition, tenure and functions of a Committee shall be such as may be determined by regulations.

(3) Every Committee constituted under this section shall chose its own Chairperson:

Provided that—

(a) where the Chairperson is a member of such Committee, he shall be the Chairperson of such Committee, and in his absence, the Vice-Chairperson, if he is a member of such Committee, shall be its Chairperson; and in the absence of both, any member chosen by the members of that Committee shall be its Chairperson;

(b) where the Chairperson is not a member of such Committee but the Vice-Chairperson is a member, he shall be its Chairperson, and in his absence any member chosen by the members of the Committee shall be its Chairperson.

Functions of
Central
Council.

12. (1) It shall be the duty of each Central Council to take such steps as it may think fit for ensuring coordinated and integrated development of education and maintenance of its standards.

(2) In particular and without prejudice to the generality of the foregoing power, the functions of the Central Council shall include—

(a) entry, removal or re-entry of names in the register;

(b) maintenance of a register of persons qualified to practise in the respective discipline;

(c) determination of standards of education, training, research, professional conduct or ethics of paramedics or physiotherapists, as the case may be;

(d) to receive gifts, grants, donations or benefactions from the Central Government or a State Government and to receive bequests, donations and transfer of movable or immovable properties from testators, donors or transferors, as the case may be;

(e) exercise of disciplinary powers conferred by this Act; and

(f) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the said Council.

Appointment
of Secretary,
officers and
other
employees of
Central
Council.

13. (1) For the purpose of discharging its functions efficiently under this Act, each Central Council shall, subject to such regulations as may be made in this behalf, appoint a Secretary, officers and other employees, as it may consider necessary:

Provided that the first Secretary of each Central Council shall be appointed by the Central Government on such terms and conditions as that Government may deem fit and each such Secretary shall hold office for a period of three years.

(2) The Secretary, officers, or other employees appointed by the Central Council shall be subject to such conditions of service and entitled to such remunerations as may be determined by regulations.

Secretary to
act as Chief
Executive
Officer of
Central Council.

14. The Secretary appointed under sub-section (1) of section 13 shall be the Chief Executive Officer of a Central Council.

Authentication
of orders and
other
instruments of
Central
Council.

15. All orders and decisions of a Central Council shall be authenticated by the signature of the Chairperson, or any other member authorised by the said Council in this behalf, and all other instruments issued by the said Council shall be authenticated by the signature of the Chief Executive Officer or any other officer of the said Council authorised by the said Council in this behalf.

Approval of
Central
Government
for imparting
education.

16. On and from the date specified in the notification, as may be issued by the Central Government, no University or institution shall impart education for the purposes of this Act without seeking prior approval of the said Government.

- 17.** (1) The Central Government, after consulting the Central Council, may, by notification, from time to time, declare the education granted by any University or institution to be the recognised qualifications for the purposes of this Act. Recognition of education.
- (2) The University or institution whose education has not been notified by the Central Government under sub-section (1), may apply to the said Government for reviewing its decision:
- Provided that the Central Government may reject the application made under sub-section (2) for reasons to be recorded in writing.
- (3) The Central Government, after consulting the Central Council, may, by notification, relax education for persons who are practising as paramedics or physiotherapist, including occupational therapists on or before the date specified under section 16.
- 18.** The Central Government, after consulting the Central Council, may, by notification make a scheme of reciprocity for the purpose of recognition of foreign qualifications in the relevant discipline for the purposes of this Act. Scheme of reciprocity for recognition of foreign qualifications.
- 19.** Each Central Council may, determine by regulations, the minimum standards of education required for granting recognised qualifications by the Universities or institutions. Minimum standards of education.
- 20.** Any University or institution imparting education shall furnish information to the Central Council regarding course of study, duration of course, scheme of examination and other eligibility conditions as the respective Central Council may, from time to time require. Furnishing of information by University or institution to Central Council regarding education.
- 21. (1) Each Central Council may appoint such number of inspectors as it may deem fit to deal with recognition of its education in any University or institution.** Appointment of Inspectors.
- (2) An inspector may—
- (a) inspect any University or institution which imparts education;
- (b) attend at any approved examination; and
- (c) inspect any University or institution which has applied for the recognition of its course of study or examination under this Act, and attend at any examination of such University or institution.
- (3) An inspector while performing his functions under sub-section (2) shall not interfere with the conduct of the examination but he shall report to the Central Council on the adequacy of standards of education including staff, equipment, accommodation, training and other facilities for giving such education or the sufficiency of every examination which he attends and on any of the matters in regard to which the said Council may require him to report.
- (4) The Central Council shall forward a copy of every such report to the University or institution, as the case may be, and shall also forward a copy together with any comments thereon which the said University or institution may have made, to the Central Government.
- 22. (1) Where a Central Council reports to the Central Government that an approved course of study or an approved examination does not continue to be in conformity with the regulations, the Central Government shall give notice to the concerned University or institution of its intention to take into consideration the question of withdrawing of recognition accorded to the course of study or examination, as the case may be, and the** Withdrawal of recognition.

said University or institution, as the case may be, shall within three months from the receipt of such notice forward to the Central Government such representation in the matter as it may deem proper.

CHAPTER III

THE REGISTER

Register of
paramedics
and
physiotherapist.

23. (1) Each Central Council shall maintain a register and enter names in it of paramedics or physiotherapists, as the case may be, in the manner determined by regulations.

(2) Subject to the other provisions of this Act, any person possessing education as notified by the Central Government under section 17 or section 18, shall be eligible to have his name entered in the register of the Central Council and to obtain certificate of practice from it.

(3) No person shall be entitled to practise under this Act unless his name is entered in the register of respective Central Councils:

Provided that the name of any person possessing the education as notified under section 17 by the Central Government shall be deemed to have been entered in the register from the date of such notification if he has made an application for entering his name in the register within six months from the coming into force of such notification or till his application is disposed of by the said Council.

Entry of name
in register.

24. (1) Each Central Council may, on receipt of an application made by any person in the manner and on payment of such fee, not exceeding one thousand rupees, as may be determined by regulations, enter his name in the register if the said Council is satisfied that such person possesses the education.

(2) Any person whose name has been entered in the register shall be entitled to be called the physiotherapist or occupational therapist, or the medical laboratory technician, or the radiology technician, as the case may be.

(3) The Central Council may refuse to enter the name of any person in the register for reasons to be recorded in writing and in the manner determined by regulations.

Professional
conduct and
removal of
names from
register.

25. (1) Each Central Council shall determine by regulations the standards of professional conduct and etiquette and a code of ethics for the practitioners under this Act.

(2) The regulations made by the Central Council under sub-section (1) may specify as to which violations thereof shall constitute professional misconduct, and such provisions shall have effect notwithstanding anything contained in any other law for the time being in force.

(3) The Central Council may by order remove the name of a person from the register, maintained under sub-section (1) of section 23, where it is satisfied, after giving that person a reasonable opportunity of being heard, and after such further inquiry, if any, as it may deem fit to make,—

(i) that his name has been entered in the register by error or on account of misrepresentation or suppression of a material fact;

(ii) that he has been convicted of any offence or has been guilty of misconduct in any professional respect, or has violated the standards of professional conduct and etiquette or the code of ethics determined under sub-section (1) which, in the opinion of the said Council, renders him unfit to be kept in the register.

(4) An order under sub-section (3) may specify that any person whose name is ordered to be removed from the register shall be ineligible for registration under this Act either permanently or for such period, as may be specified.

26. (1) Where on receipt of information by, or on a complaint made to it, the Central Council is *prima facie* of opinion that any paramedic or physiotherapist has been guilty of any professional or other misconduct, the said Council shall refer the case to the Disciplinary Committee constituted under section 11, and the Disciplinary Committee shall thereupon hold such inquiry and in such manner as may be determined by regulations and shall report the result of its inquiry to the said Council.

Procedure in inquiries relating to misconduct.

(2) If on receipt of such report, the Central Council finds that a paramedic or physiotherapist, as the case may be, is not guilty of any professional or other misconduct, it shall record its finding accordingly and direct that the proceedings shall be filed, or the complaint shall be dismissed, as the case may be.

(3) If on receipt of such report the Central Council finds that a paramedic or physiotherapist, as the case may be, is guilty of any misconduct in any professional respect or has violated the standards of professional conduct and etiquette or the code of ethics prescribed under this Act, it shall proceed against such person in accordance with the provisions of sub-sections (3) and (4) of section 25.

Explanation.—For the purposes of this section, "paramedic" or "physiotherapist" includes the person who was a paramedic or a physiotherapist on the date of the alleged misconduct, although he has ceased to be so at the time of inquiry.

(4) For the purposes of any inquiry under this section, the Central Council and its Disciplinary Committee shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) the discovery and production of any document; and

(c) receiving evidence on affidavits.

27. The Central Council may re-enter the name of a person whose name has not been removed permanently from the register under sub-section (4) of section 25, by an order, in such manner and on payment of such fee, not exceeding one thousand rupees, and after satisfying such conditions and requirements as may be determined by regulations.

Re-entry in register.

28. (1) Where a Central Council under this Act has,—

(a) refused to enter the name of any person in the register; or

(b) ordered to remove the name of any person from the register,

Appeal against order made by Central Council.

such person may appeal to the Central Government within thirty days from the date of receipt of the order of the said Council by him in the manner as may be prescribed:

Provided that the Central Government may entertain such appeal after the expiry of said period of thirty days if it is satisfied that for sufficient reasons such person could not file the appeal.

(2) The Central Government shall dispose of the appeal preferred under sub-section (1) according to procedure as may be prescribed.

(3) The decision of the Central Government under sub-section (2) shall be final.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

29. The Central Government may, after due appropriation made by the Parliament by law in this behalf, pay to each Central Council in each financial year such sums as may be considered necessary for the performance of functions of each Central Council under this Act.

Payment by Central Government.

Fund of
Central
Council.

30. (1) Each Central Council shall have its own fund, and all sums which may, from time to time, be paid to it by the Central Government and all the receipts of a Central Council (including any sum which any State Government or any other authority or person may handover to a Central Council) shall be credited to the fund and all payments by a Central Council shall be made therefrom.

(2) All money belonging to the fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Central Government, be decided by the Central Council.

(3) Each Central Council may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Central Council.

Budget.

31. Each Central Council shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the Central Government.

Annual
Report.

32. Each Central Council shall prepare once every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

Accounts and
audit.

33. (1) Each Central Council shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed.

(2) Each Central Council shall, as soon as may be, after closing its annual accounts prepare a statement of accounts in such form, and forward the same to the Comptroller and Auditor-General of India by such date, as the Central Government may, in consultation with the Comptroller and Auditor-General, determine.

(3) The accounts of each Central Council shall be audited by the Comptroller and Auditor-General of India at such times and in such manner as he thinks fit.

(4) The accounts of each Central Council as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

CHAPTER V

MISCELLANEOUS

Prohibition in
employment
as paramedic
or
physiotherapist
by clinical
establishment.

34. No clinical establishment, such as hospital, nursing home and other institutions of health care, shall appoint any person as paramedic or physiotherapist unless his name has been entered in the register of the concerned Central Council.

Penalty for
violation of
provisions of
this Act.

35. Any person who acts in contravention of the provisions of this Act or any rules or regulations made thereunder, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one lakh rupees, or with both.

Penalty for
practising as
professional
by non-
professional.

36. Any person whose name has not been entered or whose name is not deemed to have been entered in the register of the Central Council under this Act and is practising as a paramedic or physiotherapist, as the case may be, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to twenty thousand rupees, or with both.

37. Any person—

(i) who dishonestly makes use of his entry in the register under the provisions of this Act; or

(ii) who dishonestly attempts to practise under provisions of this Act by making or producing or causing to be made or produced any false or fraudulent declaration or representation whether in writing or otherwise; or

(iii) who wilfully makes false representation in any matter relating to the register under the provisions of this Act; or

(iv) whose name has been removed from the register wilfully practises as a paramedic or physiotherapist, as the case may be,

shall be punishable with simple imprisonment which may extend to two years, or with fine which may extend to ten thousand rupees, or both; and for any subsequent offence, with imprisonment which may extend to three years, or with fine which may extend to twenty thousand rupees, or with both.

Punishment for dishonest use of certificates, etc.

38. No court shall take cognizance of any offence under this Act unless upon complaint made by order of, or under authority from the Central Government or the Central Council.

Cognizance of offences.

39. (1) The Central Government may, from time to time, issue such directions to a Central Council as in the opinion of said Government are conducive for the fulfilment of the objects of this Act and in the discharge of its functions, that Central Council shall be bound to carry out any such directions.

Directions by the Central Government.

(2) Directions issued under sub-section (1) may include directions to a Central Council to make any regulations or to amend or revoke any regulations already made.

(3) If, in the opinion of the Central Government, a Central Council has persistently committed default in giving effect to the directions issued under this section, the Central Government may, after giving an opportunity to the said Central Council to state its case, by order, dissolve the Central Council whereafter a new Central Council shall be constituted in accordance with the provisions of this Act with effect from such date as may be notified by the Central Government.

(4) Where the Central Government passes an order under sub-section (3) dissolving the Central Council, it may, pending the constitution of a new Central Council in accordance with the provisions of this Act, authorise any person or body of persons to take over the management of the affairs of the said Council and to exercise such functions as may be specified in this behalf by the Central Government.

40. No suit, prosecution or other legal proceeding shall lie against the Central Government, Central Council, or the Chairperson, Vice-Chairperson, members, Secretary or any officer or other employees of the Central Council in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

Protection of action taken in good faith.

41. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of filing an appeal under sub-section (1) of section 28;

(b) the procedure to dispose of appeal under sub-section (2) of section 28;

(c) the form and the time for preparation of budget of the Central Council under section 31;

(d) the form and the time for preparation of annual report of the Central Council under section 32;

(e) the form and the manner of maintenance of books of account under section 33; and

(f) any other matter which is required to be or may be prescribed.

Power to make regulations.

42. (1) Each Central Council may, with the previous approval of the Central Government, by notification, make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the time, place, procedure and quorum of the meeting of the Central Council under sub-section (1) of section 8;

(b) the manner and purpose for associating persons with the Central Council under sub-section (1) of section 10;

(c) the composition, tenure and function of committees under section 11;

(d) the appointment, conditions of service and remuneration of the Secretary, officer and other employees under section 13;

(e) the minimum standards of education required for granting recognised qualifications under section 19;

(f) the maintenance of register under sub-section (1) of section 23;

(g) the manner and payment for fee for entry of name in the register under sub-section (1) of section 24;

(h) the manner for refusing to enter the name in the register under sub-section (3) of section 24;

(i) the standards of professional conduct and etiquette and code of ethics under sub-section (1) of section 25;

(j) the manner to hold inquiry by the Disciplinary Committee under sub-section (1) of section 26; and

(k) the manner, payment of fee, conditions and requirement of re-entry of the name in the register under section 27.

Rules and regulations to be laid before Parliament.

43. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall, thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Power to remove difficulties.

44. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, may make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

In order to keep pace with the advancement of medical science and development of new diagnostic and therapeutic techniques, there has been a quantum jump in the demand for paramedical personnel and physiotherapists/occupational therapists. This has resulted in the establishment of a large number of institutions and centres for the training of these professionals, many of which are run without any supervision and control as to the quality and standard of education.

2. Maintenance of proper standards in the training and education of paramedical professions is considered essential as these personnel play a crucial role in healthcare delivery. With a view to regulating these professions, it is considered necessary to set up Councils on the lines already existing for pharmacy, nursing, etc. To begin with, it is proposed to set up separate Councils for Medical Laboratory Technicians, Radiology Technicians and Physiotherapists/Occupational Therapists. These Councils will be responsible, *inter alia*, for maintenance of uniform standards of education in the respective disciplines and registration of qualified personnel for practising the profession.

3. The Bill seeks to achieve the above objects.

NEW DELHI;
The 9th August, 2007.

ANBUMANIRAMADOSS.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. Z. 28016/1/97-PMS, dated the 22nd August, 2007 from Dr. Anbumani Ramadoss, Minister of Health and Family Welfare to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the proposed Paramedical and Physiotherapy Central Councils Bill, 2007, recommends to the House the consideration of the Bill under article 117(3) of the Constitution.

Notes on clauses

Clause 2 seeks to define various words and expressions used in the Bill.

Clause 3 provides for the constitution of three Central Councils as bodies Corporate with perpetual succession and a common seal and also for the appointment of members to those Councils.

Clause 4 provides for terms of office of members of the Central Councils and also for filling up their casual vacancies.

Clause 5 seeks to provide for the cessation of membership of Central Councils.

Clause 6 seeks to provide for resignation by a member of a Central Council.

Clause 7 seeks to provide for the manner of removal of a member of a Central Council.

Clause 8 seeks to provide for the time, place and the procedure to be followed in the meeting of a Central Council.

Clause 9 seeks to provide that the acts and proceedings of Central Councils shall not be invalidated by reason of any vacancies, defect in the constitution of the Central Council, defect in the appointment of a member or any irregularity in its procedure.

Clause 10 seeks to empower the Central Councils to associate with it persons for particular purposes who shall have a right to take part in discussion but no right to vote.

Clause 11 seeks to empower Central Councils to constitute Committees for general or specific purposes and also provide for the composition, term and the functions of such Committees.

Clause 12 seeks to provide for functions of a Central Council.

Clause 13 seeks to provide for appointment of the Secretary, officers and other employees of the Central Council and also for remunerations and conditions of service of the Secretary, officers and other employees.

Clause 14 seeks to provide that the Secretary shall act as the Chief Executive Officer of a Central Council.

Clause 15 seeks to provide that all orders and decisions of a Central Council shall be authenticated by the Chairperson and all other instruments shall be authenticated by the Chief Executive Officer.

Clause 16 seeks to provide that prior approval of the Central Government shall be obtained by each University or Institution for imparting education in physiotherapy, medical laboratory technology and radiology technology.

Clause 17 seeks to empower the Central Government to notify recognised qualifications.

Clause 18 seeks to empower the Central Government for making a scheme of reciprocity for the purposes of recognition of foreign qualifications.

Clause 19 seeks to empower each Central Council to determine minimum standards of education for granting recognised qualifications by University or Institutions.

Clause 20 seeks to empower the Central Government to seek information from Universities or Institutions regarding imparting education in physiotherapy, medical laboratory technology and radiology technology.

Clause 21 seeks to provide for appointment of inspectors and also their powers and functions.

Clause 22 seeks to provide for the manner of withdrawal of recognition under certain circumstances.

Clause 23 seeks to provide for the maintenance of register and the manner of making entry in the register of such persons who are entitled to practice.

Clause 24 seeks to provide for the manner of receiving applications and the fee for entering the name of a person in the register and the manner of refusing such applications.

Clause 25 seeks to provide for the code of ethics for the practitioners and the manner for removal of name from the register.

Clause 26 seeks to provide for referring the cases relating to professional or other misconduct to Disciplinary Committee for enquiry and lays down the procedure in inquiries relating to misconduct.

Clause 27 seeks to provide the manner for re-entering the name of a person in the register.

Clause 28 seeks to provide for appeal against an order made by the Central Council and the manner of its disposal.

Clause 29 seeks to provide for appropriation of money to the Central Council.

Clause 30 seeks to make provisions for establishment of fund by each Central Council.

Clause 31 seeks to provide for the form, the time and the manner of preparation of the budget.

Clause 32 seeks to provide for the form, the time and the manner of preparation of Annual Reports.

Clause 33 seeks to provide for the form and the manner of maintenance of the books of accounts and other books.

Clause 34 seeks to prohibit clinical establishment from employing unregistered paramedics or physiotherapists.

Clause 35 seeks to provide penalty for the violation of the provisions of the Act.

Clause 36 seeks to provide penalty for practicing as a professional by persons whose names have not been entered in the register of the Central Council.

Clause 37 seeks to provide punishment for dishonest use of certificates by a paramedic or physiotherapist.

Clause 38 seeks to provide that no court shall take cognizance of any offence unless a complaint has been made by order of or under the authority of the Central Government or the Central Council.

Clause 39 seeks to provide that the Central Government may, from time to time, issue such directions to the Central Council which are conducive for fulfilling the objects of the act and also for making regulations and on default to give effect to its directions, the Central Government may dissolve of the Central Council and constitute a new Central Council.

Clause 40 seeks to provide for protection of action taken in good faith by the Central Government, the Central Council, the members, secretary, officers and other employees of the Central Council from suit, prosecution or other legal proceedings.

Clause 41 seeks to empower the Central government to make rules to provide for the filing and disposal of appeal and the form, the time and the manner of preparation of budget and annual reports and the form and the manner of maintenance of books of accounts.

Clause 42 empowers the Central Council to make regulations to provide amongst other things for time, place, procedure and quorum for the meeting of the Central Council, the composition, tenure and functions of the Committees, the appointment, remuneration and conditions of service of secretary, officers and other employees, etc.

Clause 43 seeks to provide for laying of the rules and the regulations made, before each House of Parliament.

Clause 44 seeks to empower the Central Government to remove difficulties which may arise in giving effect to the provisions of the Act.

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 3 of the Bill provides for establishment of three Central Councils namely, the Physiotherapy Central Council, the Paramedical (Medical Laboratory Technology) Central Council and the Paramedical (Radiology Technology) Central Council.

2. Clause 13 of the Bill provides for appointment of Secretaries, Officers and other employees of three Central Councils.

3. Sub-clause (1) of clause 21 of the Bill provides for appointment of Inspectors for all the three Central Councils.

4. Sub-clause (1) of clause 30 of the Bill provides for establishment of Funds of all the three Central Councils.

The Bill as and when enacted and brought into operation, will involve every year, a recurring expenditure of rupees one crore and ninety lakhs from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-Clause (1) of clause 8 of the Bill empowers each Central Council to make regulations to provide for the time, place, procedure and quorum for the meeting of each Central Council.

Sub-Clause (1) of clause 10 of the Bill empower each Central Council to make regulations to provide for the manner and the purposes for associating persons with itself whose assistance or advice it may require.

Sub-clause (1) of Clause 11 of the Bill empowers each Central Council to make regulations to provide for the constitution of Committees. Sub-clause (2) thereof also empowers each Central Council to provide for the composition, tenure and functions of each such Committee.

Sub-clause (1) of clause 13 of the Bill empowers each Central Council to make regulations to provide for the appointment of a Secretary, officers and other employees.

Sub-clause (2) thereof also empowers each Central Council to determine the conditions of service and entitlement to remunerations of the Secretary, officers and other employees.

Clause 19 of the Bill empowers each Central Council to determine by regulations the minimum standards of education required for granting recognised qualifications by the Universities or Institutions.

Sub-clause (1) of clause 23 of the Bill empowers each Central Council to make regulations to provide for the manner of maintaining and entering the names in the Register of each Central Council.

Sub-clause (1) of clause 24 of the Bill empowers each Central Council to make regulations to provide for the manner of, and the fee for, making application for entering the name in the register. Sub-clause (3) thereof also empowers the Central Council to determine the manner of refusing to enter the name in the Register.

Sub-clause (1) of clause 25 of the Bill empowers each Central Council to determine by regulations the standards of professional conduct and etiquette and the code of ethics for the practitioners.

Sub-clause (1) of clause 26 of the Bill empowers each Central Council to determine by regulations the manner of holding inquiry by the Disciplinary Committee.

Clause 27 of the Bill empowers each Central Council to make regulations to provide for the manner of, the fee for, and the conditions and requirement for, re-entering the name in the Central Register.

Sub-clause (1) of clause 28 of the Bill empowers the Central Government to make rules to provide for the manner of filing appeal from the order of the Central Council relating to refusal to enter the name in, or removal of the name from, the Register. Sub-clause (2) thereof also empowers the Central Government to provide for the procedure for disposal of such appeal.

Clause 31 of the Bill empowers the Central Government to make rules to provide for the form and the time for preparation of the Annual Budget of each Central Council.

Clause 32 of the Bill empowers the Central Government to make rules to provide for the form and the time for preparation of annual report of each Central Council.

Clause 33 of the Bill empowers the Central Government to make rules to provide for the form and the manner of maintenance of books of accounts of each Central Council.

The matters for which the rules and regulations may be made pertain to matters of procedure or detail and it is not possible to provide for them in the Bill. The delegation of legislative power is, therefore, of normal character.

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to provide for the constitution of Central Councils of the Paramedical (Medical Laboratory Technology), Paramedical (Radiology Technology) and the Physiotherapy, the coordinated development in the education of paramedical and physiotherapy with a view to regulating and maintaining standards of such education, maintenance of Register of Paramedics and Physiotherapists and for matters connected therewith or incidental thereto.

(Dr. Anbumani Ramadoss, Minister of Health and Family Welfare)