

Bill No. LIII of 2018

THE PHYSIOTHERAPY CENTRAL COUNCIL BILL, 2018

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Bill No. LIII of 2018

THE PHYSIOTHERAPY CENTRAL COUNCIL BILL, 2018

A

BILL

to provide for the constitution of the Central Council of Physiotherapy for the co-ordinated development in the education and practice of physiotherapy with a view to regulating and maintaining standards of such education, maintenance of Register of Physiotherapists and for matters connected therewith or incidental thereto

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

CHAPTER I

PRELIMINARY

- 5 1. (1) This Act may be called the Physiotherapy Central Council Act, 2018.
- (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.

Short title,
extent and
commencement.

Definitions.

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

(a) "Central Council" means the Central Council of Physiotherapy, 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 Central Council, by notification, declare in the discipline of physiotherapy;

(c) "Fund" means the Physiotherapy Central Council Fund constituted under section 30;

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

(e) "member" means a member of the Central Council and includes its Chairperson and the Vice-Chairperson;

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

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

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

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

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

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

(l) "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 COUNCIL AND ITS COMMITTEES

Constitution
of Central
Council of
Physiotherapy.

3.(1) The Central Government shall, by notification, constitute a body to be known as the Central Council of Physiotherapy, for carrying out the purposes of this Act.

(2) The 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 be the said names sue and be sued.

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

(4) The Central Council shall consist of,—

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

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

(c) one member not below the rank of an Assistant Director General of the Directorate General of Health Services in the Union Ministry of Health and Family Welfare dealing with physiotherapy;

(d) one member of the Ministry of Health and Family Welfare not below the rank of a Deputy Secretary to the Government of India, dealing with physiotherapy;

5 (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 Union 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 Union Ministry of Science and Technology;

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

15 (i) the Central Board of Secondary Education; and

(ii) the University Grant Commission;

(i) four members to be appointed by the Central Government from amongst the teachers of the recognized institutions imparting education in physiotherapy;

20 (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; and

(k) four members to be appointed by the Central Government from the organizations representing the interest of physiotherapy.

25 **4.** (1) The Chairperson, Vice-Chairperson and other members, of the Central Council shall hold office for a term of five years from the date of their appointments.

Term of office and casual vacancy.

30 (2) 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 Chairperson, Vice-Chairperson or any other member in whose place he has been appointed.

(3) The Chairperson, Vice-Chairperson and other member of the Central Council shall be eligible for reappointment.

35 **5.** (1) The Chairperson, Vice-Chairman or any other 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.

Cessation of membership.

6. The Chairperson, Vice-Chairperson or any other member appointed by the Central Government under clauses (h) to (k) of sub-section (4) of section 3 may at anytime resign from his membership by writing under his hand addressed to the Central Government:

Resignation by member.

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

45 **7.** (1) The 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 Central Council and the decision of the Central Government in this regard shall be final.

Removal and vacation of membership.

(2) The Central Government shall remove the Chairperson, Vice-Chairperson and other members 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 5

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

(e) has absented without intimation for three consecutive meetings of the Central 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 : 10

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

Meetings of
Central
Council.

8. (1) The 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: 15

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. 20

(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. 25

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

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

(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 30

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

Power to
associate
persons with
Central
Council for
particular
purposes.

10. (1) The 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. 35

(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 that not be a member for any other purpose.

Committees
of Central
Council.

11. (1) The 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. 40

(2) The composition, tenure and functions of a Committee be such as may be determined by regulations. 45

(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.

10 **12. (1)** It shall be the duty of the Central Council to take such steps as it may think fit for ensuring coordinated and integrated development of education and practice of Physiotherapy and maintenance of its standards. Functions of Central Council.

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

15 (a) maintenance of a register of persons qualified to practice in the physiotherapy disciplines;

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

(c) determination of standards of education, training, research, professional conduct or ethics of physiotherapists.

20 (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 power conferred by this Act; and

25 (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 central Council.

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

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

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

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

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

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

Recognition of education.	<p>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 recognized qualifications for the purposes of this Act.</p> <p>(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: 5</p> <p style="padding-left: 40px;">Provided that the Central Government may reject the application made under sub-section (2) for reasons to be recorded in writing.</p> <p>(3) The Central Government, after consulting the Central Council, may, by notification relax education for persons who are practising as physiotherapist, on or before the date to be specified under section 16. 10</p>
Scheme of reciprocity for recognition of foreign qualifications.	<p>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.</p>
Minimum standards of education.	<p>19. The Central Council may, determine by regulations, the minimum standards of education required for granting recognized qualifications by the Universities or institutions. 15</p>
Furnishing of information by University or institution to Central Council regarding education.	<p>20. Any University or institution imparting education shall furnish information to be Central Council regarding course of study, duration of course, scheme of examination and other eligibility conditions as the Central Council may, from time to time require. 20</p>
Appointment of Inspectors.	<p>21. (1) The Central Council may appoint such number of inspectors, as it may be deem fit, to deal with recognition of education in any University or institution.</p> <p>(2) An inspector may—</p> <p style="padding-left: 40px;">(a) inspect any University or institution which imparts the approved education;</p> <p style="padding-left: 40px;">(b) attend at any approved examination; and 25</p> <p style="padding-left: 40px;">(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.</p> <p>(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. 30</p> <p>(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. 35</p>
Withdrawal of recognition.	<p>22. Where the 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 other question of withdrawing of recognition accorded to the course of study or examination, as the case may be, and the 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. 40 45</p>

CHAPTER III
THE REGISTER

23. (1) The Central Council shall maintain a register and enter names in it of
physiotherapists, in the manner determined by regulations. Register of
physiotherapist.
- 5 (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 practice under this Act unless his name is entered in
10 the register of Central Council:
- 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 this register within six months from the coming into force of such notification
15 or till his application is disposed of by the Council.
24. (1) The 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 required qualification. Entry of name
in register.
- 20 (2) Any person whose name has been entered in the register shall be entitled to be
called by physiotherapist.
- (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.
- 25 25. (1) The Central Council shall determine by regulations the standards of professional
conduct and etiquette and a code of ethics for the practitioners under this Act. Professional
conduct and
removal of
names from
register.
- (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.
- 30 (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 make,—
- 35 (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.
- 40 (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.
- 45 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 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 physiotherapist 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 physiotherapist 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-section (3) and (4) of section 25.

Explanation.—For the purposes of this section, "physiotherapist" includes the person who was 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:—

- (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.

Re-entry in register.

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.

Appeal against order made by Central Council.

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, 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 such 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

Grants by Central Government.

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

Fund of Central Council.

30. (1) The Central Council shall by notification in the Official Gazette constitute a Fund to be known as the Physiotherapy Central Council Fund to which shall be credited, all sums which may, from time to time, be granted to it by the Central Government and all the receipts from any other authority or person and all payments by the 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) The 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.

5 **31.** The 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 forward to the Central Government. Budget.

32. The Central Council shall prepare once every years, 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 10 Government shall cause the same to be laid before both Houses of Parliament. Annual Report.

33. (1) The 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. Accounts and audit.

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

20 (4) The accounts of the 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

25

34. No clinical establishment, such as hospital, nursing home and other institutions of healthcare, shall appoint any person as physiotherapist unless his name has been entered in the register of the Central Council. Prohibition in employment as physiotherapist by clinical establishment.

30 **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 violation of provisions of this Act.

35 **36.** Any person whose name has not been entered or whose name is not deemed to have been entered in the registe of the Central Council under this Act and is practicing as physiotherapist, shall be punishable with imprisonment for a term which may extend upto six months, or with fine which may extend upto twenty thousand rupees, or with both. Penalty for practicing as professional by non-professional.

37. Any person—

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

40 (ii) who dishonestly attempts to practice 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

45 (iv) whose name has been removed from the register wilfully practices as a physiotherapist,

Punishment for dishonest use of certificates, etc.

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.

Cognizance of offences.	<p>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.</p>	5
Directions by the Central Government.	<p>39. (1) The Central Government may, from time to time, issue such directions to the Central Council as in the opinion of said Government are conducive for the fulfillment 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.</p> <p>(2) The directions issued under sub-section (1) may include directions to the Central Council to make any regulations or to amend or revoke any regulations already made.</p> <p>(3) If, in the opinion of the Central Government, the 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 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.</p> <p>(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, authorize 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.</p>	10
Protection of action taken in good faith.	<p>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.</p>	15
Power to make rules.	<p>41. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.</p> <p>(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:—</p> <p>(a) the manner of filing an appeal under sub-section (1) of section 28;</p> <p>(b) the procedure to dispose of appeal under sub-section (2) of section 28;</p> <p>(c) the form and the time for preparation of budget of the Central Council under section 31;</p> <p>(d) the form and the time for preparation of annual report of the Central Council under section 32;</p> <p>(e) the form and the manner of maintenance of books of account under section 33; and</p> <p>(f) any other matter which is required to be or may be prescribed.</p>	20
Power to make regulations.	<p>42. (1) The 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.</p> <p>(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:—</p> <p>(a) the time, place, procedure and quorum of the meeting of the Central Council under sub-section (1) of section 8;</p>	25

(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;

5 (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 recognized qualifications under section 19;

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

10 (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;

15 (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.

20 **43.** Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, be for 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, 25 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.

Rules and regulations to be laid before Parliament.

30 **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, make provisions not inconsistent with the provisions of this Act, as may appear it to be necessary for removing the difficulty:

Power to remove difficulties.

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.

35 (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

With the advancement of medical science and development of new diagnostic and therapeutic techniques, there has been a quantum jump in the demand for physiotherapists. This has resulted in the establishment of a large number of institutions and centres for the training of these professionals, which are run without any supervision and control as to the quality and standard of education.

Maintenance of proper standards in the training and education of physiotherapist professions is considered essential as these personnel play an inevitable role in healthcare delivery. With a view to regulating these professions, it is considered necessary to set up in the field of a Central Council on the lines already existing dentistry, medicine pharmacy, nursing, etc. To begin with, it is proposed to set up separate Central Council for Physiotherapists. This Council will be responsible, *inter alia*, for maintenance of uniform standards of education in the physiotherapy disciplines and registration of qualified personnel for practicing the profession.

The Bill seeks to achieve the above objects.

AMAR SHANKAR SABLE

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 3 of the Bill provides for establishment of the Central Council of Physiotherapy.

Clause 13 provides for appointment of Secretary, Officers and other employees of the Central Council.

Clause 21 provides for appointment of Inspectors for the Central Council.

Clause 29 provides for grant of fund to the Central Council.

Clause 30 provides for establishment of Fund of the Central Council.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of about rupees one crore and ninety lakhs will be involved as recurring expenditure per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Council to make regulations to provide for the time, place, procedure and quorum for the meeting of the Central Council.

Clause 10 empowers the 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.

Clause 11 empowers Central Council to make regulations to provide for the constitution of Committees. It empowers each Central Council to provide for the composition, tenure and functions of each such Committee.

Clause 13 empowers the Central Council to make regulations to provide for the appointment of a Secretary, officers and other employees and to determine the conditions of service and entitlement to remuneration of the Secretary, officer and other employees.

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

Clause 23 empowers the Central Council to make regulations to provide for the manner of maintaining and entering the names in the Register of Central Council.

Clause 24 empowers the 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.

Clause 25 empowers the Central Council to determine by regulations the standards of professional conduct and etiquette and the code of ethics for the practitioners.

Clause 26 empower the Central Council to determine by regulations the manner of holding inquiry by the Disciplinary Committee.

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

Clause 28 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. It also empowers the Central Government to provide for the procedure for disposal of such appeal.

Clause 31 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 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 empowers the Central Government to make rules to provide for the form and the manner of maintenance of books of accounts of the Central Council.

As the matters for which the rules and regulations may be made pertain to matters of procedure or detail only, the delegation of legislative power is, therefore, of normal character.

RAJYA SABHA

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BILL

to provide for the constitution of the Central Council of Physiotherapy for the co-ordinated development in the education and practice of physiotherapy with a view to regulating and maintaining standards of such education, maintenance of Register of Physiotherapists and for matters connected therewith or incidental thereto.

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(Shri Amar Shankar Sable, M.P.)