

PUNJAB VIDHAN SABHA

Bill No. 16-PLA-2016

THE PUNJAB PHYSIOTHERAPY COUNCIL, BILL, 2016

A

BILL

to provide for the constitution of the Punjab Physiotherapy Council for the purpose of co-ordination and determination of standards of education in the field of physiotherapy and for the maintenance of register of physiotherapists for the State of Punjab and for matters connected therewith or incidental thereto.

WHEREAS, it is expedient to provide for the constitution of the Punjab Physiotherapy Council and for the purpose of co-ordination and for determination of standards of education in the field of physiotherapy and for the maintenance of register of physiotherapists for the State of Punjab and for matters connected therewith or incidental thereto :

BE it enacted by the Legislature of the State of Punjab in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Punjab Physiotherapy Council Act, 2016. Short title and commencement.

(2) It shall come into force on such date as the Government may, appoint by notification in the Official Gazette.

2. In this Act, unless the context requires otherwise,— Definitions.

- (a) “Council” means the Punjab Physiotherapy Council established under section 3;
- (b) “Government” means the Government of the State of Punjab in the Department of Medical Education and Research ;
- (c) “Inspector” means an Inspector appointed under section 30;
- (d) “member” means a member of the Council ;
- (e) “physiotherapist” means a person who possesses physiotherapy qualification from a recognized university or institution and whose name has been enrolled in the Register ;

- (f) “physiotherapy” means a branch of modern medical science which includes examination, assessment, interpretation, physical diagnosis, planning and execution of treatment and advice to any person for the purpose of preventing, correcting, alleviating and limiting dysfunction, acute and chronic bodily malfunction including life saving measures *via* chest physiotherapy in the intensive care units, curing physical disorders or disability promoting physical fitness, facilitating healing and pain relief and treatment of physical and psychosomatic disorders through modulating physiological and physical response using physical agents, activities and devices including exercises mobilizations, manipulations, therapeutic ultrasound, electrical and thermal agents and electrotherapy for diagnosis, treatment and prevention ;
- (g) “prescribed” means prescribed by rules made under this Act ;
- (h) “president” means the President of the Council ;
- (i) “profession” means the profession of physiotherapy ;
- (j) “recognised institution” means an institution, specified in the Schedule which grants qualification in physiotherapy ;
- (k) “recognised physiotherapy qualification” means a qualification in physiotherapy, obtained from recognized institution specified in the Schedule ;
- (l) “register” means the register of physiotherapists maintained by the Council ;
- (m) “registered practitioner” means a physiotherapist whose name is entered and continues to remain on the register ;
- (n) “Registrar” means the Registrar of the council appointed under section 7 ;
- (o) “regulations” means a regulation made under section 55 ;
- (p) “rules” means a rules made by the Government under this Act ;

- (s) "section" means a section of this Act ;
- (t) "Government" means the Government of the State of Punjab ; and
- (u) "Vice-President" means a Vice-President of the Council.

CHAPTER II

Punjab Physiotherapy Council

3. (1) The Government may, by notification in the Official Gazette, as soon as may be, after the commencement of this Act, establish a Council to be called the Punjab Physiotherapy Council. Establishment and composition of the Council.

(2) The Council shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with powers to acquire, hold and dispose of property both movable and immovable and to make contract and to do all other things necessary for the purpose of this Act and may by the said name sue or be sued.

(3) The Council shall consist of the following members, namely :—

(A) *Ex officio* Members—

- (a) Director-Research and Medical Education, Punjab ;
- (b) Director Health Services, Punjab ;
- (c) two physiotherapists to be nominated by the Government from recognized institutions of the State of Punjab, who shall be the Principal or Head of Department of such recognized institution ; and
- (d) President, Punjab Medical Council or his/her nominee.

(B) Non-official Members—

- (a) six physiotherapists to be elected from amongst the registered practitioners; and
- (b) two physiotherapists to be nominated by the Government from the registered practitioners.

4. (1) The Director, Research and Medical Education, Punjab shall be the *Ex-officio* President of the Council. President and Vice President of the Council.

(2) There shall be a Vice-President who shall be elected by the non-official members from amongst themselves. He shall, subject to the provisions of this Act, hold office for a term of three years from the date of his election.

Qualification of Members

5. Every member of the Council, except the *ex-officio* members, shall possess the minimum qualification of Bachelor of Physiotherapy (B.P.T.) from a recognised institution.

Mode of election.

6. The Elections shall be conducted in the manner, as may be prescribed and where any dispute arises regarding any such election, it shall be referred to the Government, whose decision shall be final.

Appointment of Registrar, other officers and employees of the Council.

7. (1) The Council shall, with the prior approval of the Government, appoint a Registrar, who shall act as Secretary of the Council.

(2) The Council may, appoint such other officers and employees as it may deem necessary for carrying out the purposes of this Act.

(3) The qualifications, conditions of service and pay scales of the Registrar, other officers and employees shall be such as the Council may determine by regulations, with the prior approval of the Government.

(4) The Registrar and any other officer or employee appointed by the Council under this section shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (45 of 1860).

Duties of Registrar.

8. (1) The Registrar shall keep and maintain the register in accordance with the provisions of this Act.

(2) The Registrar shall comply with any order made by the Council to revise the register from time to time in such manner as may be determined by regulations.

(3) The Registrar shall ensure that the register is, as far as possible, correct at all times and may from time to time enter therein any material alteration in the address or qualifications of the registered practitioner.

(4) The Registrar shall remove from the register the name of the registered physiotherapist who dies or whose name is directed by the Council to be removed from the register or who ceases to be the registered practitioner.

(5) The Registrar shall on an application made by the registered practitioner, if the Council is satisfied that such practitioner has not ceased to practise, then the Council may direct the Registrar to restore the name of such practitioner in the Register and the Registrar shall comply with such directions.

(6) The Registrar shall attend all meetings of the Council and its Executive Committee and to record the minutes of the meetings and the names of the members present and of the proceedings of such meetings.

(7) The Registrar shall maintain the accounts of the Council, in the manner, as may be prescribed.

(8) The Registrar shall perform such other duties as are or may be required to be discharged by him under this Act and the rules and regulations made there under.

9. A person shall be disqualified to become and continue as a member of the Council, if :—

Disqualification
for membership.

- (a) he is not a citizen of India ; or
- (b) he has not attained the age of maturity ; or
- (c) he is an undercharged insolvent ; or
- (d) he is of unsound mind and stands so declared by a competent Court ; or
- (e) he has been dismissed from any service under the Government ; or
- (f) his name has been removed from the register and has not been re-entered therein ; or
- (g) he has been convicted for any offence involving moral turpitude.

10. (1) Save as otherwise provided in this Act, non-official members shall hold office for a term of three years from the date of their election or nomination, as the case may be.

Term of office
of non-official
members of the
Council.

(2) Such members of the Council shall be eligible for re-election or re-nomination, as the case may be, but no member shall serve for more than two terms.

(3) Where the said term of three years is about to expire in respect of any non-official member, a person may be elected or nominated, as the case may be, at any time within three months before the said term expires, but the incumbent shall not assume office until the said term has expired.

11. Any non-official member of the Council may resign from his office by a letter addressed to the President and the resignation shall take effect from the date of acceptance of his resignation by the President.

Resignation by
non-official
member.

Disabilities for continuing as the member of the Council.

12. (1) If any non-official member of the Council, during the period of his office,—

- (a) absents himself from three consecutive meetings of the Council without the permission of the Council ; or
- (b) remained abroad for a period exceeding twelve consecutive months ; or
- (c) becomes subject to any of the disqualifications specified in section 9; or
- (d) ceases to be registered practitioner under any Act,

the Council shall declare his office as vacant.

(2) No non-official member shall be declared to be disqualified under sub-section (1), unless a reasonable opportunity of being heard is given to him.

Filling of casual vacancies.

13. If a non-official member dies or resigns, or otherwise ceases to be a member, the vacancy shall be filled, as soon as may be, by election or nomination, as the case may be, and the person so elected or nominated shall hold office for the unexpired term of office of the member in whose place he becomes a member.

Meetings of the Council.

14. (1) The Council shall meet least once in six months.

(2) The Council shall meet on such time, date and place, as the President may fix.

(3) Every meeting shall be presided over by the President and in his absence by the Vice-President and in the absence of both, by any other member elected by the members present from amongst themselves.

(4) The quorum for a meeting of the Council shall be one third of the total number of members.

(5) If at any time in a meeting, the quorum is incomplete, the presiding authority shall adjourn it to such time or such date as it thinks fit and the business set down for the meeting shall be transacted at the subsequent meeting.

(6) Any meeting of the Council may also, with the consent of the majority of the members present, be adjourned from time to time, to a later hour on the same day or to any other date, but no business other than that left over at the adjourned meeting shall be transacted at such meeting.

(7) A notice of adjournment pasted in the office of the Council or at the place of meeting, on the day on which the meeting is adjourned, shall be deemed to be a sufficient notice for the next meeting.

(8) No business other than that specified in the notice relating thereto, shall be transacted at a meeting, except with the permission of the Chair.

(9) At least thirty clear days' notice, in writing, along with agenda proposed to be considered at a meeting of the Council, shall be given to the members for holding an ordinary meeting.

(10) The agenda of the meeting shall be settled by the Secretary in consultation with the President.

(11) The President may, whenever he deems fit, call an extraordinary meeting. However, the President shall be bound to convene such a meeting within fourteen clear days of the receipt of a requisition, in writing, signed by not less than one third members.

Explanation :—The expression “clear days” in this section does not include the day of the issue and the day of the receipt of the notice.

15. Save as otherwise provided in this Act, all issues or items brought before any meeting of the Council, shall be decided by a majority of votes of the members present and voting. In the case of votes being equal, the presiding authority at the meeting shall have a casting vote.

Decision on issues/ items by majority of votes.

16. (1) The minutes of each meeting of the Council shall be recorded in the minute book to be kept for the purpose and the names of the members present in the meeting, shall be entered in it and shall be signed in confirmation by the presiding authority.

Minutes of meeting.

(2) A copy of the minutes of each meeting of the Council shall be forwarded to the Government within fifteen days.

17. No act or proceeding of the Council shall be invalid merely by reason of—

Vacancies not to invalidate proceedings.

- (a) any vacancy therein, or any defect in the constitution of the Council; or
- (b) any defect in the election or nomination of a person as a member of the Council; or
- (c) any irregularity in its procedure of the Council not affecting merits of the case.

Allowances of the non-official members of the Council.

18. The non-official members of the Council shall receive such travelling and other allowances, as may be prescribed.

Power of Council to invite any person having knowledge or experience in Physiotherapy.

19. (1) The Council may, if it thinks necessary, invite any person having special knowledge or experience in physiotherapy to its meeting, to hear his views on the subject and such person shall have right to take part in the discussion on the subject but shall not have the right to vote in the meeting of the Council.

(2) Such an invitee shall be entitled to receive such allowances, as are admissible to a non-official member.

Executive Committee.

20. (1) The Council shall, as soon as may be, constitute from among its members an Executive Committee for such general or special purposes and for such tenure as the Council considers necessary for carrying out its functions under this Act.

(2) The Executive Committee shall consist of the following, namely:—

- (a) The President of the Council;
- (b) The Vice-President of the Council;
- (c) Two members of the Council, nominated by the President;
- (d) Two members of the Council, nominated by the Vice President;

(3) The President and the Vice-President of the Council shall be the Chairman and Vice-Chairman respectively of the Executive Committee.

(4) A member of the Executive Committee shall hold office as such until the expiry of his term of office as a member of the Council but subject to his being a member of the Council, he shall be eligible for re-nomination.

(5) A member may resign his membership of the Executive Committee by writing under his hand addressed to the President of the Executive Committee and action shall be taken to fill that seat in the same manner in which that seat was filled in.

(6) The Executive Committee shall exercise and discharge such powers and duties, as may be prescribed.

Physiotherapy cell.

21. (1) The Council shall have a Physiotherapy cell to be headed by the Vice-President of the Council and shall include,—

- (a) one member referred to in sub-clause (c) of clause (A) of sub-section (3) of section 3; and
- (b) two physiotherapists from amongst the members referred to in sub-clauses (a) and (b) of clause (B) of sub-section (3) of section 3 ;

(2) The Registrar shall assist the Physiotherapy cell in its activities to carry out its objectives.

(3) Subject to the superintendence, direction and control of the Council, the Physiotherapy cell shall be responsible and competent to deal with all matters related to physiotherapy and physiotherapists within the competence of the Council.

22. The Council shall have a Research and Ethical Committee to be headed by the President of the Council and shall include,—

Research and
Ethical
Committee.

- (a) Vice-President of the Council; and
- (b) three physiotherapists from amongst the members referred to in sub-clauses (a) and (b) of clause (B) of sub-section (3) of section 3.

CHAPTER III

Functions of the Council

23. Subject to such conditions as may be prescribed by or under the provisions of this Act, the powers, duties and functions of the Council shall be—

Power, duties and
functions of the
Council.

- (a) to determine and co-ordinate the standards of physiotherapy education at all levels ;
- (b) to recommend to the Government, the grant of permission to open new institutions or to open new courses of study or training under section 24 ;
- (c) to maintain the register and provide for the registration of physiotherapists in the State of Punjab ;
- (d) to prescribe a code of ethics for regulating the professional conduct of registered practitioners ;
- (e) to advise the Government in matters relating to the requirement of manpower in the field of physiotherapy ;
- (f) to hear and decide appeals against the decision of the Registrar ;
- (g) to reprimand a registered practitioner or to suspend or to remove him from the register, or to take such other disciplinary action against him as may, in the opinion of the Council, be necessary or expedient ;

- (h) to hold elections of non-official members of the Council at least three months before the date of expiry of the existing term, but the new incumbent shall not assume office until the said term has expired ; and
- (i) to exercise such powers, perform such other duties and discharge such other functions, as are laid down in this Act, or as may be specified in these rules.

Prior permission for establishment of new institution, new course of study, etc.

24. (1) Notwithstanding anything contained in this Act or any other law for the time being in force, with effect from the date as may be notified by the Government,—

- (a) no person shall establish an institution; or
- (b) no institution shall—
 - (i) open a new or higher course of study or training (including a postgraduate course of study or training) which would enable a student of such course or training to qualify himself for the award of any recognised physiotherapy qualification ; or
 - (ii) increase its admission capacity in any course of study or training (including a postgraduate course of study or training), except with the permission of the Government.

Explanation 1.—For the purposes of this section “person” includes university or a Trust or a Society or an institution.

Explanation 2.—For the purposes of this section “admission capacity” in relation to any course of study or training (including postgraduate course of study or training) in an institution. The maximum number of students that may be fixed by the Council from time to time.

(2)(a) Every person or institution shall, for the purpose of obtaining permission under sub-section (1), submit to the Council a scheme in accordance with the provisions of clause (b) and the Council shall refer the Scheme to the Government for its recommendations.

(b) The Scheme referred to in clause (a) shall be in such form and contain such particulars and be preferred in such manner and be accompanied with such fee as may be specified by the Government from time to time.

(3) On receipt of a Scheme by the Council under sub-section (2), the Council may obtain such other particulars as may be considered necessary by it from the person or the institution concerned, and thereafter, it may—

- (a) if the scheme is defective and does not contain any necessary particulars, give a reasonable opportunity to the person or institution concerned for making a written representation and it shall be open to such person or institution to rectify the defects, if any, specified by the Council;
- (b) consider the scheme, having regard to the factors referred to in sub-section (6) and submit the scheme together with its recommendations thereon to the Government.

(4) The Government may, after considering the scheme and the recommendations of the Council under sub-section (3) and after obtaining, where necessary, such other particulars as may be considered necessary by it from the person or institution concerned, and having regard to the factors referred to in sub-section (6), either approve (with such conditions, if any, as it may consider necessary) the scheme in which case such approval shall be deemed to be a permission under sub-section (1) or reject the scheme :

Provided that no Scheme shall be rejected by the Government except after giving the person or institution concerned a reasonable opportunity of being heard :

Provided further that nothing in sub-section shall prevent any person or institution whose Scheme has been rejected by the Government to submit a fresh Scheme and the provisions of this section shall apply to such Scheme, as if such Scheme has been submitted for the first time under sub-section (2).

(5) The Council, while making its recommendations under clause (b) of sub-section (3) and the Government while passing an order, either approving or rejecting the Scheme under sub-section (4), shall have due regard to the following factors, namely :—

- (a) whether the proposed institution or the existing institution seeking to open a new or higher course of study or training, would be in a position to offer the minimum standards of education as specified by the Council under section 32;
- (b) whether the person seeking to establish an institution or the existing institution seeking to open a new or higher course of study or training or to increase its admission capacity has adequate financial resources;

- (c) whether necessary facilities in respect of staff, equipment, accommodation, training and other facilities to ensure proper functioning of the institution or conducting the new course of study or training or accommodating the increased admission capacity have been provided within the time limit specified in the scheme;
- (d) whether any arrangement has been made or programme drawn to impart training to students likely to attend such institution or course or study or training by persons having the recognised physiotherapy qualification ;
- (e) whether necessary arrangement has been made or programme drawn to meet the requirement of manpower in the field of practice of physiotherapy ; and
- (f) any other factors as may be prescribed.

(6) The Government passes an order either approving or rejecting a scheme under this section, a copy of the order shall be communicated to the person or institution concerned.

Non-Recognition
of qualifications in
certain cases.

25. (1) Where any institution is established, except with the previous permission of the Government in accordance with the provisions of section 24, no physiotherapy qualification granted to any student of such institution shall be a recognised for the purposes of this Act.

(2) Where any institution opens a new or higher course of study or training (including a postgraduate course of study or training), without the prior permission of the Government, then no physiotherapy qualification granted to any student shall be recognised.

(3) Where any institution increases its admission capacity in any course of study or training, without prior permission of the Government then no physiotherapy qualification granted to any student shall be a recognised.

Time for seeking
permission.

26. (1) If before the commencement of this Act, any person has established an institution or any institution has opened a new or higher course of study or training or increased its admission capacity, such person or institution, as the case may be, shall seek, within a period of one year from the commencement of this Act, the permission of the Government in accordance with the provisions of section 24.

(2) If any person or institution, as the case may be, fails to seek the permission under sub-section (1), the provisions of section 24 shall apply, so far as may be, as if permission of the Government under the said section has been refused.

27. (1) The qualifications granted by any university or institution in India which are included in the Schedule shall be the recognised qualifications for physiotherapists.

Recognition of qualifications granted by universities or institutions in India for Physiotherapy.

(2) Any university or institution which grants qualification for the physiotherapists not included in the Schedule, may apply to the Government to have such qualification recognised, and the Government may, after consulting the Council, by notification in the official Gazette, amend the Schedule.

28. (1) Any physiotherapy qualification included in the Schedule shall be sufficient qualification for enrolment in the register.

Effect of recognition.

(2) No person shall, after the date of the commencement of this Act, be entitled to be enrolled in the register as physiotherapist unless he or she holds a recognised qualification :

Provided that any person who was immediately before the said date entitled to be enrolled shall, on application made in this behalf, before the expiry of two years from the said date, be entitled to be enrolled in the register :

Provided further that where there is any dispute as to whether a person is so entitled to be enrolled, the matter shall be referred to the Physiotherapy cell which shall consider the reference and make recommendations to the Executive Committee, whose decision shall be final.

(3) Notwithstanding anything contained in sub-section (2),—

(a) a citizen of India holding a qualification which entitles him to be registered with any Council of Physiotherapy in any foreign country, may, with the approval of the Council, be enrolled as a Physiotherapist.

(b) a person not being a citizen of India who is employed as a physiotherapist or a physiotherapy teacher in any hospital or institution in any State or Union Territory for the purpose

of teaching, research or charitable work, may, with the approval of the President, be enrolled temporarily in the register for such period as may be specified in this behalf in the order issued by the President :

Provided that the practice by such person shall be limited to the hospital or institution to which he is attached :

Provided further that no such enrolment under clause (a) or clause (b) shall be permitted unless the Council satisfies itself that such person possesses the requisite knowledge and skill to practice physiotherapy by conducting a screening test or such other test or examination, as may be prescribed.

Power to require information as to courses of study and training and examination.

29. Every authority or institution or university in the State of Punjab which grants any recognised qualification, shall furnish such details and information as the Council may, from time to time, require as to the courses of study and training and examinations to be undergone in order to obtain such qualification.

Inspectors.

30. (1) The Executive Committee may subject to the regulations, if any, framed in this behalf, appoint such number of Inspectors as it deems necessary to inspect any institution where education or training in physiotherapy is imparted.

(2) The Inspectors appointed under this section shall not interfere with the course of any examinations but they shall report to the Executive Committee on the suitability of the institution for the purposes of training and on the adequacy of the training therein, or as the case may be, on the sufficiency of the standard of examinations.

(3) The Executive Committee, after consulting the Physiotherapy cell, shall forward a copy of such report to the authority or institution concerned, and shall also forward copies with the remarks, if any, of the authority or institution concerned thereon, to the Government and the Council.

Withdrawal of recognition.

31. (1) When upon the report by the Executive Committee, it appears to the council that,—

(a) the courses of study, training and examinations to be undergone to obtain a recognised qualification from any university or institution in the State or the conditions for admission to such courses or the standards of proficiency required from candidates at such examinations; or

(b) the staff, equipment, accommodation, training and other training provided in such University or institution ;

are not in conformity with the regulations made under the Act or fall short of the standard prescribed by the Council, shall make a representation to that effect to the Government. After considering such representation, the Government shall forward it, along with such remarks, as it may think fit, to the university or institution concerned with an intimation of the period within which the university or institution may submit its explanation to the Government.

(2) On the receipt of the explanation or, where no explanation is submitted within the stipulated period fixed, then on the expiry of that period, the Government may, after making such inquiry, as it may deem fit, by notification in the official Gazette, direct that an entry shall be made in the Schedule against the names of the said university or institution and the qualifications conferred by them declaring that the qualifications conferred by the said university or institution shall be a recognised qualification.

32. The minimum standards of education in physiotherapy shall be such, as may be specified by regulations.

Minimum standards of education in physiotherapy.

33. (1) The Council may by regulations, specified standards of professional conduct and etiquette and a code of ethics for physiotherapists.

Professional conduct.

(2) Regulations made under sub-section (1) may specify which violations thereof shall constitute professional misconduct and such provision shall have effect notwithstanding anything contained in any law for the time being in force.

(3) Whenever the Executive Committee, after such inquiry as it deems fit, recommends that the name of any person enrolled in the register be removed there from due to professional misconduct, it shall accordingly report to the Council and the Council shall after such inquiry as it may deem fit, by order, direct the removal of the name of such person from the register, either permanently or for such period as may be specified in the order.

(4) Any person aggrieved by an order of the Council may prefer an appeal against that order to the Government in such form and manner, within such time, on such conditions and on payment of such fees as may be prescribed.

(b) the staff, equipment, accommodation, training and other training provided in such University or institution ;

are not in conformity with the regulations made under the Act or fall short of the standard prescribed by the Council, shall make a representation to that effect to the Government. After considering such representation, the Government shall forward it, along with such remarks, as it may think fit, to the university or institution concerned with an intimation of the period within which the university or institution may submit its explanation to the Government.

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(4) Any person aggrieved by an order of the Council may prefer an appeal against that order to the Government in such form and manner, within such time, on such conditions and on payment of such fees as may be prescribed.

(5) On receipt of such appeal, the Government may, after giving the person concerned an opportunity of being heard and after consulting the Council, pass appropriate order, which shall be final and binding.

Information to
be furnished.

34. The Council shall furnish copies of its minutes, reports, abstracts of its accounts, and other information to the Government, whenever called for.

Control of State
Government.

35. If at any time it appears to the Government that the Council has neglected to exercise, or has exceeded or abused, any of the powers conferred upon it by or under this Act or has neglected to perform any of the duties imposed upon it by or under this Act, the Government may communicate the particulars of such neglect, excess or abuse to the Council and if the Council fails to remedy such neglect, excess or abuse within such time as may be fixed by the Government in this behalf, the Government may, for the purpose of remedying such neglect, excess or abuse cause any of the powers and the duties of the Council to be exercised and performed by such agency and for such period, as the Government may specify in this behalf.

CHAPTER IV

Finance, Accounts and Audit

Payments to the
Council.

36. The Government may, after due appropriation, pay to the Council first five financial years such sums as it may consider necessary for the proper functioning of Council under this Act.

Funds of the
Council.

37. (1) The Council shall have its own Funds; all sums which may, from time to time, be paid to it by the Government and all the receipts of the Council (including registration fees, inspection fee of institutions, and any other fee as may be prescribed) shall be credited to the Fund of the Council.

(2) All moneys belonging to the Fund shall be deposited in Nationalised Banks or invested in such manner, as may be prescribed.

(3) The Council may spend such sums as it deems fit for performing its functions under this Act, and such sums shall be treated as expenditure payable under this Act.

Budget.

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

39. The 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 Government. Annual Report.

40. (1) The 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 be prescribed. Accounts and Audit.

(2) The Council shall as soon as may be, after closing its annual accounts, prepare a statement of accounts in such form and in such manner as may be prescribed.

(3) The accounts of the Council shall be audited by the Examiner Local Funds Accounts, Punjab.

CHAPTER V

Registration

41. (1) The Council shall, as soon as may be after its establishment, prepare a register of physiotherapists of the State of Punjab. Preparation of Register.

(2) The register shall be in such form, and may be divided into such parts, as may be prescribed. The register shall include the full name, address; date of birth and the qualifications of the registered physiotherapists, the date on which each qualification was obtained, and such other particulars as may specify in this behalf.

42. (1) Any person who possesses the qualification(s) from a recognised institution and desires to continue his practice as physiotherapist shall, on an application made in prescribed form, on payment of such fee as may be prescribed, be entitled to have his/her name entered in the register for period of five years, subject to such conditions as the Council may prescribe. Persons entitled for registration.

(2) The application for registration shall be accompanied by all documents required to be produced as given in the prescribed form.

(3) The application for registration shall be submitted to the Registrar, who shall after scrutiny, firstly send it to the Physiotherapy cell for its recommendations and thereafter, to the Council, along with the recommendations of the Physiotherapy cell.

(4) The Council shall consider such objections as may be urged against the registration of any person as physiotherapist and may if necessary call upon—

(a) any person objecting to the registration ; or

(b) the applicant for registration.

(5) If after the scrutiny of the papers and consideration of objections, if any, the Council is of the opinion that the person applying for registration is a fit and proper person to be registered, it shall make an order accepting the application.

(6) When the application for registration is accepted, a certificate of registration shall be issued in the favour of applicant in the prescribed form.

Renewal of
registration.

43. (1) Every registered practitioner shall, on an application made in the prescribed form to the Registrar and on the payment of such fee as may be prescribed, be entitled to have his/her registration renewed for the period of five years from the date on which his/her registration is renewed :

Provided that, every application for renewal of registration shall be made at least three months before the expiry of the registration :

Provided further that, the application for renewal of registration made within a period of one month after the date of expiry of the registration, may be renewed after charging such additional late fee, as may be prescribed. The application for renewal of registration received after three months from the date of expiry of the registration shall be treated as a fresh application under section 42.

(2) When the application for renewal of registration is accepted, a certificate of registration should be issued in the favour of applicant in the prescribed form.

(3) The registered practitioner shall display the certificate of registration or renewal of registration in a conspicuous place in his dispensary, clinic or place of practice, and if he has more than one such place in any of them.

(4) Where it is shown to the satisfaction of the Registrar that a certificate of registration or renewal of registration has been defaced, lost or destroyed, the Registrar may, on payment of such fee as may be prescribed, issue a duplicate certificate in the prescribed form.

44. (1) Subject to the provisions of this section, the Council may order that the name of any person shall be removed from the register Where it is satisfied after giving that person a reasonable opportunity of being heard and after such further enquiry, if any, as it may think fit to make—

Removal of name from the register.

- (a) that his name has been entered in the register by error or an account of mis-representation or suppression of a material fact, or
- (b) that he has been convicted of an offence involving moral turpitude and punishable with imprisonment or has been guilty of any infamous conduct in any professional respect or has violated the standards of professional conduct and etiquette or the code of ethics which in the opinion of Council renders him unfit to be kept in the said register.

(2) An order under sub-section (1) may direct 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 of years as may be prescribed.

(3) An order under sub-section (1) shall not take effect until the expiry of three months from the date thereof or until an appeal, if any, on such order is finally disposed of, whichever date is earlier.

(4) A person aggrieved by the order of the Council under sub-section (1) may, within sixty days from the communication to him of such order, appeal to the Government.

(5) A person whose name has been removed from the register under this section shall forthwith surrender his certificate of registration and certificate of renewal, if any, to the Registrar of the Council and the name so removed shall be published in the Official Gazette.

(6) A person whose name has been removed from the register under this section shall not be entitled to have his/her name registered in the register, except with the approval of Council from whose register his name has been removed.

45. (1) Where the name of any person has been removed from the Register on any ground other than that he is not possessed of the requisite physiotherapist qualifications, he may appeal, in the prescribed manner and subject to such conditions as to the payment of a fee, as may be prescribed to the Council whose decision thereon shall be final.

Appeal against order of removal of name from the register.

(2) No appeal under sub-section (1) shall be admitted if it is preferred after the expiry of a period of thirty days from the date of the receipt of order under section 44 :

Provided that an appeal may be admitted after the expiry of the said period of thirty days if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the said period.

Rights and privileges of the registered practitioners.

46. No person, other than the registered practitioner shall—

- (a) hold office as physiotherapist or any other office (by whatever designation called) in the State or in any institution maintained by a local or other authority ; or
- (b) practise physiotherapy, if he is a physiotherapist anywhere in the State and recover in respect of such practice any expenses or fees to which he may be entitled ; or
- (c) be entitled to sign or authenticate any certificate required by any law to be signed or authenticated by a physiotherapist; or
- (d) be entitled to give any evidence at any inquest or in any court as an expert under the Evidence Act, 1872 on any matter relating to the physiotherapy ; or
- (e) prefix “Dr” and suffix “PT” in his/her name.

CHAPTER VI

Offences and Penalty

Conferring, granting or issuing diploma, graduate, post-graduate degree etc. by unauthorised person, institution or university.

47. (1) No person other than a recognised institution shall confer, grant or issue or hold himself out as entitled to confer, grant, or issue any, degree, diploma, licence, certificate or any other like award or which states or implies that the holder, grantee or recipient thereof qualified to practice the physiotherapy.

(2) No person other than a physiotherapist whose name is entered in the register prepared and maintained under this Act shall practise physiotherapy system of medical science.

Penalty for falsely being claiming registered.

48. If any person whose name is not for the time being entered in the Register, falsely represents that it is so entered, or uses in connection with his/her name or title any words or letters reasonably calculated to suggest that his name is so entered, he shall be punishable, on first conviction, with fine which may extend to ten thousand rupees, and on any subsequent conviction with imprisonment which may extend to six months or with fine which may extend to twenty thousand rupees, or with both.

49. If any person whose name has been removed from the register fails, without sufficient cause, forthwith to surrender his certificate of registration or certificate of renewal of registration or both forthwith, he shall on conviction be punished with fine which may extend to five hundred rupees per month of such failure.

Failure to surrender certificate of registration.

50. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), no court shall take Cognizance of an offence punishable under this Act except upon a complaint, in writing, made by a person authorised in this behalf by the Council.

Cognizance of offences.

51. If any person not being a registered practitioner takes or uses the description of physiotherapy practitioner or physiotherapist or consultant in physiotherapy or not possessing a recognised physiotherapy qualification, uses a degree or a diploma or an abbreviation indicating or implying such physiotherapy qualification, shall, on conviction, be punished—

Misuse of title.

(a) for a first offence, with fine which may extend to ten thousand rupees ; and

(b) for a subsequent offence with imprisonment which may extend to one year or with fine which may extend to twenty thousand rupees, or with both.

CHAPTER VII

Miscellaneous

52. No suit, prosecution or other legal proceeding shall lie against the Government, the Council, President, Vice-President, Member, Registrar or any officer or other employee of the Council or of the Government as aforesaid for anything which is done or intended to be done in good faith under this Act.

Protection of action taken in good faith.

53. No order refusing to enter a name in a register or removing a name from a register shall be called in question in any court.

Bar of Jurisdiction.

54. (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. Such rules may be to provide for all or any of the matters expressly required or allowed by this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, 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 in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall from the date of publication of a notification in the official gazette of such decision 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 or omitted to be done under that rule.

Power to make regulations.

55. (1) The Council may, with the previous sanction of the Government, make, by notification in the Official Gazette, regulations, not inconsistent with this Act and the rules made thereunder for enabling it to perform its functions under this Act and generally to carry out the purposes 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 management of the property of the Council;
- (b) the maintenance and audit of the accounts of the Council;
- (c) the resignation of members;
- (d) the rules of procedure for the transaction of business of the Council and its committees;
- (e) the procedure for appointing Committees, their functions and duties;
- (f) the qualifications, procedure for appointment of inspectors and their powers and duties;
- (g) the courses and period of study or of training, to be undertaken, the subjects of examination and standards of proficiency therein to be obtained in any university or in any institution for grant of recognised physiotherapy qualification;
- (h) the standards of staff, equipment, accommodation, training and other facilities for study or training of the physiotherapists;
- (i) the conduct of examinations, qualifications of examiners and the conditions of the admission to such examinations;

- (j) the standards of professional conduct and etiquette and code of ethics to be observed by physiotherapists under section 33;
 - (k) the manner in which and the conditions subject to which an appeal may be preferred under section 45;
 - (l) the fees to be paid on applications and appeals under this Act; and
 - (m) any other matter which is to be, or may be, made by regulation.
- (3) The Government may, by notification, rescind or modify any regulation made under this section and thereupon, the regulation shall cease to have effect or be modified accordingly.

STATEMENT OF OBJECTS AND REASONS

An act to provide for the constitution of the Punjab Physiotherapy Council for the purpose of co-ordination and determination of standards of education in the field of physiotherapy and for the maintenance of register of Physiotherapists for the State of Punjab and for the matter connected therewith or incidental thereto.

All Physiotherapy Colleges shall be affiliated to "Punjab Physiotherapy Council". This council shall give permission to open new Physiotherapy Colleges, recognize qualification, inspection of colleges and check professional conduct of colleges and if anything illegal, false or wrong is found Council can withdraw recognition. All the Physiotherapists shall be registered under this act for giving better services to public. Unregistered Physiotherapists will not be allowed to practice in the State of Punjab.

ANIL JOSHI,
Minister for Medical Education
and Research, Punjab

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 54 of the Punjab Physiotherapy Council Bill, 2016 empowers to the State Government to make rules to carry out the purposes of this Act. The powers sought are necessary for the proper implementation of the provisions of the Act and are normal in nature.

CHANDIGARH :
The 18th March, 2016.

SHASHI LAKHANPAL MISHRA,
Secretary.

N.B.— The above Bill was published in the *Punjab Government Gazette (Extraordinary)*, dated the 18th March, 2016 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).