



The Delhi Council for Physiotherapy and Occupational Therapy Act, 1997

Act 7 of 1997

Keyword(s):

Medical Laboratory, Medical Treatment, Modern Medicine, Physiotherapy Establishment, Private Medical Care Establishment

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**DEPARTMENT OF LAW, JUSTICE AND LEGISLATIVE AFFAIRS
NOTIFICATION**

Delhi, the 3rd October, 1997

No. F. 13(7)/97-L.A.—The following Act of Legislative Assembly received the assent of the Lt. Governor of Delhi, on the 28th September, 1997 and is hereby published for general information :—

**THE DELHI COUNCIL FOR PHYSIOTHERAPY
AND OCCUPATIONAL THERAPY ACT, 1997**

(Delhi Act No. 7 of 1997)

Dated 3-10-97

(As passed by the Legislative Assembly of the National Capital Territory of Delhi)

AN

ACT

to provide for the constitution of the Delhi Council for Physiotherapy and Occupational Therapy for the purpose of coordination and determination of standards of education in the field of physiotherapy and occupational therapy, and for the maintenance of a Delhi Register of Physiotherapists and Occupational Therapists in the National Capital Territory of Delhi and for matters connected therewith or incidental thereto.

BE it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Forty-eighth Year of the Republic of India as follows :—

**CHAPTER I
PRELIMINARY**

1. Short title, extent and commencement.—(1) This Act may be called the Delhi Council for Physiotherapy and Occupational Therapy Act, 1997.

(2) It extends to the whole of the National Capital Territory of Delhi

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint :

Provided that different dates may be appointed for different provisions of this Act and reference in any such provision to the commencement to this Act shall be construed as a reference to the coming into force of that provisions.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

- (1) "Council" means the Delhi Council of Physiotherapy and Occupational Therapy constituted under section 3 ;
- (2) "Delhi" means the National Capital Territory of Delhi ;
- (3) "Government" means the Government of the National Capital Territory of Delhi ;
- (4) "Inspector" means an Inspector appointed by the Council ;
- (5) "institution" means any institution within or outside India which grants degree, diplomas or licences in Physiotherapy or Occupational Therapy as the case may be ;
- (6) "Lieutenant Governor" means the Administrator of the National Capital Territory of Delhi appointed by the President under article 239 read with article 239 AA of the Constitution ;
- (7) "member" means a member registered with the Council ;
- (8) "occupational therapist" means a person who possesses recognised occupational therapy qualification and whose name has been enrolled or deemed to be enrolled in the Delhi Register of Occupational Therapists ;
- (9) "occupational therapy" means the application of purposeful, goal-oriented activity through latest technology with computerised system and the like in the evaluation, diagnosis, and or treatment of persons whose function is impaired by physical illness or injury, emotional disorder, congenital or developmental disability, or the aging process, in order to achieve optimum functioning, to prevent disability, and to maintain health. Specific occupational therapy services include but are not limited to, education and training in activities of daily living (ADL) : the design fabrication and application of or those (splints) : guidance in the selection and use of adaptive equipment, therapeutic activities to enhance functional performances ; provocational evaluation and training and consultation concerning the adaptation of physical environments for the handicapped. These services may be provided to individuals or groups and to both in-patients and out-patients ;
- (10) "physiotherapist" means a person who possesses recognised physiotherapy qualifications and whose name has been enrolled or deemed to have been enrolled in the Delhi Register of Physiotherapists ;
- (11) "physiotherapy" means physiotherapeutic system of medicine which includes examination, treatment, advice and instructions to any person preparatory to or for the purpose of or in connection with movement dysfunction, bodily malfunction, physical disorder, disability, healing and pain from trauma and disease, physical and mental conditions using physical agents including exercises, mobilisation, manipulation, mechanical and electrotherapy, activity and devices or diagnosis, treatment and prevention ;
- (12) "prescribed" means prescribed by rules made by the Government under this Act ;
- (13) "President" means the President of the Council ;
- (14) "profession" means the profession of physiotherapy or occupational therapy, as the case may be ;
- (15) "recognised physiotherapy qualification" or "recognised occupational therapy qualification" means qualification in physiotherapy or occupational therapy, as the case may be, included in the Schedule ;
- (16) "Register" means the Register of physiotherapists or the Register of Occupational Therapists, as the case may be, maintained by the Council ;
- (17) "registered practitioner" means a physiotherapist or occupational therapist, as the case may be, whose name is entered and continues to remain on the Register of the Council ;
- (18) "regulation" means a regulation made by the Council under this Act by notification in the official Gazette ;
- (19) "rule" means a rule made by the Government under this Act by notification in the Official Gazette ;
- (20) "Secretary" means the Secretary of the Council, appointed under sub-section (1) of section 15 ;
- (21) "Schedule" means the Schedule to this Act ;
- (22) "section" means a section of this Act ;
- (23) "Vice-President" means a Vice President of the Council ;
- (24) "Visitor" means the Visitor appointed by the Council.

CHAPTER I

THE DELHI COUNCIL FOR PHYSIOTHERAPY AND
OCCUPATIONAL THERAPY

3. Constitution and composition of the Council.—(1) The Government shall, as soon as may be, after the commencement of this Act, constitute a Council called the Delhi Council for Physiotherapy and Occupational Therapy, consisting of the following members, namely:—

- (a) six members from physiotherapists to be elected from amongst the registered practitioners enrolled in the Register of physiotherapists;
- (b) six members from occupational therapists to be elected from amongst the registered practitioners enrolled in the Register of Occupational Therapists;
- (c) one physiotherapist from the recognised teaching institutions in Delhi to be nominated by the Government;
- (d) one occupational therapist from the recognised teaching institutions to be nominated by the Government;
- (e) one person from the field of Physiotherapy and one person from the field of Occupational Therapy to be nominated by the Government;
- (f) one member of the Legislative Assembly of Delhi to be nominated by the Speaker;
- (g) one member from the Delhi Medical Council to be nominated by the Government;
- (h) The Director, Health Services or the administrative secretary (Health & Family Welfare) of the Government nominated by the Government;

Provided that the election of the members referred to in clauses (a) and (b) above shall be held at such time and at such place and in such manner as may be prescribed.

- (2) Notwithstanding anything contained in sub-section (1)—
- (a) in respect of the constitution of the Council for the first time under this Act, the members thereof including the President and the two Vice Presidents as mentioned in section 6, shall be nominated by the Government from amongst persons qualified to be elected or nominated as members of the respective category; and
- (b) the members so nominated shall hold office for such period not exceeding five years in the aggregate as the Government may, by notification in the official Gazette, specify.

4. Incorporation of the Council.—The Council shall be body corporate by the name of the Delhi Council for Physiotherapy and Occupational Therapy having perpetual succession and a common seal with power to acquire, hold and dispose of property both movable and immovable and shall by the said name sue and be sued.

5. Functions of the Council.—The functions of the Council shall be—

- (a) to coordinate and determine the standards of physiotherapy and occupational therapy education at all levels;
- (b) to regulate the practice of the profession by persons possessing recognised physiotherapy or occupational therapy qualification;
- (c) to maintain the Registers of physiotherapists and occupational therapists for Delhi;
- (d) to advise the Government in matters relating to the requirements of manpower in the field of physiotherapy and occupational therapy;
- (e) to assist the Government in regard to continuing education of registered physiotherapists and occupational therapists.

6. President and vice-President of the Council.—(1) There shall be President who shall be elected by the members of the Council from amongst themselves. He shall, subject to the provisions of this Act, hold office for a term of five years from the date he enters upon his office.

(2) There shall be two Vice-Presidents, one representing physiotherapists and another representing occupational therapists, to be known as Vice-President (Physiotherapy) and Vice-President (occupational Therapists) respectively elected by the members of the Council from among themselves. Subject to the provisions of this Act, each of them shall hold office for a term of five years from the date of his election.

(3) A person who holds, or who has held, office as President or Vice-President, as the case may be, shall, subject to the other provisions of this Act, be eligible for re-election to that office.

7. **Mode of election.**—Elections under this chapter shall be conducted in the prescribed manner, and where any dispute arises regarding any such election, it shall be referred to the Government whose decision shall be final.

8. **Term of office/and filling up of casual vacancies.**—(1) subject to the provisions of this section, an elected or nominated member shall hold office for a term of five years from the date of his election or nomination, as the case may be :
Provided that the member nominated under section 3 shall hold office during the pleasure of the Government.

(2) An elected or nominated member may, at any time, resign his membership by writing under his hand addressed to the President and the seat of such member shall, from the date on which such communication is received by the President, become vacant.

(3) An elected or nominated member shall be deemed to have vacated his seat—

- (i) if he is absent without the permission of the Council from its three consecutive ordinary meetings and his seat is declared vacant by the Council; or
- (ii) in the case of a member whose name is required to be included in the Register of Physio-therapists or Register of Occupational Therapists, as the case may be, if his name is removed from such register; or
- (iii) if he ceases to be a member of the Council; or
- (iii) if he becomes subject to any of the disqualifications mentioned in section 9.

(4) Any vacancy occurring in the office of any member, on account of any reason whatsoever, shall be filled by fresh election or nomination, as the case may be, and the person so elected or nominated shall hold office, subject to the provisions of sub-section (1), for the remainder of the term for which the member was elected or nominated, as the case may be.

(5) If a vacancy occurs in the office of the President or any of the Vice Presidents, whether by reason of his death, resignation or otherwise, it shall be filled by fresh election by and from amongst the members of the Council.

(6) Members of the Council shall be eligible for re-election or re-nomination but no member shall be eligible for re-election or re-nomination if he has been a member for ten years continuously.

(7) Where the said term of five years is about to expire in respect of any member, a successor may be elected or nominated at any time within three months before the said term expires but he shall not assume office until the said term has expired.

9. **Disqualification.**—No one shall be a member if—

- (a) he is, or becomes, of unsound mind and stands so declared by a competent court; or
- (b) he is, or has been, convicted of any offence involving moral turpitude, which, in the opinion of the Government renders him unfit to be a member of the Council;
- (c) he is, or at any time has been, adjudicated as undischarged insolvent; or
- (d) his name has been removed from the Register and has not been re-entered therein; or
- (e) he is a whole-time officer or servant of the Council.

10. **Physiotherapy Cell.**—(1) The Council shall have a Physiotherapy Cell to be headed by the Vice-president (Physiotherapy) referred to in sub-section (2) of section 6 and shall include,—

- (a) two physiotherapists from among the members referred to in clause (a) of section 3; and
- (b) the members referred to in clauses (c), (e) and (g) of section 3.

(2) The Secretary shall assist the 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 matter related to Physiotherapy and Physiotherapists within the competence of the Council.

11. **Occupational Therapy Cell.**—(1) The Council shall have an Occupational Therapy Cell to be headed by the Vice President (Occupational Therapy) referred to in sub-section (2) of section 6 and shall include,—

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- (a) two occupational therapists from amongst the members referred to in clause (b) of section 3; and
 - (b) the member referred to in clauses (d), (e) and (g) of section 3.
- (2) The Secretary shall assist the Cell in its activities to carry out its objectives.

(3) Subject to the superintendence, direction and control of the Council the Occupational Therapy Cell shall be responsible for and competent to deal with all matters related to occupational therapy and occupational therapists within the competence of the Council.

12. **Meetings of the Council.**—(1) the Council shall meet atleast once a year at such time and place as may be appointed by the Council:

Provided that the first meeting of the Council shall be held at such time and place as may be appointed by the President.

(2) Eight members (including the President and Vice President) shall form a quorum. When a quorum is required and is not present, the presiding authority shall, after waiting for not less than thirty minutes for such quorum, adjourn the meeting to such hour or some future day as it may notify on the notice board at the office of the Council; and the business which would have been brought before the original meeting had there been a quorum present, shall be brought before the adjourned meeting, and may be disposed of at such meeting or any subsequent adjournment thereof, whether there be a quorum present or not.

(3) Atleast fifteen clear days' notice, in writing, alongwith agenda proposed to be considered at a meeting of the Council, shall be given to the members for holding an ordinary meeting.

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

(5) An extra-ordinary meeting of the Council shall be convened if a requisition in writing by not less than one-fifth of the total number of members of the Council is made to the Secretary :

Provided that such a meeting shall be convened within seven clear days from the date the requisition is received by the secretary.

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.

13. **Proceedings of meetings.**—(1) The proceedings of every meeting of the Council shall be treated as confidential and no person shall, without the previous resolution of the Council, disclose any portion thereof :

Provided that nothing in this section shall be deemed to prohibit any person from disclosing or publishing the text of any resolution adopted by the Council, unless the Council directs such resolution also to be treated as confidential.

(2) A copy of the proceedings of every meeting of the Council shall, within fifteen days from the date of the meeting, be forwarded to the Government or any other authority appointed by it on its behalf.

14. **Vacancies, etc. not to invalidate proceedings of the Council.**— No act or proceeding of the Council shall be invalid merely by reason of,—

- (a) any vacancy in, 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; and
- (c) any irregularity in the procedure of the Council not affecting the merits of the case.

15. **Appointment of Officers and employees of the Council.**—(1) The Council shall, with the previous sanction of the Government, appoint a Registrar and or a Deputy Registrar. He shall be a qualified medical graduate as prescribed in schedules I, II, and III of the Indian Medical Council Act, 1956 (102 of 1956).

(2) The Executive Committee may, from time to time, grant leave to the Registrar :

Provided that, if the period of leave does not exceed one month, the leave may be granted by the President.

(3) During any temporary vacancy in the office of the Registrar due to leave or any other reason, the Deputy Registrar shall be appointed.

shall act as Registrar. In case of non-availability of Registrar and Deputy Registrar, the Executive Committee may, with the previous sanction of the Government, appoint another person to act in his place, and any person so appointed shall, for the period of such appointment, be deemed to be the Registrar for the purposes of this Act:

Provided that when the period of such vacancy does not exceed one month, the appointment may be made by the President, who shall forth-with report such appointment to the Executive Committee, and the Government.

- (4) The Council shall adopt the Central Civil Services Rules *mutatis mutandis*.
- (5) The Council may, with the previous sanction of the Government suspend, dismiss or remove any person appointed as the Registrar, or impose any other penalty upon him in the manner as may be prescribed.
- (6) Save as otherwise provided by this Act, the salary and allowances and other conditions of service of the Registrar shall be such as may be prescribed.
- (7) The Registrar shall be the Secretary and the Executive Officer of the Council. He shall attend all meetings of the Council and of its Executive Committee, and shall keep minutes of the meetings and names of members present and of the proceedings of such meetings.
- (8) The accounts of the Council shall be kept by the Registrar, in the prescribed manner.
- (9) The Registrar shall have such supervisory powers over the staff as may be prescribed, and may perform such duties and discharge such other functions as may be specified in this Act, or as may be prescribed.
- (10) The Registrar shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

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

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

- (a) The President of the Council;
 - (b) The two Vice-Presidents of the Council;
 - (c) Two members of the Council, one representing Physiotherapists and another representing Occupational Therapists, nominated by the President of the Council;
 - (d) The Director of Health Services of the Government or his nominee;
 - (e) one member of the Legislative Assembly of Delhi, to be nominated by the speaker;
 - (f) The member representing the Medical Council of Delhi.
- (3) The President and the Vice-Presidents of the Council shall be the Chairman and Vice-Chairmen 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 subjects his being a member of the Council, he shall be eligible for renomination.
- (5) A member may resign his membership of the Committee by writing under his hand addressed to the President of the 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.

17. Equivalence and Registration Committee.— (1) There shall be two Committees separately for the purpose of recommending the recognition of degrees and diplomas granted by institutions imparting training in Physiotherapy and Occupational Therapy and to consider matters relating to registration of physiotherapists and occupational therapists respectively. The recommendations of these committees shall be subject to approval by the Executive Committee and the Council, as otherwise provided in this Act.

(2) The Vice President concerned with the subject matter shall be the Chairman of each such Committee. There shall be five other members nominated by the President of the Council from among the members of the Council, representing physiotherapists and specialists in different branches of Physiotherapy or occupational Therapy, as the case may be.

CHAPTER III

FUNCTIONS OF THE COUNCIL

18. Prior permission for establishment of new institutions, new course of study, etc. (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 or occupational therapy qualifications; or
 - (ii) increase its admission capacity in any course of study or training (including a postgraduate course of study or training),

except with the previous permission of the Government obtained in accordance with the provisions of this section.

Explanation 1.—For the purposes of this section "person" includes any University or a Trust or a Society or an institution but does not include the Central Government or the Government.

Explanation 2.—For the purposes of this section "admission capacity" in relation to any course of study or training (including post-graduate course of study or training) in an institution means the maximum number of students that may be fixed by the Council from time to time for being admitted to such course or training.

- (2) (a) Every person or institution shall, for the purpose of obtaining permission under sub-section (1) submit to the Government a scheme in accordance with the provisions of clause (b) and the Government shall refer the scheme to the Council for its recommendations.
- (b) The scheme referred to in clause (a) shall be in such form and contain such particulars and be prepared in such manner and be accompanied with such fee as may be prescribed.
- (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 (7) 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 (7), 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 this 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) Where, within a period of one year from the date of submission of the scheme to the Government under sub-section (2), no order has been communicated to the person or institution submitting the scheme, such scheme shall be deemed to have been approved by the Government in the form in which it had been submitted, and accordingly, the permission of the Government required under sub-section (1) shall also be deemed to have been granted.

(6) In computing the time limit specified in sub-section (5), the time taken by the person or institution concerned submitting the scheme, in furnishing any particulars called for by the Council, or by the Government, shall be excluded.

(7) 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 be 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 prescribed by the Council under section 26;
- (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 or would be 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 of study or training by persons having the recognised physiotherapy or occupational therapy qualifications, as the case may be;
- (e) whether necessary arrangement has been made or programme drawn to meet the requirement of manpower in the field of practice of physiotherapy or occupational therapy, as the case may be; and
- (f) any other factors as may be prescribed.

(8) where 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.

19. **Non-recognition of qualifications in certain cases.**—(1) Where any institution is established except with the previous permission of the Government in accordance with the provisions of section 18, no physiotherapy or occupational therapy qualification granted to any student of such institution shall be a recognised qualification 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) except with the previous permission of the Government in accordance with the provisions of section 18, no qualification granted to any student of such institution on the basis of such study or training shall be a recognised qualification for the purposes of this Act.

(3) Where any institution increases its admission capacity in any course of study or training except with the previous permission of the Government in accordance with the provisions of section 18, no physiotherapy or occupational therapy qualification granted to any student of such institution on the basis of the increase in its admission capacity shall be recognised physiotherapy or occupational therapy qualification for the purpose of this Act.

Explanation.—For the purposes of this section, the criteria for identifying a student who has been granted a physiotherapy or occupational therapy qualification on the basis of such increase in the admission capacity shall be such as may be prescribed.

20. **Time for seeking permission for certain existing institution, etc.**—(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 18.

(2) If any person or institution as the case may be, fails to seek the permission under sub-section (1) the provisions of section 18 shall apply, so far as may be, as if permission of the Government under section 18 has been refused.

21. **Recognition of qualifications granted by Universities, etc. in India for Physiotherapy or Occupational Therapy professionals.**—(1) The qualifications granted by any university or other institution in the country which are included in the schedule shall be the recognised qualifications for Physiotherapy, Occupational Therapy Professionals, Physiotherapists and Occupational Therapists.

(2) Any University or other institution which grants qualification for the physiotherapy or occupational therapy professionals 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 so as to include such qualification therein and any such notification may also direct that an entry shall be made in the last column of the schedule against such qualification only when granted after a specified date.

22. **Effect of recognition.**—(1) Notwithstanding anything contained in any other law and subject to the other provisions contained in this Act, any physiotherapy or occupational therapy qualification included in the schedule shall be sufficient qualification for enrollment on the Register of Physio-therapists or the Register of Occupational Therapists, as the case may be.

(2) No person shall, after the date of the commencement of this Act, be entitled to be enrolled in the Register as Physiotherapists or Occupational Therapist 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 :

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 respective Equivalence and Registration Committee 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) citizen of India holding a qualification which entitles him to be registered with any Council of Physiotherapy or Occupational Therapy in any foreign country, may, with the approval of the Council, be enrolled as a physio-therapist or occupational therapist, as the case may be.

(b) a person not being a citizen of India who is employed as a physiotherapist or occupational therapist (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 the practice by such person shall be limited to the hospital or institution to which he is attached :

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

23. **Power to require information as to courses of study and training and examinations.**— Every authority or institution in Delhi which grants any recognised qualification or a recognised higher qualification shall furnish such information as the Council may, from time to time, require as to the courses of study and training and examination to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and generally as to the requisites for obtaining such qualification.

24. **Inspections.**—(1) The Executive Committee may, subject to regulations, if any, appoint such number of Inspectors as it deems necessary to inspect any institution where education or training in physiotherapy or occupational therapy is given, or to attend any examination held for the purpose of granting any recognised qualification or recognised higher qualification.

(2) The Inspectors appointed under this section shall not interfere with the course of any examination but they shall report to the Executive Committee on the sufficiency of every examination at which they attend and of the courses of study and training at every institution which they inspect, and on any other matters with regard to which the Executive Committee may require them to report.

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

25. **Withdrawal of recognition.**—(1) When upon report by the Executive Committee, it appears to the Council —

(a) that the courses of study and examination to be undergone in or the proficiency required from candidates at any examination held by any authority or institution ; or

(b) that the staff, equipment, accommodation, training and other training provided in such institution.

do not conform to the standard prescribed by the Council, the Council shall make a representation to that effect to the Government.

(2) After considering such representation, the Government shall forward it alongwith such remarks as it may choose to make to the authority or institution with an intimation of the period within which the authority or institution may submit its explanation to the Government.

(3) On the receipt of the explanation or where no explanation is submitted within the period filed, then on the expiry of that period, the Government may, after making such further inquiry, if any, as it thinks fit, by notification in the official Gazette, direct that an entry shall be made in the first or second schedule, as the case may be, against the said qualification declaring that it shall be a recognised qualification only when granted before a specified date or that the said qualification if granted to students of a specified institution shall be recognised physiotherapy or occupational therapy qualification only when granted before a specified date or as the case may be, that the said qualification shall be recognised qualification in relation to specified institution affiliated to any authority only when granted after a specified date.

26. Prescription of standards of education in Physiotherapy and Occupational Therapy.—(1) The Council may prescribe the minimum standards of education in physiotherapy and occupational therapy required for granting recognised qualifications in Delhi.

(2) Copies of the draft regulations and of all subsequent draft amendments thereof shall be sent by the Council to the Government.

(3) In particular, and without prejudice to the generality of the foregoing power, the regulations may prescribe —

(a) the nature and period of study and of practical training to be undertaken before admission to an examination ;

(b) the equipment and facilities to be provided for students undergoing approved courses of study ;

(c) the subjects of examination and standards therein to be attained ;

(d) any other conditions of admission to examinations.

(4) The regulations shall be published in the official Gazette and in such manner as the Council may direct.

(5) The Executive Committee shall, from time to time, report to the Council on the efficacy of these regulations and may recommend to the Council such amendments thereof as it may think fit.

27. Renewal of registration.— Every enrollment of a person as a physiotherapist or occupational therapist made in the Register shall remain in force for a period of five years and may be renewed from time to time for a period of five years on an application being made by him in such form, in such manner, within such period and on payment of such fees as may be prescribed.

28. Professional conduct.— (1) The Council may by regulations prescribe standards of professional conduct and etiquette and a code of ethics for physiotherapists and occupational therapists.

(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 enquiry as it thinks fit, recommends that the name of any person enrolled in the Register of Physiotherapists or Register of Occupational Therapists be removed therefrom, it shall report to the Council and the Council shall after such enquiry as it may deem fit, by order, direct the removal of the name of such person from the said 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.

(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 orders which shall be final and binding.

29. Information to be furnished.—The Council shall furnish such reports, copies of its minutes, abstracts of its accounts, and other information to the Government as may be prescribed.

CHAPTER IV FINANCE, ACCOUNTS AND AUDIT

30. **Payment to the Council.**— The Government may, after due appropriation, made by the Legislative Assembly of Delhi, by law in this behalf, pay to the Council in each financial year such sums as it may consider necessary for the performance of functions of the Council under this Act.

31. **Funds of the Council.**— (1) The Council shall have its own Fund; 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 for inspection of institutions, and any sums received from any authority or person) shall be credited to the Fund and all payments by the Council shall be made therefrom.

(2) All moneys belonging to the Fund shall be deposited in such nationalised banks or invested in such manner as may be decided by the Council.

(3) The 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 under this Act.

32. **Budget.**— The 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 Government.

33. **Annual Report.**— 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.

34. **Accounts and audit.**— (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, in consultation with the Comptroller and Auditor General of India, require to be prepared.

(2) The 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 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 Government and the Government shall cause the same to be laid before the Legislative Assembly of Delhi.

CHAPTER V REGISTRATION

35. **Persons entitled to registration.**—(1) Every person possessing the qualifications as a physiotherapist or occupational therapist mentioned in the Schedule, shall, subject to the provision contained in this Act and payment of such fees as may be prescribed in this behalf, be entitled to have his name entered in the register, as the case may be, subject to such conditions as the Council may prescribe.

(2) Every person applying for registration as physiotherapist or occupational therapist shall in his application make a declaration that he is in full time practice of physiotherapy or occupational therapy, as the case may be, and not engaged in any other trade or business or profession. He shall further undertake that if, after registration he takes up or is engaged in some other profession or business, he shall forthwith inform the Council of such service or employment or engagement and shall cease to practise as physiotherapist or occupational therapist, as the case may be. His name shall be deleted from the Register.

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

(4) The application for registration shall be submitted to the secretary, who shall after scrutiny, place it before the concerned Cell in the next meeting for its recommendation and thereafter before the Council, with the recommendation of the Cell.

(5) The Council may require any candidate to appear before it in support of any statement made by him in his application to furnish such other particulars as may be required.

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

- (a) any person objecting to the registration; or
- (b) the applicant for registration.

(7) If after the scrutiny of the papers and consideration of objections, if any, to the registration, 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.

36. **Withdrawal of application.**— Where a person who after submitting applications for registration applies for withdrawal or his registration is refused, he shall be refunded the application fee after deducting one hundred rupees towards administrative expenses of the office.

37. **Certificate of registration.**— When the application for registration is accepted, a certificate of registration shall be made out in the prescribed form.

38. **Renewal of registration.**— Any person desirous of getting renewal of his registration shall submit an application to the Council in the prescribed form alongwith the prescribed fee.

39. **Removal of names from the Register.**— The Council may order that the name of any practitioner who has been convicted of a cognisable offence as defined by the Code of Criminal Procedure, 1973 (2 of 1974), or has been found guilty of professional misconduct after due enquiry, be removed from the register.

40. **Appeal against order of removal from the Register.**— (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 and occupational therapist's qualifications, he may appeal, in the prescribed manner and subject to such conditions, including conditions as to the payment of fees as may be prescribed to the Government whose decision thereon shall be final.

(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 order under section 39:

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

41. **Rights and privileges of the registered members.**— No person, other than the physiotherapist or the occupational therapist who possesses recognised physiotherapy or occupational therapy qualification and is enrolled on the Register of physiotherapists or the Register of Occupational Therapists, as the case may be, of the Council —

- (a) shall hold office as physiotherapist or occupational therapist of any such office (by whatever designation called) in the Government or in any institution maintained by a local or other authority;
- (b) shall practise physiotherapy or occupational therapy, if he is a physiotherapist or occupational therapist, as the case may be, anywhere in Delhi and recover in respect of such practice any expenses or fees to which he may be entitled;
- (c) shall be entitled to sign or authenticate any certificate required by any law to be signed or authenticated by a physiotherapist or an occupational therapist, as the case may be;
- (d) shall 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 occupational therapy; as the case may be.

**CHAPTER VI
OFFENCES AND PENALTY**

42. **Conferring, granting or issuing post-graduate diploma licence, etc., by unauthorised person or institution.**— No person other than an institution recognised or authorised under this Act shall confer, grant or issue or hold itself entitled to confer, grant, or issue any degree, diploma, licence, certificate or other document stating or implying that the grantee or recipient is qualified to practise the physiotherapy or occupational therapy, as the case may be.

43. **Penalty for falsely claiming to be registered.**— If any person whose name is not for the time being entered on the Register, falsely represents that he is so entered, or uses in connection with his 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 five thousand rupees, and on any subsequent conviction with imprisonment which may extend to six months or with fine which may extend to ten thousand rupees, or with both.

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44. **Misuse of title.**— If any person -

- (a) not being a person registered in a Register of physiotherapists or Register of Occupational Therapists, takes or uses the description of physiotherapy or occupational therapy practitioner, physiotherapist or occupational therapist or consultant in physiotherapy or occupational therapy, or
- (b) not possessing a recognised physiotherapy or occupational therapy qualification, uses a degree or a diploma or an abbreviation indicating or implying a physiotherapy or occupational therapy qualification,

he shall be punishable, on first conviction, with fine which may extend to five thousand rupees, and on any subsequent conviction with imprisonment which may extend to one year or with fine which may extend to ten thousand rupees, or with both.

45. **Failure to surrender certificate of registration.**—If any person whose name has been removed from the Register fails without sufficient cause, forthwith to surrender his certification of registration or certificate of renewal or both on conviction be punishable with fine which may extend to five hundred rupees per month of such failure.

46. **Cognisance of offences.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (1974), no Court shall take cognisance of an offence punishable under this Act except upon a complaint, in writing, made by a person authorised in this behalf by the Council.

CHAPTER VII MISCELLANEOUS

47. **Directions by the Government.**—(1) The Council shall carry out such directions as may be issued from time to time by the Government for the efficient administration of this Act.

(2) If in connection with the exercise of its authority and in the discharge of its functions by the Council under this Act, any dispute arises between the Council and the Government, the decision of the Government on such dispute shall be final.

48. **Power to supersede the Council.**—If the Government is of the opinion that the Council is unable to perform its duties or has persistently made default in the performance of, the duty imposed on it by or under this Act, or has exceeded or abused its powers, or has willfully or without sufficient cause failed to comply with any direction issued by the Government under section 47, the Government may, by notification in the official Gazette, supersede the Council for such period as may be specified in the notification:

Provided that before issuing a notification under this sub-section, the Government shall give a reasonable time to the Council to show cause why it should not be superseded and shall consider the explanation and objections, if any, of the Council.

(2) Upon the publication of a notification under sub-section (1) superseding the Council, —

(a) all the members of the Council shall, notwithstanding that their term of office had not expired, as from the date of supersession, vacate their offices as such members;

(b) all the powers and duties which may, by or under the provisions of this Act, be exercised or performed by or on behalf of the Council shall, during the period of supersession, be exercised and performed by such person or persons as the Government may direct:

(c) all property vested in the Council shall, during the period of supersession, vest in the Government;

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1) the Government may—

(a) extend the period of supersession for such further period as it may consider necessary; or

(b) reconstitute the Council in the manner provided.

49. **Protection of action taken in good faith.**—No suit, prosecution or other legal proceeding shall lie against the Government, Council, President, members, Secretary or any officer or other employee of the Council for anything which is done or intended to be done in good faith under this Act.

50. **Power to make rules.**—(1) The Government may, by notification in the official Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act. Such rules may be made to provide for all or any matters expressly required or allowed by this Act to be prescribed by 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 management of the property of the Council, and the maintenance and audit of account;
 - (b) the manner in which the President and the two Vice Presidents of the Council and elected members representing physiotherapists and occupational therapists are to be elected;
 - (c) the summoning and holding of meetings of the Councils, the time and places at which such meetings shall be held, the conduct of business thereat and the number of members necessary to form a quorum;
 - (d) the powers and duties of the President and Vice Presidents of the Councils;
 - (e) procedure for appointment of Registrar, Deputy Registrar and other staff of the Council including the pay scales and other service conditions;
 - (f) the powers and duties of the Executive Committee, the summoning and holding of meetings thereof, the times and places at which such meetings shall be held;
 - (g) the term of office and the powers and duties of the Secretary and other officers and servants of the Council;
 - (h) the form and other particulars of the scheme for establishing new institutions, new courses of study etc.
 - (i) procedures for determining the admission capacity for courses of physiotherapy and occupational therapy;
 - (j) the system for conducting a screening test or any other test or examination;
 - (k) procedure for renewal of registration under Section 27;
 - (l) procedure for filing appeal to the Government against any order of the Council;
 - (m) the manner in which the Council shall furnish information to the Government, the format of the annual report and the form in which the budget would be prepared;
 - (n) procedure for seeking registration including the fee to be paid, format of the certificate of registration, manner in which the name of a practitioner may be removed from the Register, etc.;
 - (o) any other matter which is to be or may be prescribed under this Act;
- (3) Every rule made by the Government under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of Delhi.

51. Power to make regulations.—(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 rule 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 regulation 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 registration of members of the Council;
- (d) the rules of procedure for the transaction of business of the Council and its committees;
- (e) the procedure for appoints Committees, their functions and duties;
- (f) the qualifications, procedure for appointment of Inspectors and Visitors, their power 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 institutions for grant of recognised physiotherapists or occupational therapists qualification;
- (h) the standards of staff, equipment, accommodation, training and other facilities for study or training of the physiotherapists or occupational therapists;
- (i) the conduct of examinations, qualifications of examiners and the conditions of the admission to such examinations;

- (j) the standard of professional conduct and etiquette and code of ethics to be observed by physiotherapists and occupational therapists professionals under section 28;
 - (k) the manner in which and the conditions subject to which an appeal may be preferred under section 40;
 - (l) the fees to be paid on applications and appeals under this Act;
 - (m) any other matter which is to be, or may be, prescribed.
- (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.

52. **Power to remove difficulties.**—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the official Gazette, make such provisions not inconsistent such provisions of this Act as may appear to be necessary for removing the difficulty :

Provided that no order shall be made under this section after the expiry 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 the Legislative Assembly of Delhi.

53. **Laying of Rules, Regulations and Orders before the Legislative Assembly.**—Every rule made under section 50, every regulation made under section 51, and every order made under section 52, of this Act, shall be laid, as soon as may be after it is made before the House of the Legislative Assembly of Delhi. 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, or the successive sessions aforesaid, the House agrees in making any modifications in the rule or regulation or order, the rule or regulation or order 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 or order.

SCHEDULE

(Please refer to Section 25)

Name of College/ School	Name of University	Degree/Diploma
1	2	3
School of Physiotherapy KEM Hospital, Parel Bombay— 400012	Bombay University	B. Sc. Hon P.T. B. Sc. Hon (O. T.)
School of Physiotherapy B. Y. L. Nair Byculla, Bombay	—	B. Sc. Hon (P. T.)
Physical Therapy Teaching & Treatment Centre, LTMM College & LTMG Hospital, Sion, Bombay—40022	—	B. Sc. Hon (P. T.)
Physiotherapy School & Centre, Govt. Medical College, Nagpur 440003	Nagpur University	B. Ph. T B. O. T.

Part IV]

1	2	3
School of Physiotherapy Govt General Hospital Banda 39002	M. S. University	B. Physio proposal for 4 yrs + 6 months
School of Physiotherapy Govt General Hospital Banda	M. G. R. University	B. P. T.
School of Physiotherapy Jain Medical College 1 Hosp. IDA Scudder Road, Delhi (F. A.) 632004	—	B. P. T.
College of Physiotherapy Banda Mellagu Parai, Tuchirapalli, T. N.	—	—
Institute for Physiotherapy Handicapped. Wishnu Digamber Marg, Delhi-110003	Delhi University	B. Sc. Hon (P. T.) (Diploma till (1991)
National Institute for Orthopaedicopathy Handicapped Bon Hooghly BFI Road Calcutta-700090	Calcutta University	B. P. T./B. O. T.
National Institute of Training & Research Olatpur, Catak, Orissa-754010	UTKAL University	B. P. T./B. O. T.
School of Physiotherapy CHANDIGARH		B. Ph. Th

R. T. L. D'SOUZA, Under Secy.

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