

Chhattisgarh Council for Physiotherapy and Occupational Therapy Act, 2015

CHHATTISGARH

India

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Act 4 of 2016

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Chhattisgarh Council for Physiotherapy and Occupational Therapy Act, 2015(Act No. 4 of 2016)Last Updated 20th September, 2019[Received the assent of the Governor on the 7th January, 2016; assent first published in the Chhattisgarh Rajpatra (Asadharan), dated the 15th January, 2016.]An Act to provide for the establishment of the Chhattisgarh Council for Physiotherapy and Occupational Therapy for the purpose of coordination and determination of standards of education and of practice in the field of Physiotherapy and Occupational Therapy, for the maintenance of a register of Physiotherapists and Occupational Therapists in the State, and for matters connected therewith or incidental thereto.Be it enacted by the Chhattisgarh Legislature in the Sixty-sixth Year of the Republic of India, as follows :-Chapter-I Preliminary

1. Short title, extent and commencement.

(1)This Act may be called the Chhattisgarh Council for Physiotherapy and Occupational Therapy Act, 2015.(2)It extends to the whole State of Chhattisgarh.(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 different provisions of this Act.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Council" means the Chhattisgarh Council for Physiotherapy and Occupational Therapy constituted under Section 3;(b)"Government" means the Government of Chhattisgarh;(c)"Institution" means any institution recognised by the State Government or the Council, within or outside India, which grants Graduation Degree, Post Graduation Degree or Ph.D. in Physiotherapy or Occupational Therapy, as the case may be;(d)"Occupational Therapist" means a person who possess recognised Occupational Therapy

qualification and whose name has been enrolled or deemed to have been enrolled in the Register of Occupational Therapists;(e)"Occupational Therapy" means a branch of health care system, which involves application of purposeful goal oriented activity through latest technology with computerised system and the like treatment of a person whose function is impaired due to acute and chronic physical illnesses or injury, psychological, dysfunction congenital or developmental disability or ageing process in order to achieve optimum functioning, to. prevent disability and to maintain health;(f)"Physiotherapist" means a person who possesses recognised Physiotherapy qualification and whose name has been enrolled or deemed to have been enrolled in the Register of Physiotherapists;(g)"Physiotherapy" means a branch of modern medical science which includes examination, assessment, interpretation, physical test, planning and execution of Physiotherapy treatment and to advice, instructions to any person preparatory to or for the purpose of or in connection with 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 responses using physical agents, activities and devices including exercises, mobilization, manipulation, therapeutic ultrasound, electrical, thermal agents and electrotherapy and to facilitate similar other techniques for physiotherapy treatment and prevention;(h)"Prescribed" means prescribed by rule made under this Act;(i)"President" means the President of the Council;(j)"Profession" means the Profession of Physiotherapy or Occupational Therapy, as the case may be;(k)"Recognised Physiotherapy qualification" or "Recognised Occupational Therapy qualification" means qualification in Physiotherapy or Occupational Therapy, as a regular student, as the case may be, obtained from an institution of Physiotherapy or Occupational Therapy recognised by The Council, as mentioned in the Schedules.(l)"Register" means the Register of Physiotherapists and Occupational Therapists, as the case may be, prepared under sub-section (2) of Section 21 of this Act and maintained by the Council under this Act;(m)"Registered practitioner" means a Physiotherapist or Occupational Therapists, as the case may be, whose name is entered and continues to remain in the Register of the Council;(n)"Registrar" means the Registrar of the Council, appointed under subsection (1) of Section 6;(o)"Regulation" means a regulation made by the Council under this Act;(p)"Rule" means a rule made under this Act;(q)"Specific Occupational Therapy Services" means and include but are not limited to education and training in Activities of Daily Living, the design, fabrication and application of or splints, guidance in the selection and use of adaptive equipments, therapeutic activities to enhance functional performances, prevocational evaluation and training and consultation concerning the adaptation of physical environments, which may be provided to individuals or groups, and to both indoor and outdoor patients;(r)"Schedule" means the Schedule appended to this Act;(s)"Section" means a section of this Act;(t)"State" means the State of Chhattisgarh;(u)"University" means any University recognised by the University Grant Commission or a University recognised by the Government or any such institution of national importance as declared by the Parliament by law.

Chapter-II Constitution of the council

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 to be called the Chhattisgarh Council for Physiotherapy and Occupational Therapy.(2)The

Council shall consist of the following members, namely :-(i)The Director, Medical Education, Government of Chhattisgarh who shall be President (Ex-officio);(ii)The Director, Health Service, Government of Chhattisgarh (Ex-officio)',(iii)Two members from Physiotherapists, out of which one shall be Principal, Government Physiotherapy College and the other shall be nominated by the Government from amongst the registered practitioners enrolled in the register or physiotherapist;(iv)Two members from among Occupational Therapist, to be nominated by the Government from amongst the registered practitioners enrolled in the register of Occupational Therapist;(v)One member from civil society/Non Government Organization, working in the health sector, to be nominated by the State Government.

4. Incorporation of the Council.

- The Council shall be a body corporate by the name "Chhattisgarh Council for Physiotherapy and Occupational Therapy" having perpetual succession and a common seal, with the power to acquire, hold and dispose of properties, both movable and immovable, and shall by the said name sue or be sued.

5. Appointment of Registrar.

(1)The Council shall, with the prior consent of the Government, appoint a Registrar having such qualifications as may be prescribed.(2)The Registrar shall be the Secretary and the Executive Officer of the Council and shall attend all meetings of the Council, keep minutes of the meetings and names of members present.(3)The accounts of the Council shall be kept by the Registrar in the prescribed manner.(4)The Registrar shall have such supervisory powers over the staff as may be prescribed, and may perform such other duties and discharge such other functions as may be specified in this Act, or as may be prescribed.

6. Mode of Nomination.

(1)Nomination of a member of the Council shall be made for such term and in such manner as may be prescribed.(2)Removal of a nominated member of the Council shall be done in a manner as may be prescribed :Provided that no such removal shall be done by the Government except after giving such member, a reasonable opportunity of being heard.

7. Disqualification.

- No one shall be member of the Council, 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; or(c)He is, or at any time has been, adjudicated as an un-discharged insolvent; or(d)His name has been removed from the Register and has not been reentered therein; or(e)He is a whole-time officer or servant of the Council.

8. Meeting of the Council.

- Meetings to the Council shall be held at such intervals and in such manner as may be prescribed.

9. Executive Committee and other committees.

- The Executive Committee and other committee shall be constituted in such manner and shall perform such functions and duties as may be prescribed.

10. Other employees of the Council.

- The Council may appoint such office staff and servants, other than the Registrar, as it may deem necessary for discharging its functions and duties under this Act: Provided that the number and designation of the staff and Class-IV employees, their pay and allowances shall be such as may be prescribed.
- Chapter-III Functions of the council

11. Functions of the Council.

- The functions of the Council shall be, - (a) to prescribe and enforce the standards of physiotherapy and occupational therapy, education and practice at all levels; (b) to prescribe a code of ethics for regulating the professional conduct of practitioners in the State; (c) to maintain the register, and to provide for registration of physiotherapist and occupational therapist for the State; (d) to advise the Government in matters relating to the requirement of man power in the field of physiotherapy or occupational therapy; (e) to hear and decide appeals from any decision of the Registrar; (f) to reprimand a 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; (g) to promote research in the field of physiotherapy and occupational therapy; (h) to exercise such power, perform such other duties and discharge such other functions under this Act, or as may be prescribed.

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

- (1) Notwithstanding anything contained in any other law for the time being in force, with effect from such date as may be notified by the Government, - (a) No person, (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 qualification; or (ii) increase its admission capacity in any course of study or training (including a postgraduate course of study or training); except with prior 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 or a company but does not include the Central Government or the State Government.
- Explanation. - (2) For the purpose of this Section, "admission capacity" in relation to any course of study or training (including postgraduate course of study or

training) in any 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 such 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 preferred in such manner and be accompanied by 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 State 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 deem necessary) the scheme, in which case such approval shall be deemed to be a permission under sub-section (1) and thereon the State Government may amend the Schedule so as to include the name of such person or institution, 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, it shall be deemed to have been approved by the Government in the form in which it had been submitted, and accordingly, the approval of the Government required under sub-section (2) shall also be deemed to have been granted.(6)In computing the time limit specified under sub-section (5), the time taken by the person or institution for 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 give due regards 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;(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 training or to increase its admission capacity, as the case may be, 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;(f)where the Government passes an order either approving or rejecting a scheme under this Section, a copy of such order shall be communicated to the person or institution concerned; and(g)any other factor as may be prescribed.

13. Non-recognition of qualifications in certain cases.

(1)Any institution established, without prior permission of the Government shall not be a recognised institution and any Physiotherapy or Occupational Therapy degree or diploma or certificate issued to any student by such institution shall not be considered as recognised qualification for the purpose 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 prior permission of the Government, no qualification granted to any student of such study or training shall not be a recognised qualification for the purpose of this Act.(3)Where any institution increases its admission capacity in any course of study or training except with the prior permission of the Government, 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 a recognised Physiotherapy or Occupational Therapy qualification for the purposes of this Act.Explanation. - For the purpose 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.

14. Time for seeking permission for certain existing institution, etc.

- 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.

15. Recognition of qualifications granted by Universities, etc. in India.

- The qualification (which may be a Graduate or Post Graduate or Ph.D. Degree in physiotherapy or occupational therapy) granted by any University is recognised under this Act.

16. Professional conduct.

(1)The Council may make regulations, and may lay down 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 that 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 Registrar after such enquiry as it thinks fit, recommends

that the name of any person enrolled in the Register of Physiotherapists and Occupational Therapists be removed therefrom, due to professional misconduct, 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 as may be prescribed.(5)On receipt of such appeal, the Government may, after giving the parties an opportunity of being heard, pass such orders as it may deem fit, which shall be final and binding.

17. Income of Council.

- Income of the Council shall consist of.-(i)Fees received from the practitioner;(ii)Grants received from the State Government, if any; and(iii)Any other sums received by the Council.

18. Funds of the Council.

(1)All moneys belonging to the Council shall be deposited in such nationalised banks or invested in such manner as may be decided by the Council.(2)The Council may spend such sums as it think fit for performing its functions under this Act, and such sums shall be treated as expenditure payable under this Act.

19. Budget.

- The Council shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of every financial year, showing the estimated receipts and expenditure.

20. Annual report.

- The Council shall prepare once in 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.

21. Persons entitled to registration.

(1)As soon as may be after the appointed day, the Registrar shall prepare and maintain a register of Physiotherapists and Occupational Therapists in the State in accordance with provisions of this Act.(2)Any person in the State, who is trained and has obtained a graduation or post graduation or Ph.D. degree as a regular student from any University or an institution which is duly recognised by the State Government and the Council, on payment of such fees as may be prescribed, and on presentation of his graduation or post-graduation or Ph.D. degree, as the case may be, shall be entitled to have his name entered in the register.(3)Any person, who has obtained qualification from outside the State and is registered in the register of the State Council of respective State or if an applicant has qualified as a regular student from any University, his registration may be done in the

register in such manner as may be prescribed.(4)The application for registration shall be submitted to the Registrar, who shall, after scrutiny, place it before the concerned committee in its next meeting for its recommendation and thereafter place it before the Council along with the recommendation of the committee.(5)The register shall be in such form and may be divided into such parts as may be prescribed, which shall include the name in full, address, date of birth and the qualification of registered physiotherapist and occupational therapists, the date on which the qualification was obtained, and such other particulars as may be prescribed.

22. Certificate of registration.

- When the application for registration is accepted, a certificate of registration shall be issued in the prescribed form by the Registrar of the Council.

23. Removal of name from the register.

(1)The Council may, by order, remove from the register the name of any practitioner who has either been convicted by a court of law, or has been found guilty of professional misconduct after due enquiry.(2)If a registered practitioner, after due inquiry held by the Council or by the Executive Committee in prescribed manner, is found guilty of any misconduct, the Council may-(i)Issue a letter of warning to such practitioner; or(ii)Direct the name of such practitioner-(a)to be removed from the register for such period as may be specified in the direction; or(b)to be removed from the register permanently.Chapter-VI Offences and Penalty

24. Conferring, granting or issuing Ph.D. Post-graduation and graduation degree, etc. by unauthorised person or institution.

(1)No person other than an institution recognised or authorised under this Act shall confer, grant or issue or hold itself out as entitled to confer, grant or issue any Ph.D., post-graduation and graduation degree or any other like award stating or implying that the holder, grantee or recipient is qualified to practice Physiotherapy and Occupational therapy, as the case may be.(2)No person, other than a Physiotherapist and Occupational Therapist whose name is entered in the register maintained under this Act, shall practice Physiotherapy and Occupational Therapy.(3)Any person or institution, who acts in contravention of the provisions of subsection (1) or (2) and is found guilty therefor, for the first such offence shall be liable to be punished with a penalty of up to one lakh rupees and for a subsequent offence with imprisonment which may extend upto one year :Provided that,-(1)this provision shall be in addition to and not in derogation of any other law for the time being in force;(2)no proceedings under this sub-section shall be initiated without prior permission of the Government.Chapter-VII Miscellaneous

25. Directions by the Government.

(1)The Council shall carry out such directions as may be issued, from time to time, by the Government for efficient administration of this Act.(2)If, in connection with 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.

26. Power to supersede the Council.

(1) If the Government is of the opinion that the Council is unable to perform, 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 wilfully or without sufficient cause failed to comply with any direction issued by the Government, the Government may, by notification published 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 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 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, be 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 expiration of the period of supersession specified in the notification, issued under sub-section (1), Government may - (a) extend the period of supersession for such further period as it may consider necessary; or (b) re-constitute the Council in the manner prescribed.

27. Power to make rules.

- The Council may, by notification and with prior approval of the Government, make rules to carry out the purposes of this Act.

28. Power to make regulations.

(1) The Council may, with the prior approval of the Government, make regulations not inconsistent with this Act and the rules made thereunder, for enabling it to perform its functions and for carrying out the purposes of this Act. (2) In particular, and without prejudice to the generality of the power conferred under sub-section (1), 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 of the Council; (d) the rules of procedure for the transaction of business of the Council and its committees; (e) the procedure for appointing committee, their functions and duties; (f) the qualifications, procedure for appointment of its staff, 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 recognized Physiotherapists' and Occupational Therapists' qualification; (h) the standards of staff, equipment, accommodation, training and other facilities for study or training of the Physiotherapists and Occupational Therapists; (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 and Occupational Therapists;(k)the manner in which and the conditions subject to which an appeal may be preferred;(l)the fees to be paid as an applications and appeals under this Act;(m)any other matter which is to be, or may be, prescribed.(3)The Government may, by notification published in the Official Gazette, rescind or modify any regulation made under this section and thereupon, the regulation shall cease to have effect or have effect as modified, as the case may be.

29. 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 with the 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 Chhattisgarh.

30. Power to amend Schedule.

(1)If the State Government is satisfied that it is necessary or expedient to do so, it may, by notification published in the Official Gazette, amend the Schedule as the case may be, And the Schedule shall be deemed to have been amended accordingly.(2)Every notification issued under sub-section (1) shall be laid, as soon as may be after it is issued, before the Legislative Assembly of Chhattisgarh.

Schedule

1. Physiotherapy

I. Bachelor of PhysiotherapyII. Master of PhysiotherapyIII. Ph.D.

2. Occupational therapy

I. Bachelor of Occupational TherapyII. Master of Occupational TherapyIII. Ph.D.